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# Chapter 405

## **Comprehensive Zoning**

**[HISTORY: Adopted by the Board of Supervisors of Adams County 1-18-1983 by Ord. No. 1-1983; amended 6-19-1990 by Ord. No. 09-1990; 7-28-1993 by Ord. No. 14-1993; 3-18-1998 by Ord. No. 3-1998; 2-23-1999 by Ord. No. 7-1999; 1-17-2006 by Ord. No. 7-2006; 9-19-2006 by Ord. No. 46-2006; 9-19-2006 by Ord. No. 47-2006; 12-21-2010 by Ord. No. 17A-2010. Subsequent amendments noted where applicable.]**

### GENERAL REFERENCES

Citations — See Ch. **17**.

Agricultural practices — See Ch. **130**.

Building construction — See Ch. **166**.

Sexually oriented businesses — See Ch. **296**.

Comprehensive Plan — See Ch. **365**.

Floodplain zoning — See Ch. **370**.

Land division — See Ch. **382**.

Mobile service facilities and support structures — See Ch. **386**.

Planning and zoning permits — See Ch. **391**.

Shoreland, wetland and habitat protection — See Ch. **396**.

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## Article I

### Introduction

#### § 405-1 Authority.

This chapter is adopted under the authority granted by §§ 59.69, 59.692, 87.30, 91.30 to 91.50, and 281.31, Wis. Stats., and amendments thereto.

#### § 405-2 Title.

This chapter shall be known as, referred to, and cited as the "Zoning Ordinance, Adams County, Wisconsin" and is hereinafter referred to as "this chapter."

#### § 405-3 Purpose.

The purpose of this chapter is to promote the health, safety, morals, prosperity, aesthetics, and general welfare of Adams County, Wisconsin.

**§ 405-4 Intent.**

It is the intent of this chapter to regulate the use of all structures, lands, and waters and to:

- A. Regulate lot coverage and the size and location of all structures to prevent overcrowding and to provide adequate sunlight, air, sanitation, and drainage;
- B. Regulate population density and distribution to avoid sprawl or undue concentration or overcrowding and to facilitate the provision of adequate public services and utilities;
- C. Protect and preserve prime agricultural land and to maintain a viable agricultural base;
- D. Regulate parking, loading, and access to lessen congestion and promote the safety and efficiency of streets and highways;
- E. Secure safety from fire, panic, flooding, pollution, contamination, and other dangers;
- F. Stabilize and protect property values;
- G. Preserve and protect the natural and man-made aesthetic characteristics of the County;
- H. Prevent and control erosion, sedimentation, and other pollution of the surface and subsurface waters;
- I. Maintain safe and healthful water conditions;
- J. Prevent flood-caused damage to persons and property and minimize expenditures for flood relief and flood-control projects;
- K. Protect the traffic-carrying capacity of existing and proposed arterial streets and highways;
- L. Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public facilities and utilities;
- M. Promote the health and general welfare of the County;
- N. Implement those municipal, County, watershed, and regional comprehensive plans or components of such plans adopted by the County;
- O. Provide and protect a variety of suitable commercial and industrial sites;
- P. Provide for the administration and enforcement of this chapter; and
- Q. Provide penalties for the violation of this chapter.

**§ 405-5 Severability.**

- A. This chapter and the various parts, sections, subsections, and clauses are declared to be severable. If any part, section, subsection, clause, provision, or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected.
- B. If any application of this chapter to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water not specifically included in the judgment.

**§ 405-6 Abrogation and greater restrictions.**

It is not intended by this chapter to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to law. However, wherever this chapter imposes greater restrictions, the provisions of this chapter shall govern.

**§ 405-7 Interpretation.**

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

**Article II  
Word Usage and Definitions**

**§ 405-8 Word usage.**

For the purpose of this chapter, certain words or phrases shall have meanings that either vary somewhat from their customary dictionary meanings or are intended to be interpreted to have a specific meaning. Words used in the present tense include the future. The word "person" includes a firm, association, partnership, trust, company, or corporation as well as an individual. The word "shall" is mandatory, the word "should" is advisory, and the word "may" is permissive. Any words not defined in this article shall be presumed to have their customary dictionary definitions.

**§ 405-9 Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**ACCESSORY USE OR STRUCTURE**

A use or structure customarily incidental to another use or structure and on the same lot or parcel as the principal use or structure.

**ACCESS STRIP**

Any portion of a parcel that is 33 feet or less in width.

**AGRICULTURAL USE**

As provided in § 91.01(2), Wis. Stats., any of the following:

A. Any of the following activities conducted for the purpose of producing an income or livelihood:

- (1) Crop or forage production.
- (2) Keeping livestock.
- (3) Beekeeping.
- (4) Nursery, sod, or Christmas tree production.
- (5) Floriculture.
- (6) Aquaculture.
- (7) Fur farming.

- (8) Forest management.
- (9) Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
- B. Any other use that the Department of Agriculture, Trade and Consumer Protection, by rule, identifies as an agricultural use.

**ANIMAL UNIT**

One animal unit is equivalent to one cow, steer, horse, swine, llama, alpaca, deer, elk, buffalo and other animals similar by size and weight or two sheep or goats or five dogs, cats or other similar animals or 20 mink, rabbits, chickens, or similar animals and 5,000 pounds of fish. For young stock, divide the type of animals by two to determine animal unit equivalents [for example: two calves divided by two equals one cow (one cow equals one animal unit)].

**[Amended 4-15-2014 by Ord. No. 02-2014]**

**BASEMENT**

That portion of a dwelling below the first floor or ground floor with its entire floor below average grade, including walkout basements.

**BOARDINGHOUSE**

A building, other than a hotel, restaurant or a community-based residential facility, where meals or lodging is regularly furnished for compensation for three or more persons not members of a family, but not exceeding 12 persons and not open to transient customers.

**BOATHOUSE**

Any structure designed for the purpose of protecting or storing boats for noncommercial purposes. Boathouses do not involve human habitation.

**BUILDING**

Any structure, either temporary or permanent, having a roof or other covering and designed or used for the shelter or enclosure of any person, animal, equipment, machinery, materials, or property of any kind.

**CAMPGROUND**

A contiguous parcel of land upon which three or more recreational vehicles are placed, located or parked.

**CAMPING**

Temporary recreational occupancy of a parcel for more than 24 hours utilizing a camping unit or recreational vehicle as a means of shelter.

**CAMPING UNIT**

Includes recreational vehicles. The basic entities are: conventional travel trailer, popup-type camping trailer, truck camper, motor home and tent.

**CAR WASH**

A lot on, or structure in, which motor vehicles are washed or waxed, either by a patron or by others, using equipment or machinery specially designed for the purpose.

**CLASS A HIGHWAYS**

All state and federal highways.

**CLASS B HIGHWAYS**

All county trunks.

**CLASS C HIGHWAYS**

All town roads, public streets and highways not otherwise classified.

**CLINIC**

A place where doctors or dentists provide medical or dental care to people on an outpatient basis.

**COMMUNITY-BASED RESIDENTIAL FACILITY (CBRF)**

A place where three or more unrelated adults reside in which care, treatment or services above the level of room and board are provided to persons residing in the facility, but not including nursing home.

**CONDITIONAL USES**

Uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts without consideration in each case of the impact of these uses upon neighboring land and of the public need for the particular uses in the particular location.

**CORNER LOT**

A lot abutting two or more streets at their intersection where the interior angle formed by the street intersection is less than 135°. Any such lot shall be considered to have two front yards.

**DAY-CARE CENTER**

A licensed facility where a person, other than relative or guardian, provides care and supervision for four or more children under seven years of age, for less than 24 hours a day and for compensation.

**DISTRICT**

A part or parts of the County for which the regulations of this chapter are uniform.

**DOMESTIC ANIMAL**

Any animal typically or atypically kept as a pet not for harvest of any sort.

**DRIVE-IN ESTABLISHMENT**

A business establishment whose principal retail or service character depends upon providing a driveway approach or motor vehicle parking space to serve patrons while in their motor vehicles or to permit in-vehicle consumption of food or beverage obtained from the business establishment by the patron.

## **EFFECTIVE DATE**

The date this chapter became effective in the particular town.

## **ESSENTIAL SERVICES**

Services provided by public and private utilities, necessary for the exercise of a principal use or service of the principal structure. These services include underground, surface, or overhead gas, electrical, steam, water, sanitary sewerage, stormwater drainage, and communication systems. Accessories, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but not including buildings greater than 150 square feet in area, are also included.

## **FARM**

*All land under common ownership primarily devoted to agricultural use.*

## **FARM CONSOLIDATION**

*The combination of two or more farms to create a smaller number of farms.*

## **FARM FAMILY BUSINESS**

A. Any lawful activity, except a farm operation, conducted primarily by family members for any of the following:

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

(2) The manufacture, processing or marketing of products, commodities or any other personal property.

(3) The sale of services.

B. A farm family business may be permitted as a conditional use if limited to existing farm residences or structures or portions of the existing farmstead that are not dedicated to agricultural uses. No more than two persons who are not members of the resident farm family may be employed in the farm family business. Conditional uses are limited to those agricultural related, religious, other utility, institutional or governmental uses that are consistent with agricultural use and are found to be necessary in light of the alternative locations available for such uses.

*A business operated by the owner or operator, or resident family member of the owner or operator, of a farm, that is not associated with an agricultural use, that requires no buildings, structures, or improvements other than those described in s. 91.01 (1) (a) or (c), Stats., that employs no more than 4 full-time non-family employees annually, and that does not impair or limit the current or future agricultural use of the farm or of other protected farmland*

## **FARM RESIDENCE**

*A single-family or duplex residence that is the only residential structure on the farm or is occupied by any of the following: 1) owner or operator of the farm 2) parent or child of the owner or operator of the farm 3) individual who earns more than 50% of his or her gross income from the farm.*

## **FEED LOT**

A lot or facility used or proposed to be used for the confined feeding or holding of animals, exceeding 25 animal units per acre, for 30 or more continuous days per year on a twenty-four-hour per day basis.

**FENCE**

A barrier made of wood, iron, stone, or other materials.

**FRONTAGE**

The smallest dimension of a lot abutting a public street measured along the street right-of-way line.

**FRONT LOT LINE**

A line dividing a lot from any public highway or street, except a limited or controlled access highway to which the lot has no access.

**FRONT YARD**

A front yard extends across the full width of the lot, the depth of which is measured at right angles from the existing or proposed street or highway right-of-way line to the nearest point of the principal structure.

**FUR-BEARING ANIMAL**

Any animal raised or held in captivity that is typically raised for the purpose of harvesting the pelt, whether or not it is the intent to harvest the particular pelt(s).

**GARAGE, PRIVATE**

A structure, including carports, primarily intended and used for the enclosed storage or shelter of the private motor vehicles of the resident families.

**GARAGE, PUBLIC OR COMMERCIAL**

Any garage other than a private garage.

**HEIGHT**

The vertical distance from the highest point of a structure, excepting any chimney or antenna on a building, to the average ground level where the walls or other structural elements intersect the ground.

**HOME OCCUPATION**

Any occupation for gain or support conducted entirely within a residential structure by its occupant. The use is incidental to the principal use of the premises, does not exceed 20% of the total floor area, employs no more than one nonresident employee, uses only household equipment, and does not keep or sell stock-in-trade except that made on the premises. A home occupation includes uses such as, but not limited to, baby-sitting, millinery, dressmaking, canning, laundering, music teaching to not more than two pupils at one time, and crafts, but does not include the display of any goods visible from the street nor such use as barber or beauty shops, dance schools, real estate brokerage, or photographic studios.

**HOTEL**

A structure designed, used, or offered for residential occupancy for any period less than one month, including tourist homes and motels but not including hospitals or nursing homes.

**JUNKYARD**

An area consisting of buildings, structures, or premises where junk waste or discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including house wrecking and structural steel materials, and equipment yards, but not including auto salvage yards.

#### **KENNEL**

Any activity involving the permanent or temporary keeping or treatment of a greater number of **domestic / pet** animals ~~of any type~~ than permitted in any **residential zoning** district.

#### **LIVESTOCK**

Any horse, bovine, sheep, llama or other ruminants, goat, pig or domestic fowl, fish or other animal whether or not raised for harvest of any sort, including fur-bearing animals and game fowl raised in captivity.

**[Amended 4-15-2014 by Ord. No. 02-2014]**

#### **LOADING AREA**

An off-street space, on the same lot with the building or group of buildings it serves, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

#### **LOT**

A parcel of land having frontage on a public street, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area, and other open space provisions of this chapter.

#### **LOT AREA**

The total area within the lot lines of the lot or parcel, except that any portion of a lot less than 33 feet wide shall not be used in computing lot area.

#### **LOT LINE**

A line marking a boundary of a lot.

#### **MANUFACTURED HOME**

A structure that is designed to be used as a dwelling with or without a permanent foundation and that is certified by the federal department of housing and urban development as complying with the standards established under 42 USC 5401 to 5424 and includes any additions, annexes, foundations and appurtenances. A HUD-inspected factory-constructed portable dwelling unit assembled on or after June 15, 1976 and having a minimum width of 14 feet and a minimum 720 square feet of living area. **Must be built to the Federal HUD Code (24 CFR Part 3280). Must be installed in accordance with Wisconsin Administrative Code 321.40. Beginning 06-19-2018, the following manufactured home requirements shall apply:**

- 1. Must have a pitched roof and**
- 2. Must have residential siding such as vinyl, wood, composite or newly engineered products.**

#### **MANUFACTURED HOME LOT**

A designated parcel of land in a manufactured home park designed for the long-term accommodation of one manufactured home, its accessory buildings or structures, and accessory equipment for the exclusive use of the occupants.

## **MANUFACTURED HOME PARK**

A contiguous parcel of land upon which two or more manufactured homes are placed, located or parked.

## **MANUFACTURED HOME PARK ACCESSORY BUILDING OR STRUCTURE**

A building or structure which is in addition to or supplements the facilities provided a manufactured home. It is not a self-contained, separate, habitable building or structure. Examples are awnings, cabanas, ramadas, storage structures, carports, fences, windbreaks, or porches.

## **MANUFACTURED HOME PARK MANAGEMENT**

The person who owns or has charge, care, or control of the manufactured home park.

## **MANUFACTURED HOME PARK STORAGE STRUCTURE**

A structure located in a manufactured home park which is designed and used solely for the storage and use of personal equipment and possessions of the manufactured home occupants.

## **MANUFACTURED HOME PARK STREET**

A private way which affords principal means of access to individual manufactured home or recreational vehicle lots or auxiliary buildings.

## **MOBILE HOME**

***Beginning 06-19-18, MOBILIE HOMES will no longer be allowed to be placed.*** A portable dwelling unit constructed prior to June 15, 1976, having an overall length in excess of 27 feet or a body width of more than eight feet designed to be towed on its own chassis (comprised of frame and wheels) as a single unit upon a highway by a motor vehicle and equipped and used or intended to be used for residential occupancy and designed to be connected to utilities, excluding, however, recreational vehicles. Any such vehicle or structure shall be deemed a mobile home whether or not the frame and/or wheels have been removed therefrom and whether or not resting upon a temporary or permanent foundation. ~~Such units brought into Adams County after adoption of this amendment shall meet the factory inspection standards of the United States Department of Housing and Urban Development (HUD) which became effective June 15, 1976, and have a livable floor area width of no less than 14 feet as originally inspected and certified by HUD.~~

## **MODULAR HOME**

Any structure or component thereof which is intended for use as a dwelling and:

- A. Is of closed construction and fabricated or assembled on site or off site in manufacturing facilities for installation, connection, or assembly and installation at the building site; or
- B. Is a building of open construction which is made or assembled in manufacturing facilities away from the building site for installation, connection, or assembly and installation on the building site and for which certification is sought by the manufacturer.

## **MULTIPLE-FAMILY DWELLING**

A residential structure designed for or occupied by three or more families. The number of families in residence may not exceed the number of dwelling units provided.

## **NONCONFORMING USES, LOTS OR STRUCTURES**

Those which do not conform to a provision or requirement of this chapter but which were lawfully established prior to the effective date of this chapter or of an amendment to this chapter. A use that does not conform to the use regulations of the district in which it is located is a nonconforming use. Any structure conforming in respect to use but not in respect to frontage, width, height, area, yard, parking, loading, or setback requirements is a nonconforming structure and not a nonconforming use. A lot of record that does not conform to the minimum lot width or area requirements of the district in which it is located is a nonconforming lot.

## **NUISANCE**

- A. An unreasonable activity or use of property that interferes substantially with the comfortable enjoyment of life, health, or safety of others.
- B. A substance or condition that is known to have the potential to cause acute or chronic illness or death if exposure to the substance, activity or condition is not abated.

## **NURSING HOME**

A place which provides twenty-four-hour services including board and room to three or more unrelated residents who because of their mental or physical condition require nursing care or personal care in excess of seven hours a week, unless the facility has been designated as a community-based residential facility.

## **ORDINARY HIGH-WATER MARK**

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

## **PARKING LOT**

A structure or premises containing parking spaces open to the public.

## **PARK MODEL TRAILERS**

Recreation vehicles primarily designed as temporary living quarters for recreation, camping or seasonal use. They are built on a single chassis, mounted on wheels and have a gross trailer area not exceeding 400 square feet in the setup mode. **Require registration, tags and insurance.** Two different types of park model trailers are offered. One type is less than eight feet six inches in width and is designed for frequent travel on highways while the other and more popular type is wider than eight feet (usually 12 feet in width) and must be transported with special movement permits from the State Department of Transportation. **Park model trailers are typically commercially constructed and the manufacturer certifies them compliant with ANSI A119.5 standards for recreational park trailers.** Park model trailers are allowed only in licensed campgrounds.

## **PARTIES IN INTEREST**

Include all abutting property owners and all property owners within 300 feet of the subject property boundary.

## **PASSIVE RECREATION AREA**

An area set aside, developed, and landscaped for sedentary activities, hiking, walking, driving for pleasure, sightseeing nature walks, fishing, and similar activities.

## **PRIMARY FLOOR AREA**

The floor area of a building for purposes of determining required parking ratios, which area shall include only that portion of the total floor area devoted to customer service, sales, and office space and shall not include storage, utility, hallway, and other accessory space which does not generate parking demand.

## **PROFESSIONAL HOME OFFICES**

Residences used to conduct the professions of doctors of medicine, dentists, nurse practitioners, clergymen, architects, landscape architects, professional engineers, professional land surveyors, lawyers, artists, teachers, authors, musicians, or other recognized professions. The office shall not exceed 20% of the total floor area of any one story of the residence, and only one nonresident person may be employed.

## **REAR LOT LINE**

A lot line which is located opposite of a front lot line and which is not a front lot line.

## **REAR YARD**

The yard extending across the full width of the lot whose depth is measured from the rear lot line to the nearest point of the principal structure. This yard shall be opposite the front yard or one of the front yards on a corner lot.

## **RECREATIONAL VEHICLE PARK**

A contiguous parcel of land upon which three or more recreational vehicles are placed, located or parked.

## **RECREATIONAL VEHICLE (SELF-CONTAINED)**

A recreational vehicle manufactured with water supply and sewage holding tanks which are an integral part of the recreational vehicle and having an overall length of 45 feet or less and a body width of eight feet **six inches (8'6")** or less primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: conventional travel trailer, popup-type camping trailer, truck camper and motor home.

## **RETAIL USE**

The sale of goods to end users, not for resale, but for use and consumption by the purchaser.

## **RIGHT-OF-WAY**

The recorded strip of land over which highways and railroads are constructed which includes the actual traveled way, ditches and keep-clear areas.

## **SALVAGE YARD**

Any place which is owned, maintained, operated or used for storing, keeping, processing, buying or selling junk vehicles or vehicle parts, including vehicle graveyards, vehicle wrecking yards, vehicle recycling yards, used vehicle parts yards and temporary storage of vehicle bodies or parts awaiting disposal as a normal part of a business operation when the business will continually have like materials located on the premises. Keeping or storing of two or more unlicensed or unregistered, as appropriate, vehicles on a single parcel of land shall be considered a vehicle salvage yard.

## **SUBSTANTIAL WORK COMMENCED**

***Fifty percent (50%) or more of the project is complete.***

#### **SETBACK**

The required distance between a structure and any lot line for the lot on which it is located.

#### **SIDE LOT LINE**

Any lot line which is not a front or a rear lot line.

#### **SIDE YARD**

One whose depth is measured from the side lot line to the nearest point of the principal structure.

#### **SIGN**

Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trademarks by which anything is made known, which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity, or product, and which are visible from any public street or highway.

#### **SINGLE-FAMILY DWELLING**

A detached structure designed for and exclusively occupied by one family and containing a minimum width of at least 14 feet and 720 square feet of minimum livable floor area, with at least one portion able to contain a square 24 feet on a side. Single-family dwellings include manufactured dwellings, conventional site-constructed dwellings, site-assembled panel constructed dwellings and sectional manufactured homes. Single-family dwellings do not include rooming or boarding houses, community-based residential facilities, fraternity or sorority homes, or similar uses, mobile homes or nonsectional manufactured homes.

#### **STREET**

A public right-of-way providing access to abutting properties.

#### **STRUCTURAL ALTERATIONS**

Any changes in the supporting members of a structure, such as foundations, bearing walls, columns, beams, or girders.

#### **STRUCTURE**

Any erection or construction, such as buildings, building additions and appurtenances, towers, masts, poles, fences, booms, signs, decorations, machinery, equipment and ponds.

#### **TEMPORARY RENT OR LEASE**

The renting or leasing of residential property for a period of thirty (30) continuous days or less.

#### **TINY HOME**

***A portable shelter structure built on a single chassis, mounted on wheels and allowed to be transported on public roadways. No vehicle registration, tags or insurance required. Tiny homes are often non-commercially constructed. Tiny homes are allowed only in licensed campgrounds.***

#### **TOTAL FLOOR AREA**

The gross floor area of a building, enclosed by walls and roof, including all floor levels including the basement except for crawl space floor.

## **TWO-FAMILY DWELLING**

A detached structure containing two separate living units and designed for occupancy by not more than two families.

## **USE CONSISTENT WITH AGRICULTURAL USE**

Any activity that meets all of the following conditions:

- A. The activity will not convert land that has been devoted primarily to agricultural use.
- B. The activity will not limit the surrounding land's potential for agricultural use.
- C. The activity will not conflict with agricultural operations on the land subject to a farmland preservation agreement.
- D. The activity will not conflict with agricultural operations on other properties.

## **UTILITIES**

Include public and private utility uses such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, booster stations, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays, and gas regulation stations, but not including wastewater treatment plants, or municipal incinerators, warehouses, shops, and storage yards.

## **VEHICLE**

A self-propelled mode of transportation; basic entities include but are not necessarily limited to automobile, truck, van, motor home, motorcycle, boat, all-terrain vehicle (ATV) and snowmobile.

## **YARD**

An open space which is unoccupied and unobstructed from the ground upward, except for vegetation, and is on the same lot or parcel with a structure. The front and rear yards extend the full width of the lot.

## **Article III General Provisions**

### **§ 405-10 Jurisdiction.**

The jurisdiction of this chapter shall include all lands and waters within Adams County, Wisconsin, except those lands incorporated in any city or village within the County.

### **§ 405-11 Site restrictions.**

- A. No land shall be used or structure erected where the land is unsuitable for such use or structure by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low bearing strength, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of this community. The County Planning and Zoning Committee, in applying the provisions of this section, shall specify in writing the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he so desires. Thereafter, the County Planning and Zoning Committee may affirm, modify, or withdraw

its determination of unsuitability.

- B. All lots shall abut upon a public street, and each lot shall have a minimum frontage of 33 feet.
- C. No zoning permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width if the lot is on that side of the roadway from which the required dedication has not been secured.

**§ 405-12 Use restrictions.**

The following use restrictions and regulations shall apply:

- A. Only those principal uses specified for a district and their essential services shall be permitted in that district.
- B. Only one principal structure shall be located, erected or moved onto a lot, except in the following districts: A-1, A-1(15), A-2, B-1 and R-3. Exception: Residential condominiums, where permitted, may have multiple dwelling units on a single parcel.
- C. Customary accessory uses and structures are permitted in any district. Accessory structures, ~~including those for storage or occasional use such as hunting quarters,~~ shall not consist of truck bodies **or trailers, buses,** recreational vehicles, **shipping containers** or mobile **or manufactured** homes. An accessory structure may not be constructed or placed in any residential district until its principal use or structure is present or under construction; **both the principal structure and accessory structure may be commenced at the same time. A Special Exception must be granted to place an accessory structure with no principal structure.** Residential and public and semipublic accessory uses shall not involve the conduct of any business, trade, or industry, except that in a residential district home occupations and professional home offices are permitted.
- D. Conditional uses and their accessory uses are considered as special uses requiring review, public hearing, and approval by the County Planning and Zoning Committee in accordance with § 405-21 of this chapter.
- E. The regular outside parking of more than one truck, other than panel or pickup trucks, or of other vehicular equipment, which exceeds 30 feet in length shall be prohibited in all residential districts.
- F. **Unclassified or unspecified uses shall not be permitted or conditional. Such uses may be allowable with issuance of a Special Exception Permit.** ~~until the County Planning and Zoning Committee has reviewed and approved an application in accordance with the requirements of § 405-21 of this chapter.~~
- G. Temporary uses, such as real estate sales field offices or shelters for materials and equipment being used in the construction of a permanent structure, are permitted upon obtaining a zoning permit from the Planning and Zoning Department. Such temporary uses shall not exceed a period of two years.
- H. If space and soil conditions are adequate, private on-site waste treatment systems (POWTS) must be placed on the same parcel as the structure(s) served by the POWTS.
- I. It shall be unlawful for any person to place, locate, or park any **mobile or** manufactured home in any district other than a B-1 District site conducting such home sales, unless the appropriate permits have been issued.
- J. Mobile towers are a conditional use in all zoning districts.**

§ 405-13 **Setback requirements and exceptions.**

- A. Setbacks from navigable waters. All buildings and structures, stairways, walkways, piers and patios shall be set back at least 75 feet from the ordinary high-water mark (OHWM) unless otherwise specified by Chapter **370**, Floodplain Zoning, or Chapter **396**, Shoreland, Wetland and Habitat Protection, of this Code.
- B. Setbacks from access easements. The setback from private roads and easements serving more than one residence or parcel shall be 30 feet from the described easement; in case of an easement that does not have a legal description, 30 feet from the nearest point on the edge of the traveled way.
- C. Corner lots. Corner lots shall have two front yards, and a rear yard shall be provided opposite the front yard of the street from which the building or structure obtains its primary access.
- D. Fences, hedges, and certain accessory structures.
  - (1) Residential fences, hedges, and tree plantings are permitted along the inside of property lines or in the yards of residential districts. Residential fences shall not exceed a height of six feet. No height limitation shall be placed on tree plantings or hedges except those applicable in § **405-50**. The "good" side of the fence must face to the outside.
  - (2) Security fences are permitted on the property lines in all districts but shall not exceed 10 feet in height and shall be of an open type similar to woven wire or wrought iron fencing.
  - (3) Farm-related fencing is permitted along the property lines or in the yards of agricultural districts, provided that a substantial impediment to visibility is not thereby created (see § **405-50**).
  - (4) Vegetation and certain accessory items used for landscaping and decorating may be placed in the required front, rear and side yards. Such items include, but are not limited to, flagpoles, ornamental light standards, ornamental ponds and fountains, lawn furniture, sundials, bird baths, trees, shrubs and flowers.
  - (5) Structural fences as described in Subsection **D(1)** and **(2)** above require a zoning permit.
- E. Maintenance and use of setback area. Any such required setback area shall be kept clean and free from the accumulation of debris and refuse. Such required setback areas shall not be used for the storage or display of equipment, products, vehicles, or other materials.

§ 405-14 **Height regulations and exceptions.**

- A. Maximum height. In any district, no buildings or structures shall be erected or structurally altered to a height in excess of that specified by the regulations for that district.
- B. Exceptions. The following shall be excepted from regulation of all districts:
  - (1) Chimneys and flues.
  - (2) Electric power and communication transmission lines.
- C. Increase permitted. Subject to the approval of a conditional use permit and including any conditions placed by the Planning and Zoning Committee and Airport Commission as applicable:
  - (1) The maximum height of silos and windmills in agricultural districts and water towers and tanks in the Public and Semi-Public District may be increased above the maximum allowed in the district,

provided that all required setbacks for the silos, windmills, and water towers or tanks are increased by one foot for each foot by which such silo, windmill, or water tower or tank exceeds the height limit.

- (2) The maximum height of all other structures in all districts may be increased by not more than 10 feet above the maximum allowed in the district, provided that all required setbacks for the structures are increased by one foot for each foot by which such structures exceed the height limit. Such structures include cooling towers, elevator bulkheads, fire towers, monuments, penthouses, stacks, scenery lofts, tanks, ~~water towers~~, ornamental towers, spires, wireless or broadcasting towers, masts, aerials, wind-powered generating units, and necessary mechanical appurtenances.
- (3) Any increase in height beyond the scope of Subsection C(1) and (2) above shall require a variance.

#### § 405-15 Area regulations and exceptions.

- A. Maximum ground coverage permitted. The maximum total ground coverage of the principal building and all accessory buildings and structures shall not exceed that specified by the regulations for the district in which such buildings are located.
- B. Minimum dwelling size. The minimum livable floor area of any dwelling unit shall include only livable floor space, as measured from outside of wall to outside of wall, and may also include minimum structure widths, as provided for in individual districts.
- C. Lot size.
  - (1) No building shall be erected on a lot of less area or lot width than as specified by the regulations of the district in which such building is located. Exceptions: See § 400-65.
  - (2) No lot area shall be reduced so as to create a lot of less than the required size or so that the existing setbacks, open space, or lot area would be reduced below that required by the regulations for the district in which such lot is located.

#### § 405-16 Reduction or joint use.

No lot, yard, parking area, building area, or other space shall be reduced in area or dimension so that it does not meet the provisions of this chapter. No part of any lot, yard, parking area, or other space required for a structure or use shall be used for any other structure or use.

#### § 405-17 Recreational vehicles and camping.

- A. In districts where recreational vehicles are a permitted use, a self-contained recreational vehicle may be placed on an individual lot without a permit, provided that it is not a permanent installation, remains mobile, and is licensed for highway use. ~~Recreational vehicles which are permanently installed, are not mobile, or are not licensed for highway use shall comply with the requirements of this chapter for a mobile home.~~
- B. General regulations.
  - (1) Recreational vehicles/camping units.
    - (a) Buses, construction trailers, truck bodies and trailers and other similar items not intended for use as recreational vehicles or camping units are prohibited from such use.
    - (b) Recreational vehicles/camping units shall have a length of 45 feet or less and a body width of eight feet **six inches (8' 6")** or less.

(c) Park model trailers are allowed only in licensed campgrounds.

**(d) Tiny homes are allowed only in licensed campgrounds.**

(2) Camping. In districts where camping is a permitted use, a self-contained recreational vehicle or camping unit may be placed on an individual lot without a permit, provided that:

(a) No more than two camping units shall be located on any parcel;

(b) The unit is not a permanent installation (e.g., no continuous connection to sanitary system, dump use only, no foundation);

(c) The unit remains mobile (e.g., no skirting, no hitch removal or wheel removal);

(d) The unit is licensed for highway use (if applicable); and

(e) An acceptable method of sewage and gray water disposal is provided.

## Article IV Administration

### § 405-18 Administrative standards.

Wherever, in the course of administration and enforcement of this chapter, it is necessary or desirable to make any administrative decision, then, unless other standards are in this chapter, the decision shall be made so that the result will not be contrary to the spirit and purpose of this chapter or injurious to the surrounding neighborhood.

### § 405-19 Planning and Zoning Administrator.

The County Planning and Zoning Administrator is hereby designated as the administrative and enforcement officer for the provisions of this chapter. The Planning and Zoning Administrator or his designee may exercise the following duties and powers:

A. Advise applicants as to the provisions of this chapter and assist them in preparing permit applications.

B. Issue permits and inspect properties for compliance with this chapter.

C. Keep records of all permits issued, inspections made, work approved and other official actions.

D. Have access to any structure or premises during reasonable hours for the purpose of performing his duties.

E. Issue directives and orders and report violations of this chapter and other applicable regulations to the Planning and Zoning Committee and Corporation Counsel.

### § 405-20 Compliance required; zoning permit.

A. Compliance. No structure, land, or water shall hereafter be used and no structure or part thereof shall be constructed, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered except as specifically, or by necessary implication, authorized by this chapter. Conditional uses are allowed only on permit granted by the Planning and Zoning Committee upon finding that the specified conditions exist. Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized except as prohibited specifically or by necessary implication.

- B. Permit required. Any permit issued in conflict with the provisions of this chapter shall be null and void. All permits shall be granted or denied in writing by the Planning and Zoning Administrator or his designee within 30 days of application. All permits shall expire two years from the date of issuance.
- (1) Zoning permit. No building shall be used, erected, moved, placed, altered, or enlarged, unless exempted by Subsection C of this section, or until after the issuance of a zoning permit. Applications for a zoning permit shall be made to the Planning and Zoning Administrator on forms furnished by the Planning and Zoning Administrator and shall include the following where applicable:
- (a) Names and addresses of the applicant, owner of the site, architect, professional engineer, and/or contractor.
- (b) Legal description of the subject site, address of the subject site, type of structure, existing and proposed operation or use of the structure or site, and the zoning district within which the subject site lies.
- (c) A location sketch showing the location, boundaries, dimensions, elevations, uses, and size of the following:
- [1] Subject site;
- [2] Existing and proposed structures;
- [3] Existing and proposed easements, streets, and other public ways;
- [4] Off-street parking, loading areas and driveways;
- [5] Existing highway access restrictions; and
- [6] Existing and proposed front, side and rear yards.
- (d) Additional information as may be required by the County Planning and Zoning Committee or Planning and Zoning Administrator.
- (2) Other permits. Permits are required and not limited to the following: placement of structures, including buildings, signs and fences; removal of structures; relocating structures; sanitary system installation; conditional uses; special exceptions, including filling and grading; and special land uses, including pond construction.
- C. Uses not requiring a zoning permit: Any work not requiring a zoning permit shall comply with the applicable setback, yard, height, and other requirements of this chapter. A zoning permit shall not be required in any of the following instances:
- (1) For erecting or placing an accessory building of less than 150 square feet in area.
- (2) For Normal repairs and maintenance (not including repairs to supporting members of the structure).

#### § 405-21 **Conditional use permit**

The County Planning and Zoning Committee may authorize the Planning and Zoning Administrator to issue a conditional use permit for uses specified in each district in Article V. Such permit shall only be issued after giving public notice thereof, due notice to the parties in interest, review and a public hearing,

and a finding that such conditional uses and structures are in accordance with the purpose and intent of this chapter and are not hazardous, harmful, offensive, or otherwise adverse to the environment or the value of the neighborhood or the community.

- A. Application. Applications for conditional use permits shall be made on forms furnished by the Planning and Zoning Administrator and shall include the following:
- (1) The information required under § **405-20B** of this chapter.
  - (2) Additional information as may be required by the County Planning and Zoning Committee or Planning and Zoning Administrator.
- B. Review and approval.
- (1) The County Planning and Zoning Committee shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems, and the proposed operation.
  - (2) Conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operations control, hours of operations, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or parking requirements may be required by the County Planning and Zoning Committee upon its finding that these are necessary to fulfill the purpose and intent of this chapter.
  - (3) Compliance with all other provisions of this chapter, such as lot width and area, yards, height, traffic, parking, loading, and highway access, shall be required of all conditional uses. Variances shall only be granted as provided in § **405-23**.
- C. Denial and reapplication. No application for a conditional use which has been denied wholly or in part by the County Planning and Zoning Committee shall be resubmitted for a period of one year from the date of said denial, except on the grounds that substantial new evidence or proof of change to comply with the applicable conditions is included in the resubmitted application.
- D. Revocation.
- (1) A conditional use permit may be revoked if:
    - (a) The use does not conform to the conditions of approval within the time limits established in the permit;
    - (b) The use does not continue to conform to the conditions of the original approval;
    - (c) The character of the use itself has changed, causing the use to be incompatible with the surrounding area; or
    - (d) The use no longer conforms to public health, safety, and welfare needs.
  - (2) Action to terminate a conditional use permit may be taken by the County Planning and Zoning Committee.
  - (3) After revocation of the conditional use permit, such use shall be classified as a nonconforming use.

**§ 405-22 Changes and amendments.**

- A. Authority. Whenever the public necessity, convenience, general welfare or good zoning practice requires, the County Board may, by ordinance, change the district boundaries or amend, change, or supplement the regulations established by this chapter or amendments thereto. Such change or amendment shall be made in accordance with the procedures prescribed in § 59.69, Wis. Stats.
- B. Petitions. Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the County Clerk, describe the premises to be rezoned or the regulations to be amended, list the reasons justifying the petition, specify the proposed use, and have attached the following:
  - (1) A plot plan showing the area proposed to be rezoned, its location and its dimensions.
  - (2) Additional information as required by the County Planning and Zoning Committee or County Board.

**§ 405-23 Board of Adjustment.**

- A. Establishment. There is hereby established a Board of Adjustment for Adams County for the purpose of hearing appeals and applications and granting variances and exceptions to the provisions of this chapter in harmony with the purpose and intent of this chapter.
- B. Membership. The Board of Adjustment shall be appointed in accordance with § 59.694, Wis. Stats. No member shall be a member of the Planning and Zoning Committee, a member of the County Board of Supervisors, or a member of a town board. The members shall serve with compensation and shall be removable for cause by the County Board Chairperson upon written charges and after a public hearing.
- C. Procedure.
  - (1) The Board of Adjustment shall organize and adopt rules of procedure for its own government in accordance with the provisions of this chapter and consistent with the Wisconsin Statutes.
  - (2) Meetings shall be held at the call of the Chairperson and shall be open to the public.
  - (3) Minutes of the proceedings and a record of all actions shall be kept by the Planning and Zoning Administrator showing the vote of each member upon each question, the reasons for the Board's determination, and its findings of fact. These records shall be filed in the office of the Planning and Zoning Administrator and shall be a public record.
  - (4) A concurring vote of a majority of the members of the Board shall be necessary to reverse the order, requirements, decision, or determination appealed from, to decide in favor of the applicant on any matter on which it is required to pass, or to effect a variance.
- D. Powers. The Board of Adjustment shall have the following powers:
  - (1) Errors. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Planning and Zoning Administrator.
  - (2) Variances. To hear and grant appeals for variances as will not be contrary to the public interest where, owing to the special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit and purposes of this chapter shall be observed and the public safety, welfare, and justice secured. Use variances shall not be granted.
  - (3) Permits. This Board may reverse, affirm wholly or partly, and may modify the requirements

appealed from, and may issue or direct the issuance of a permit.

- (4) Interpretations. To hear and decide applications for interpretations of the zoning regulations and the boundaries of the zoning districts.
- (5) Assistance. This Board may request assistance from other County officers, departments, commissions, and boards.
- (6) Oaths. The Chairperson or, in his absence, the Acting Chairperson may administer oaths and compel the attendance of witnesses.

E. Appeals and applications.

(1) Appeals from the decision of the Planning and Zoning Administrator concerning the literal enforcement of this chapter may be made by any person aggrieved or by any officer, department, board, or bureau of the County. Appeals shall be filed with the Secretary within 30 days of the date of the written notice of the decision or order of the Planning and Zoning Administrator. Applications for interpretation, substitution, or unclassified use may be made by the owner or lessee of the structure, land, or water to be affected and shall be filed with the Secretary. Such appeals and applications shall include the following:

- (a) Name and address of the appellant or applicant.
  - (b) A location sketch showing all of the information required under § **405-20B** of this chapter.
  - (c) Specify the grounds for appeal or application.
  - (d) A receipt from the County Planning and Zoning Administrator indicating that the required fee has been paid.
  - (e) Additional information as required by the County Planning and Zoning Committee, Board of Adjustment, or Planning and Zoning Administrator.
- (2) An appeal stays all legal proceedings in furtherance of the action except by the certification of the officer or a restraining order by the Board or the court of record.

F. Hearings. The Board of Adjustment shall fix a reasonable time and place for the required public hearing, give public notice thereof and shall give due notice to the parties in interest, including the County Corporation Counsel, Planning and Zoning Administrator, and the County Planning and Zoning Committee. At the hearing the appellant or applicant may appear in person, by agent, or by attorney.

G. Findings. No variance to the provisions of this chapter shall be granted by the Board unless this Board finds, beyond a reasonable doubt, that all the following facts and conditions exist and so indicates in the minutes of its proceedings:

- (1) Exceptional circumstances. There must be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot, use, structure, or intended use that do not apply generally to other properties or uses in the same district and the granting of the variance would not be of so general or recurrent a nature as to suggest that this chapter should be changed.
- (2) Preservation of property rights. The variance is necessary for the preservation and enjoyment of

substantial property rights possessed by other properties in the same zoning district and same vicinity.

- (3) Absence of detriment. The variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose or spirit of this chapter or the public interest.
  - (4) Preservation of intent. No variance shall be granted that is inconsistent with the purpose and intent of the regulations for the district in which the use is located. No variance shall be granted if issuance would have an adverse effect on the Farmland Preservation Plan, Adams County, Wisconsin.
  - (5) Economic hardship and self-imposed hardship not grounds for variance. No variance shall be granted solely on the basis of economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of a variance.
- H. Decision. The Board of Adjustment shall decide all appeals and applications within 30 days after the final hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant, Planning and Zoning Administrator, County Planning and Zoning Committee, and Corporation Counsel.
- (1) Conditions may be placed upon any zoning permit ordered or authorized by this Board.
  - (2) Variances, substitutions, or use permits granted by the Board shall expire within two years unless substantial work has commenced. **(See §405-9).**
- I. Review by court of record. Any person or persons aggrieved by any decision of the Board of Adjustment may present to the court of record a petition duly verified setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision in the office of the Board of Adjustment.

#### § 405-24 Fees.

- A. Fees shall be required of all persons, firms, or corporations requesting an ordinance amendment, interpretation, variance, or appeal. Fees shall also be required of all persons, firms, or corporations performing work for which this chapter requires a permit. Such fees defray the County's cost of administration, investigation, legal advertisement, and processing. The fees shall be as set from time to time by the Adams County Board of Supervisors.
- B. A double fee or \$200, whichever is greater, shall be charged by the Planning and Zoning Administrator if work is started before a permit is applied for and issued. Such double fee shall not release the applicant from full compliance with this chapter nor from prosecution for violation of this chapter.

#### § 405-25 Violations.

It shall be unlawful to construct or use any structure, land, or water in violation of any of the provisions of this chapter. In case of any violation, the County Board, the Planning and Zoning Administrator, the County Planning and Zoning Committee, or any property owner who would be specifically damaged by such violation may institute appropriate action or proceeding to enjoin the violation of this chapter.

#### § 405-26 Penalties.

Any person, firm, or corporation who or which fails to comply with the provisions of this chapter shall, upon conviction thereof, forfeit not less than \$50 nor more than \$500 and costs of prosecution for each violation and, in default of payment of such forfeiture and costs, shall be imprisoned in the County jail until payment thereof, but not exceeding 30 days. Each day a violation exists or continues shall constitute

a separate offense.

§ 405-27 **Public hearing notice.**

Notice of any public hearing which the County Board, County Planning and Zoning Committee, or Board of Adjustment is required to hold under the terms of this chapter shall specify the date, time, and place of the hearing and shall state the matter to be considered. The notice shall be published in accordance with the Wisconsin Statutes.

## Article V Zoning Districts

§ 405-28 **Zoning districts established; boundaries.**

- A. Districts. For the purpose of this chapter, Adams County is divided into basic and overlay zoning districts and informational overlay districts as defined herein as named and described in the following subsections:
- (1) Basic zoning districts provide all primary regulations for land use. These regulations are supplemented with more restrictive or more permissive regulations in the case of those properties which are placed into an overlay district.
  - (2) Overlay zoning districts are established for the purpose of superimposing additional regulations upon lands already zoned in a basic zoning district. The regulations of the overlay may in some cases be more permissive, thereby allowing uses or requirements not allowed by the underlying basic district. The overlay district may be more restrictive, imposing regulations more stringent than those of the underlying district.
  - (3) Informational overlay districts of themselves do not ordinarily impose regulations. They exist primarily to alert users of the Zoning Map to the existence of conditions on or near various properties, or of regulations by other jurisdictions. Since such districts are primarily informational, they are a public service, and not meant to be definitive when referring to other agencies. The map user should always consult the other regulatory agency for exact boundaries, regulations, and permit requirements.
- B. Boundaries.
- (1) The boundaries of these districts are hereby established as shown on the map titled "Zoning Map, Adams County, Wisconsin," dated March 1982 (revised March 18, 1998), as periodically updated, which accompanies and is part of this chapter.
  - (2) Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map, the following rules shall apply:
    - (a) Except for the various conservancy districts, boundaries shown as approximately following city or village limits, United States Public Land Survey lines, lot or property lines, center lines of streets, highways, easements, and railroad rights-of-way and such lines extended shall be construed to follow such lines unless otherwise noted on the Zoning Map. In order to reflect specific existing uses, some district boundaries do not follow these lines. These district boundaries shall be determined by the use of the scale shown on the Zoning Map and as interpreted by the Planning and Zoning Administrator.
    - (b) The various conservancy districts include environmentally sensitive areas such as areas of floodplain, vegetative buffer, wetlands, woodlands, areas near water bodies, areas of steep slope and

unique topography and areas that recharge public groundwater wells. These areas usually do not coincide with section, quarter section, property lines, etc., described in Subsection **B(2)(a)**. Precise boundaries of these districts shall be determined by the use of the scale shown on the Zoning Map as interpreted by the Planning and Zoning Administrator.

- (c) Vacation of public streets shall cause the area vacated to be automatically placed in the same district as the land to which the vacated area reverts until a permanent district classification is adopted.

**§ 405-29 Zoning Map.**

A certified copy of the Zoning Map shall be adopted and approved as part of this chapter and shall bear upon its face the attestation of the County Board Chairperson and County Clerk and shall be available to the public in the office of the Planning and Zoning Administrator.

**§ 405-30A A-1(35) and A-1(15) Exclusive Agricultural Districts with Farmland Preservation Overlay.**

A. Purpose and intent.

(1) The purposes and intention of the A-1 Districts are to:

- (a) Preserve agricultural land for food and fiber production.
  - (b) Protect productive farms.
  - (c) Maintain a viable agricultural base to support agricultural processing and service industries.
  - (d) Prevent conflicts between incompatible uses.
  - (e) Reduce costs of providing services to scattered nonfarm uses.
  - (f) Pace and shape urban growth.
  - (g) Implement the provisions of the County Farmland Preservation Plan.
- (2) Farming operations should be conducted in substantial accordance with an approved soil and water conservation plan.
- (3) This district is generally intended to apply to lands in productive farm operations, including:
- (a) Lands historically producing good crop yields or capable of such yields.
  - (b) Lands productive for dairying, livestock raising, and grazing.
  - (c) Other lands which are integral parts of such farm operations.
  - (d) Land used to produce specialty crops such as cranberries, mint, sod, tree crops, fruits and vegetables.
  - (e) Lands capable of productive use through economically feasible improvements such as irrigation or agricultural conservation practices.

B. Permitted uses. All uses and structures in this district are restricted to agricultural uses and uses consistent with agricultural use as specified in Subsections **A** to **D** of the definition of "use consistent with agricultural use" in § **405-9**. The following uses and their customary accessory uses are

permitted:

- (1) Agricultural uses.
  - (a) Beekeeping.
  - (b) Dairying.
  - (c) Floriculture (cultivation of ornamental flowering plants).
  - (d) Grazing.
  - (e) Livestock raising (fewer than 25 animal units per acre).
  - (f) Poultry raising.
  - ~~(g) Kennels [capacity not exceeding one animal unit per acre; over one animal unit per acre, see Subsection C(1)(u)].~~
  - (h) Plant nurseries and orchards.
  - (i) Raising of grain, grass, mint, and seed crops.
  - (j) Raising of tree fruit, nuts, and berries.
  - (k) Sod farming.
  - (l) Tree farming, including Christmas trees and pulp wood.
  - (m) Vegetable raising.
  - (n) Viticulture (grape growing).
  - (o) Forest and game management.
  - ~~(p) Nature trails and walks.~~
  - ~~(q) Greenhouses.~~
  - (r) Commercial feed lots.
  - (s) Egg production.
  - ~~(t) Fish or fur farming.~~
  - ~~(u) Shooting, hunting and game preserves, both private and for hire.~~
  - (t) 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 U.S.C. §§ 3831 to 3836; participating in the milk conservation reserve program under 7 U.S.C. § 1446(d).
  - ~~(w) One roadside stand per farm used solely for the sale of agricultural products produced on the~~

premises or adjoining premises and not employing more than two nonfamily members (see "farm family business" in § 405-9 herein).

(u) **Filling and grading of productive agriculture fields to level topography and not for the purpose of non-metallic mining.**

(2) Residential uses [see also Subsection F(1), (2) and (3)].

(a) Single- and two-family dwellings and single-wide manufactured homes (**NOTE: See definition of MANUFACTURED HOME**) that have a use consistent with agricultural use and that are occupied by any of the following:

[1] An owner of the **parcel farm**.

[2] A person who, or a family at least one adult member of which, earns the **majority more than 50%** of his or her gross income from conducting the farm operations on the **parcel farm**.

[3] A parent or child of an owner who conducts the **majority more than 50%** of the farm operations on the **parcel farm**.

[4] A parent or child of an owner who resides on the **parcel farm** and who previously conducted the **majority more than 50%** of the farm operations on the parcel.

(b) Preexisting residences, including mobile **and manufactured** homes, located in areas subject to zoning under this section which do not conform to Subsection B(2)(a) above may be continued in residential use and shall not be subject to any limitations imposed or authorized under § 59.69(10), Nonconforming uses, of the Wisconsin Statutes. **The residences must have existed prior to January 1, 2014.**

[1] Such preexisting residences may be altered, repaired, rebuilt or replaced, but are subject to setback, height, and other dimensional requirements.

[2] New residences that do not conform to Subsection B(2)(a) above **must be rezoned to a different zoning district.** ~~shall require a conditional use permit.~~

~~(c) Recreational vehicles as provided in § 405-47C(2) of this chapter.~~

(3) Other agricultural structures and improvements.

(4) Permitted other uses. The following non-agricultural uses are allowed:

~~(a) Recreational vehicles as provided in § 405-47C(2) of this chapter.~~

(b) **Kennels [capacity not exceeding one animal unit per acre; over one animal unit per acre, see Subsection C(1)(u)]. [consistent with s. 91.01(1)(d)].**

(c) **Camping – non-permanent (see § 405-17).**

(d) **Nature trails and walks.**

(e) **Greenhouses.**

(f) **Shooting, hunting and game preserves, both private and for hire. Allowed as nonstructural open space use only.**

(g) **One roadside stand per farm used solely for the sale of agricultural products produced on the premises or adjoining premises and not employing more than two nonfamily members (see "farm family business" in § 405-9 herein).**

C. Conditional uses. All uses and structures in this district are restricted to agricultural uses and uses consistent with agricultural use as specified in Subsections **A** to **D** of the definition of "use consistent with agricultural use" in § **405-9** and must be determined to be necessary with regard to alternative locations. A conditional use permit is required for uses that are not agricultural uses but are consistent with agricultural use and for agricultural uses with potentially high impacts on land, water, or neighboring farms or land uses, where conditions need to be set to mitigate the impacts.

(1) The following uses may be permitted after review and approval by the County Planning and Zoning Committee (see § **405-21** for application and review requirements):

(a) ~~Farm family businesses, including home occupations, and professional home offices conducted within existing farm residences or structures or portions of the existing farmstead that are not dedicated to agricultural uses. No more than two persons who are not members of the resident farm family may be employed by the farm family business.~~

***Farm family business: A business operated by the owner or operator, or resident family member of the owner or operator, of a farm, that is not associated with an agricultural use, that requires no buildings, structures, or improvements other than those described in s. 91.01 (1) (a) or (c), Stats., that employs no more than 4 full-time non-family employees annually, and that does not impair or limit the current or future agricultural use of the farm or of other protected farmland. [see s. ATCP 49.01(11)]***

(b) Temporary housing for seasonal farm labor.

(c) Feedlots/concentrated feeding operations (CAFOs) involving more than 25 animal units per acre occupied, excluding cattle, swine, poultry, sheep and goats regulated under Ch. ATCP 51, Wis. Adm. Code. Note: "Animal unit" definition in § **405-9** applies.

(d) Permanent saw mills.

(e) Fur farms.

(f) Noncommercial stables and paddocks.

(g) Noncommercial equestrian trails.

(h) Fish farms.

(i) Dams and flowages.

(j) Governmental uses such as police and fire stations, highway storage garages, potable water wells and treatment facilities, wastewater treatment plants, schools, parks and campgrounds, and airports and landing strips. **[consistent with s.91.46(5)]**

(k) Religious uses such as churches, schools, and cemeteries. **[consistent with s.91.46(5)]**

- (l) Gas and electric utility uses not requiring authorization under § 196.491, Wis. Stats. **[consistent with s. 91.46(4)]**
  - (m) The sale and service of machinery used in agricultural production if operated as a farm family business and remaining a secondary use on an operating farm.
  - (n) Facilities operated as a farm family business but remaining secondary to an operating farm for the centralized bulk collection and storage of agricultural products before transportation to further processing or to wholesale and retail markets.
  - (o) The regular commercial storage and sale of seed, feed, fertilizer, and other products essential to agricultural production as distinguished from on-farm storage or occasional farmer to farmer sales that qualify as "agricultural use" under Subsection **B(1)** where the operation is a farm family business but still is secondary to operating farm activities.
  - (p) Facilities used to provide veterinarian services for livestock.
  - (q) Facilities secondary to an operating farm used in original but not final processing of agricultural products, such as grain drying bins, on a fee commercial basis but not exceeding a farm family business in scope, as distinguished from on-farm processing, or occasional processing of off-farm produce that qualifies as "agricultural use" under Subsection **B(1)**.
  - (r) Nonmetallic mineral extraction in excess of **2,500 square feet one acre**, for which a reclamation plan that provides for restoration of the site to agricultural use has been approved by the Adams County Land and Water Conservation Department. **[consistent with s. 91.46(6)]**
  - (s) Veterinarian services involving outdoor keeping of patient animals, serving primarily farm livestock.
  - (t) Other agricultural-related, religious, utility, institutional, or governmental uses similar to those listed in Subsections **B** and **C** which are compatible with the purposes of this district, which are uses consistent with agricultural use, and which are found necessary in light of alternative locations available for such uses.
  - (u) Veterinarian services involving outdoor keeping of patient animals, serving small animals and nonfarm livestock. **[consistent with s. 91.01(1)]**
  - (v) Nonveterinarian kennels with capacity to breed, raise, or board more than six animals at once. **[consistent with s. 91.01(1)]**
  - (w) Chapter ATCP 51, Wis. Adm. Code, defined "livestock facilities" 500 animal units and larger. Note: "Animal unit" has the meaning given in § NR 243.03(5), Wis. Adm. Code, as of April 27, 2004.
- (2) Permits for existing livestock facilities.
- (a) A permit is required for the expansion of a preexisting or previously approved livestock facility if the number of animal units kept at the expanded livestock facility will exceed all of the following:
    - [1] The applicable size threshold for a conditional use permit established in the zoning district where the facility is located.
    - [2] The maximum number previously approved or, if no maximum number was previously approved, a number that is 20% higher than the number kept on September 20, 2006.

- (b) Except as provided in Subsection C(2)(a), a permit is not required for a livestock facility that existed before September 20, 2006.
- (c) Except as provided in Subsection C(2)(a), a permit is not required for a livestock facility that was previously issued a conditional use permit or other local approval. A prior approval for the construction of a livestock facility implies approval for the maximum number of animal units that the approved livestock facility was reasonably designed to house, except as otherwise clearly provided in the approval. Prior approval of a single livestock structure, such as a waste storage structure, does not constitute prior approval of an entire livestock facility.
- (d) Application procedure. A livestock operator must complete the application and worksheets prescribed by Ch. ATCP 51, Wis. Adm. Code, including any authorized local modifications. The application requirements specified in Ch. ATCP 51, Wis. Adm. Code, are hereby incorporated by reference. The application form and worksheets establish compliance with the standards in Ch. ATCP 51, Wis. Adm. Code, and this chapter. The operator must provide four duplicate copies of the application form, including worksheets, maps and documents (other than engineering design specifications) included in the application. Note: Section ATCP 51.30, Wis. Adm. Code, provides that an applicant may be required to file up to four duplicate copies of a permit application. One copy must be filed after a final decision on the application with the Department of Agriculture, Trade and Consumer Protection. If approved, one duplicate copy marked "Approved" must be given back to the applicant. The applicant may wish to record the approved application with the Register of Deeds.
- (e) Application fee. A nonrefundable application fee as set by the County Board shall accompany an application.
- (f) Application review procedure.
  - [1] Within 45 days after the County receives an application, it shall notify the applicant whether the application is complete. If the application is not complete, the notice shall describe the additional information needed. Within 14 days after the applicant provides all of the required information, the County shall notify the applicant that the application is complete. This notice does not constitute an approval of the proposed livestock facility.
  - [2] Within 14 days after the County notifies an applicant that the application is complete, the County shall notify adjacent landowners of the application. The County shall use the approved notice form in Ch. ATCP 51, Wis. Adm. Code, and mail a written notice to each adjacent landowner.
  - [3] The County shall grant or deny an application within 90 days after the notice of a complete application is provided as required above. The County may extend this time limit for good cause, including any of the following:
    - [a] The County needs additional information to act on the application.
    - [b] The applicant materially modifies the application or agrees to an extension. The County shall give written notice of any extension. The notice shall specify the reason for the extension and the extended deadline date by which the County will act on the application.
- (g) Public hearing. The County shall schedule a public hearing on the application within 90 days after issuing notice of a complete application.
- (h) Standards. The standards for issuing a permit are as follows:

- [1] The state livestock facility siting standards adopted under Ch. ATCP 51, Wis. Adm. Code. These standards are hereby incorporated by reference.
- [2] Setbacks authorized by this chapter.
  - (i) Criteria for issuance of a permit.
    - [1] A permit shall issue if the application for the proposed livestock facility contains sufficient credible information to show, in the absence of clear and convincing information to the contrary, that the proposed livestock facility meets the standards specified in this chapter. Note: If the application and worksheets prescribed by Ch. ATCP 51, Wis. Adm. Code, are properly completed, there is a rebuttable presumption that the applicant has met the application requirements.
    - [2] A permit may be denied if any of the following apply:
      - [a] The application, on its face, fails to meet the standard for approval.
      - [b] The County finds, based on other clear and convincing information in the record, that the proposed livestock facility does not comply with applicable standards in this chapter.
      - [c] Other grounds authorized by § 93.90, Wis. Stats., that warrant disapproving the proposed livestock facility.
    - [3] No conditions may be imposed on a permit other than standards provided in ordinance.
  - (j) Record of decision.
    - [1] The Planning and Zoning Committee shall issue its decision in writing. Its decision shall be based on written findings of fact supported by evidence in the record.
    - [2] In the event that a permit is approved, the applicant shall receive a duplicate copy of the approved application, marked "Approved." The duplicate copy must include worksheets, maps and other documents (other than engineering specifications) included in the application.
  - (k) Notice to Department. The County Clerk, as required by § ATCP 51.34, Wis. Adm. Code, within 30 days of the County decision on the application, shall do all of the following:
    - [1] Give the Department of Agriculture, Trade and Consumer Protection written notice of the County's decision.
    - [2] File with the Department a copy of the final application granted or denied, if the County has granted or denied an application under this Subsection **C(2)**. (The copy shall include all of the worksheets, maps and other attachments included in the application, except that it is not required to include the engineering design specifications.)
    - [3] If the County has withdrawn a local approval under this Subsection **C(2)**, file with the Department a copy of the County final notice or order withdrawing the local approval.
  - (l) Expiration of permit. A permit remains in effect regardless of the amount of time that elapses before the livestock operator exercises the authority granted under the permit and regardless of whether the livestock operator exercises the full authority granted by the approval. However, the County may treat a permit as lapsed and withdraw the permit if the permit holder fails to do all of the following

within two years after issuance of permit:

- [1] Begin populating the new or expanded livestock facility.
- [2] Begin constructing all of the new or expanded livestock housing or waste storage structures proposed in the permit application.
- (m) Permit modifications. The operator may make reasonable changes that maintain compliance with the standards in this chapter, and the County shall not unreasonably withhold authorization for those changes.
- (n) Compliance monitoring.
  - [1] The County shall monitor compliance with this chapter as follows:
    - [a] Upon notice to the livestock facility owner, request the right of the Planning and Zoning Administrator or his designee to personally view the permitted facility at a reasonable time and date to ensure that all commitments of the application as approved are being complied with.
    - [b] If the livestock facility owner refuses the Planning and Zoning Administrator or his designee the right to view the permitted facility, the Planning and Zoning Administrator or his designee may request the assistance of the Sheriff or a Deputy Sheriff to obtain an inspection warrant from the Circuit Court to inspect the permitted facility for the purpose of protection of the public health and safety under § 66.0119, Wis. Stats.
  - [2] If a permitted facility is found not to be in compliance with the commitments made in the approved application, the Planning and Zoning Administrator or his designee shall issue a written notice to the livestock facility owner stating the conditions of noncompliance and directing that the commitments of the approved application be complied with in a reasonable amount of time stated in this written notice.
  - [3] If noncompliance with the permit conditions as described in the written notice given by the Planning and Zoning Administrator or his designee continues past the stated reasonable time to comply, the Planning and Zoning Administrator or his designee may take further action as provided in this chapter, including but not limited to issuance of a citation or seeking of injunctive relief.
  - [4] If the livestock facility owner disputes that the conditions of the permit have not been complied with, the livestock facility owner may request in writing a hearing within five days of receipt of the notice of noncompliance. The Planning and Zoning Committee shall schedule a hearing within five days to determine if the conditions of the permit have been complied with or whether noncompliance with the commitments of the approved application and local approval exists.
- (o) Terms of the permit. A permit and the privileges granted by a permit issued under this Subsection **C(2)** are conditioned on the livestock operator's compliance with the standards in this chapter and with commitments made in the application for a permit. The County is authorized to suspend a permit or seek other redress provided in this chapter for noncompliance.
- (p) Transferability. A permit and the privileges granted by the permit run with land and remain in effect, despite a change in ownership of the livestock facility, as long as the new operator does not violate the terms of the local approval. An applicant may record with the Register of Deeds, at the applicant's expense, the duplicate copy of the approved application. Upon change of ownership of the livestock facility, the new owner of the facility shall file information with the County Clerk

providing pertinent information, including but not limited to such information as the name and address of the new owner and date of transfer of ownership.

- (3) Standards applicable to conditional uses other than Ch. ATCP 51, Wis. Adm. Code, regulated livestock facilities. The Department of Agriculture, Trade, and Consumer Protection shall be notified of the approval of any conditional uses. In passing upon applications for conditional uses, the County Planning and Zoning Committee shall consider the following relevant factors:
  - (a) The statement of purposes of this chapter and the A-1 District.
  - (b) Potential for conflict with agriculture use.
  - (c) Need of the proposed use for a location in an agricultural area.
  - (d) Availability of alternative locations.
  - (e) Compatibility with existing or permitted uses on adjacent lands.
  - (f) Productivity of the lands involved.
  - (g) Location of the proposed use so as to reduce to a minimum the amount of productive agricultural land converted to such use as to meet the definition of "use consistent with agricultural use" in § 405-9 hereof.
  - (h) Need for public services created by the proposed use.
  - (i) Availability of adequate public services and the ability of affected local units of government to provide them without an unreasonable burden.
  - (j) The effect of the proposed use on water or air pollution, soil erosion, and rare or irreplaceable natural resources.
- (4) Conditions which may be attached to conditional uses. Upon a consideration of information supplied at the public hearing and a review of the standards contained in Subsection C(3), the following conditions may be attached to the granting of a conditional use: increased setbacks and yards; specifications for water supply, liquid waste, and solid waste disposal facilities; landscaping and planting screens; sureties; operational controls and time of operation; air pollution controls; erosion prevention measures; location of the use; and similar requirements found necessary to fulfill the purpose and intent of this chapter. Violation of these conditions shall constitute a violation of this chapter as provided in § 405-25 of this chapter.
- D. Yard/setback requirements.
  - (1) Chapter ATCP 51, Wis. Adm. Code, regulated livestock facilities 500 animal units and larger. All buildings, structures, or enclosures, including pastures which house or confine animals, including but not limited to animal hospitals, kennels, barnyards, feedlots, and stables, shall meet the following minimum setback requirements:
    - (a) Zoning district setbacks.
      - [1] Residential, business, planned residential and public and semi-public zoned parcels: minimum of 350 feet for nonresidential structures and livestock.

(b) General setbacks {subject to Subsection **D(1)(a)[1]** above}.

[1] Property line fewer than 1,000 animal units: 100 feet.

[2] Property line 1,000 animal units and greater: 200 feet.

Note: The setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to September 20, 2006, except that a structure may not be expanded closer to the property line.

[3] Public road right-of-way fewer than 1,000 animal units: 100 feet.

[4] Public road right-of-way 1,000 animal units and greater: 150 feet.

Note: The setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to September 20, 2006, except that a structure may not be expanded closer to the public road right-of-way.

(c) Waste storage structures.

[1] New waste storage structure:

[a] Property line: 350 feet.

[b] Public road right-of-way: 350 feet.

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

(a) Located on the same tax parcel as a waste storage structure in existence before September 20, 2006.

(b) No larger than the existing structure.

(c) No further than 50 feet from the existing structure.

(d) No closer to the road or property line than the existing structure.

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

(d) Water quality and related setbacks.

[1] Navigable waters and wetlands. A livestock facility shall comply with setback and related requirements in any applicable shoreland or wetland zoning ordinances enacted within the scope of authority granted under § 59.692, 61.351 or 62.231, Wis. Stats.

[2] Floodplain. A livestock facility shall comply with setback and related requirements in any applicable floodplain zoning ordinance that is enacted within the scope of statutory authority under § 87.30,

Wis. Stats.

[3] Wells. All wells located within a livestock facility shall comply with Chs. NR 811 and 812, Wis. Adm. Code. New or substantially altered livestock structures shall be separated from existing wells by the distances required in Chs. NR 811 and 812, Wis. Adm. Code, regardless of whether the livestock facility operator owns the land on which the wells are located. A livestock structure in existence on September 20, 2006, may be altered as long as the alteration does not reduce the distance between the livestock structure and an existing well.

(2) Agricultural uses not regulated under Ch. ATCP 51, Wis. Adm. Code.

(a) All buildings, structures, or enclosures which house or confine animals, including but not limited to animal hospitals, kennels, barnyards, feedlots, and stables, shall meet the following minimum setback requirements:

[1] Front yard: 100 feet.

[2] Side yard: 100 feet.

[3] Rear yard: 100 feet.

(b) All other uses shall meet the following minimum setback requirements:

[1] Class A highway (state highway): 110 feet from center line or 50 feet from lot line, whichever measures furthest into the lot.

[2] Class B highway (county trunk): 83 feet from center line or 50 feet from lot line, whichever measures furthest into the lot.

[3] Class C highway (town road): 63 feet from center line or 30 feet from lot line, whichever measures furthest into the lot.

[4] Front lot line: 30 feet for all structures.

[5] Rear lot line: 30 feet for dwelling and attached accessory structures, 10 feet for detached accessory building.

[6] Side lot line: 10 feet for all structures.

Note: Subsection **D(2)(b)[4]**, **[5]** and **[6]** above are subject to Subsection **D(2)(b)[1]**, **[2]** and **[3]** above.

E. Height requirements. (See also § **405-14**.)

(1) All single-family dwellings and their accessory structures shall not exceed the following maximum requirements:

(a) Principal building and attached accessory buildings: 35 feet.

(b) Detached accessory structures: 20 feet.

(2) All other buildings or structures shall not exceed the following maximum: 85 feet.

F. Area requirements. (See also § 405-15.) All lots shall meet the following requirements:

- (1) Minimum lot area.
  - (a) District A-1(35). To establish a farm residence or farm operation (as allowed in Subsection **B**): 35 acres.
  - (b) District A-1(15). To establish a farm residence or farm operation (as allowed in Subsection **B**): 15 acres.
- (2) Maximum additional dwelling area.
  - (a) To establish a dwelling area for an additional residence as allowed in Subsection **B(2)**: 20,000 square feet per dwelling.
  - (b) Where an additional residence for persons specified in Subsection **B(2)** is established, the residence shall be at least 40 feet from other residences.
  - (c) Dwelling areas created under Subsection **F(2)(a)** above shall not, in order to preserve the maximum land for farm use, exceed the maximum unless required to meet sanitary code requirements.
- (3) Minimum lot width.
  - (a) To establish a residence or farm operation (as allowed in Subsection **B**): 300 feet.
  - (b) To establish a separate dwelling area for an additional residence as allowed in Subsection **B(2)**: 150 feet.

G. Parking and access regulations. (See Article **VII**.)

H. Sign regulations. (See Article **VIII**.)

I. Standards for rezoning. Decisions on petitions for rezoning areas zoned ~~for exclusive agricultural use~~ **Exclusive Agriculture, but not in a Farmland Preservation Area** shall be based on findings which consider:

- (1) Adequate public facilities to serve the development are present or will be provided.
- (2) Provision of these facilities will not be an unreasonable burden to local government.
- (3) The land is suitable for development.
- (4) Development will not cause unreasonable air and water pollution, soil erosion, or adverse effects on rare or irreplaceable natural areas.
- (5) The potential for conflict with remaining agricultural uses in the area.
- (6) The need of the proposed development location in an agricultural area.
- (7) Availability of alternative locations. **Preservation zoning district. The county will by March 1 of each year provide the department a report of the number of acres that it has rezoned from the certified farmland preservation zoning district per s. 91.48(2).**

**(1) A political subdivision with a certified farmland preservation zoning ordinance may rezone land out of a farmland preservation zoning district without having the rezoning certified under s. 91.48, if the political subdivision finds all of the following, after public hearing:**

**(a) The land is better suited for a use not allowed in the farmland preservation zoning district.**

**(b) The rezoning is consistent with any applicable comprehensive plan.**

**(c) The rezoning is substantially consistent with the county certified farmland preservation plan.**

**(d) The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.**

**§ 405-30B A-1(35) and A-1(15) Exclusive Agricultural Districts Parcels mapped in the A-1(35) and A-1(15) districts without the FP Overlay are not planned for farmland preservation in the County Certified Farmland Preservation Plan and are not eligible for the farmland preservation credit.**

**§ 405-30B A-1(35) and A-1(15) Exclusive Agricultural Districts Parcels mapped in the A-1(35) and A-1(15) districts without the FP Overlay are not planned for farmland preservation in the County Certified Farmland Preservation Plan and are not eligible for the farmland preservation credit.**

**A-1(35) and A-1(15) Exclusive Agricultural Districts. A. Purpose and intent.**

- (1) The purposes and intention of the A-1 Districts are to:
  - (a) Preserve agricultural land for food and fiber production.
  - (b) Protect productive farms.
  - (c) Maintain a viable agricultural base to support agricultural processing and service industries.
  - (d) Prevent conflicts between incompatible uses.
  - (e) Reduce costs of providing services to scattered nonfarm uses.
  - (f) Pace and shape urban growth.
  - (g) Implement the provisions of the County Farmland Preservation Plan.<sup>1</sup>
- (2) Farming operations should be conducted in substantial accordance with an approved soil and water conservation plan.
- (3) This district is generally intended to apply to lands in productive farm operations, including:
  - (a) Lands historically producing good crop yields or capable of such yields.
  - (b) Lands productive for dairying, livestock raising, and grazing.
  - (c) Other lands which are integral parts of such farm operations.
  - (d) Land used to produce specialty crops such as cranberries, mint, sod, tree crops, fruits and vegetables.
  - (e) Lands capable of productive use through economically feasible improvements such as irrigation or agricultural conservation practices.

**B. Permitted uses.** All uses and structures in this district are restricted to agricultural uses and uses consistent with agricultural use as specified in Subsections A to D of the definition of "use consistent with agricultural use" in § 405-9. The following uses and their customary accessory uses are permitted:

(1) Agricultural uses.

- (a) Beekeeping.
- (b) Dairying.

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<sup>1</sup> Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II). The Farmland Preservation Plan adopted by the County Board of Supervisors in November 1980, as amended, is available at [www.ncwrpc.org/Adams/index.html](http://www.ncwrpc.org/Adams/index.html).

- (c) Floriculture (cultivation of ornamental flowering plants).
  - (d) Grazing.
  - (e) Livestock raising (fewer than 25 animal units per acre).
  - (f) Poultry raising.
  - (g) Kennels [capacity not exceeding one animal unit per acre; over one animal unit per acre, see Subsection C(1)(u)].
  - (h) Plant nurseries and orchards.
  - (i) Raising of grain, grass, mint, and seed crops.
  - (j) Raising of tree fruit, nuts, and berries.
  - (k) Sod farming.
  - (l) Tree farming, including Christmas trees and pulp wood.
  - (m) Vegetable raising.
  - (n) Viticulture (grape growing).
  - (o) Forest and game management.
  - (p) Nature trails and walks.
  - (q) Greenhouses.
  - (r) Commercial feed lots.
  - (s) Egg production.
  - (t) Fish or fur farming.
  - (u) Shooting, hunting and game preserves, both private and for hire.
  - (v) 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 U.S.C. §§ 3831 to 3836; participating in the milk conservation reserve program under 7 U.S.C. § 1446(d).
  - (w) One roadside stand per farm used solely for the sale of agricultural products produced on the premises or adjoining premises and not employing more than two nonfamily members (see "farm family business" in § 405-9 herein).
- (2) Residential uses [see also Subsection F(1), (2) and (3)].
- (a) Single- and two-family dwellings and single-wide manufactured homes that have a use consistent with agricultural use and that are occupied by any of the following: [1] An owner of the parcel.
    - [2] A person who, or a family at least one adult member of which, earns the majority of his or her gross income from conducting the farm operations on the parcel.
    - [3] A parent or child of an owner who conducts the majority of the farm operations on the parcel.
    - [4] 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.
  - (b) Preexisting residences, including mobile homes, located in areas subject to zoning under this section which do not conform to Subsection B(2)(a) above may be continued in residential use and shall not be subject to any limitations imposed or authorized under § 59.69(10), Nonconforming uses, of the Wisconsin Statutes.
    - [1] Such preexisting residences may be altered, repaired, rebuilt or replaced, but are subject to setback, height, and other dimensional requirements.
    - [2] New residences that do not conform to Subsection B(2)(a) above shall require a conditional use permit.
- (c) Recreational vehicles as provided in § 405-47C(2) of this chapter.
- (3) Other agricultural structures and improvements.
  - (4) Camping (see § 405-17).

C. Conditional uses. All uses and structures in this district are restricted to agricultural uses and uses consistent with agricultural use as specified in Subsections A to D of the definition of "use consistent with agricultural use" in § 405-9 and must be determined to be necessary with regard to alternative locations.

A conditional use permit is required for uses that are not agricultural uses but are consistent with agricultural use and for agricultural uses with potentially high impacts on land, water, or neighboring farms or land uses, where conditions need to be set to mitigate the impacts.

(1) The following uses may be permitted after review and approval by the County Planning and Zoning Committee (see § 405-21 for application and review requirements):

- (a) Farm family businesses, including home occupations, and professional home offices conducted within existing farm residences or structures or portions of the existing farmstead that are not dedicated to agricultural uses. No more than two persons who are not members of the resident farm family may be employed by the farm family business.
- (b) Temporary housing for seasonal farm labor.
- (c) Feedlots/concentrated feeding operations (CAFOs) involving more than 25 animal units per acre occupied, excluding cattle, swine, poultry, sheep and goats regulated under Ch. ATCP 51, Wis. Adm. Code. Note: "Animal unit" definition in § 405-9 applies.
- (d) Permanent saw mills.
- (e) Fur farms.
- (f) Noncommercial stables and paddocks.
- (g) Noncommercial equestrian trails.
- (h) Fish farms.
- (i) Dams and flowages.
- (j) Governmental uses such as police and fire stations, highway storage garages, potable water wells and treatment facilities, wastewater treatment plants, schools, parks and campgrounds, and airports and landing strips.
- (k) Religious uses such as churches, schools, and cemeteries.
- (l) Gas and electric utility uses not requiring authorization under § 196.491, Wis. Stats.
- (m) The sale and service of machinery used in agricultural production if operated as a farm family business and remaining a secondary use on an operating farm.
- (n) Facilities operated as a farm family business but remaining secondary to an operating farm for the centralized bulk collection and storage of agricultural products before transportation to further processing or to wholesale and retail markets.
- (o) The regular commercial storage and sale of seed, feed, fertilizer, and other products essential to agricultural production as distinguished from on-farm storage or occasional farmer to farmer sales that qualify as "agricultural use" under Subsection B(1) where the operation is a farm family business but still is secondary to operating farm activities.
- (p) Facilities used to provide veterinarian services for livestock.
- (q) Facilities secondary to an operating farm used in original but not final processing of agricultural products, such as grain drying bins, on a fee commercial basis but not exceeding a farm family business in scope, as distinguished from on-farm processing, or occasional processing of off-farm produce that qualifies as "agricultural use" under Subsection B(1).
- (r) Nonmetallic mineral extraction in excess of 2,500 square feet, for which a reclamation plan that provides for restoration of the site to agricultural use has been approved by the Adams County Land and Water Conservation Department.
- (s) Veterinarian services involving outdoor keeping of patient animals, serving primarily farm livestock.
- (t) Other agricultural-related, religious, utility, institutional, or governmental uses similar to those listed in Subsections B and C which are compatible with the purposes of this district, which are uses consistent with agricultural use, and which are found necessary in light of alternative locations available for such uses.
- (u) Veterinarian services involving outdoor keeping of patient animals, serving small animals and nonfarm livestock; nonveterinarian kennels with capacity to breed, raise, or board more than six animals at once.

(v) Chapter ATCP 51, Wis. Adm. Code, defined "livestock facilities" 500 animal units and larger. Note: "Animal unit" has the meaning given in § NR 243.03(5), Wis. Adm. Code, as of April 27, 2004.

(2) Permits for existing livestock facilities.

(a) A permit is required for the expansion of a preexisting or previously approved livestock facility if the number of animal units kept at the expanded livestock facility will exceed all of the following:

[1] The applicable size threshold for a conditional use permit established in the zoning district where the facility is located.

[2] The maximum number previously approved or, if no maximum number was previously approved, a number that is 20% higher than the number kept on September 20, 2006.

(b) Except as provided in Subsection C(2)(a), a permit is not required for a livestock facility that existed before September 20, 2006.

(c) Except as provided in Subsection C(2)(a), a permit is not required for a livestock facility that was previously issued a conditional use permit or other local approval. A prior approval for the construction of a livestock facility implies approval for the maximum number of animal units that the approved livestock facility was reasonably designed to house, except as otherwise clearly provided in the approval. Prior approval of a single livestock structure, such as a waste storage structure, does not constitute prior approval of an entire livestock facility.

(d) Application procedure. A livestock operator must complete the application and worksheets prescribed by Ch. ATCP 51, Wis. Adm. Code, including any authorized local modifications. The application requirements specified in Ch. ATCP 51, Wis. Adm. Code, are hereby incorporated by reference. The application form and worksheets establish compliance with the standards in Ch. ATCP 51, Wis. Adm. Code, and this chapter. The operator must provide four duplicate copies of the application form, including worksheets, maps and documents (other than engineering design specifications) included in the application. Note: Section ATCP 51.30, Wis. Adm. Code, provides that an applicant may be required to file up to four duplicate copies of a permit application. One copy must be filed after a final decision on the application with the Department of Agriculture,

Trade and Consumer Protection. If approved, one duplicate copy marked "Approved" must be given back to the applicant. The applicant may wish to record the approved application with the Register of Deeds.

(e) Application fee. A nonrefundable application fee as set by the County Board shall accompany an application.<sup>11</sup> (f) Application review procedure.

[1] Within 45 days after the County receives an application, it shall notify the applicant whether the application is complete. If the application is not complete, the notice shall describe the additional information needed. Within 14 days after the applicant provides all of the required information, the County shall notify the applicant that the application is complete. This notice does not constitute an approval of the proposed livestock facility.

[2] Within 14 days after the County notifies an applicant that the application is complete, the County shall notify adjacent landowners of the application. The County shall use the approved notice form in Ch. ATCP 51, Wis. Adm. Code, and mail a written notice to each adjacent landowner.

[3] The County shall grant or deny an application within 90 days after the notice of a complete application is provided as required above. The County may extend this time limit for good cause, including any of the following:

[a] The County needs additional information to act on the application.

[b] The applicant materially modifies the application or agrees to an extension. The County shall give written notice of any extension. The notice shall specify

the reason for the extension and the extended deadline date by which the County will act on the application.

- (g) Public hearing. The County shall schedule a public hearing on the application within 90 days after issuing notice of a complete application.
- (h) Standards. The standards for issuing a permit are as follows:
  - [1] The state livestock facility siting standards adopted under Ch. ATCP 51, Wis. Adm. Code. These standards are hereby incorporated by reference.

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- [2] Setbacks authorized by this chapter.
- (i) Criteria for issuance of a permit.
  - [1] A permit shall issue if the application for the proposed livestock facility contains sufficient credible information to show, in the absence of clear and convincing information to the contrary, that the proposed livestock facility meets the standards specified in this chapter. Note: If the application and worksheets prescribed by Ch. ATCP 51, Wis. Adm. Code, are properly completed, there is a rebuttable presumption that the applicant has met the application requirements.
  - [2] A permit may be denied if any of the following apply:
    - [a] The application, on its face, fails to meet the standard for approval.
    - [b] The County finds, based on other clear and convincing information in the record, that the proposed livestock facility does not comply with applicable standards in this chapter.<sup>2</sup>
    - [c] Other grounds authorized by § 93.90, Wis. Stats., that warrant disapproving the proposed livestock facility.
  - [3] No conditions may be imposed on a permit other than standards provided in ordinance.
- (j) Record of decision.
  - [1] The Planning and Zoning Committee shall issue its decision in writing. Its decision shall be based on written findings of fact supported by evidence in the record.
  - [2] In the event that a permit is approved, the applicant shall receive a duplicate copy of the approved application, marked "Approved." The duplicate copy must include worksheets, maps and other documents (other than engineering specifications) included in the application.
- (k) Notice to Department. The County Clerk, as required by § ATCP 51.34, Wis. Adm. Code, within 30 days of the County decision on the application, shall do all of the following:
  - [1] Give the Department of Agriculture, Trade and Consumer Protection written notice of the County's decision.
  - [2] File with the Department a copy of the final application granted or denied, if the County has granted or denied an application under this Subsection C(2). (The copy shall include all of the worksheets, maps and other attachments included in the application, except that it is not required to include the engineering design specifications.)
  - [3] If the County has withdrawn a local approval under this Subsection C(2), file with the Department a copy of the County final notice or order withdrawing the local approval.
- (l) Expiration of permit. A permit remains in effect regardless of the amount of time that elapses before the livestock operator exercises the authority granted under the permit and regardless of whether the livestock operator exercises the full authority granted by the

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<sup>2</sup> Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

approval. However, the County may treat a permit as lapsed and withdraw the permit if the permit holder fails to do all of the following within two years after issuance of permit:<sup>13</sup>

- [1] Begin populating the new or expanded livestock facility.
  - [2] Begin constructing all of the new or expanded livestock housing or waste storage structures proposed in the permit application.
- (m) Permit modifications. The operator may make reasonable changes that maintain compliance with the standards in this chapter, and the County shall not unreasonably withhold authorization for those changes.
- (n) Compliance monitoring.
- [1] The County shall monitor compliance with this chapter as follows:
    - [a] Upon notice to the livestock facility owner, request the right of the Planning and Zoning Administrator or his designee to personally view the permitted facility at a reasonable time and date to ensure that all commitments of the application as approved are being complied with.
    - [b] If the livestock facility owner refuses the Planning and Zoning Administrator or his designee the right to view the permitted facility, the Planning and Zoning Administrator or his designee may request the assistance of the Sheriff or a Deputy Sheriff to obtain an inspection warrant from the Circuit Court to inspect the permitted facility for the purpose of protection of the public health and safety under § 66.0119, Wis. Stats.
  - [2] If a permitted facility is found not to be in compliance with the commitments made in the approved application, the Planning and Zoning Administrator or his designee shall issue a written notice to the livestock facility owner stating the conditions of noncompliance and directing that the commitments of the approved application be complied with in a reasonable amount of time stated in this written notice.<sup>3</sup>
  - [3] If noncompliance with the permit conditions as described in the written notice given by the Planning and Zoning Administrator or his designee continues past the stated reasonable time to comply, the Planning and Zoning Administrator or his designee may take further action as provided in this chapter, including but not limited to issuance of a citation or seeking of injunctive relief.
  - [4] If the livestock facility owner disputes that the conditions of the permit have not been complied with, the livestock facility owner may request in writing a hearing within five days of receipt of the notice of noncompliance. The Planning and Zoning Committee shall schedule a hearing within five days to determine if the conditions of the permit have been complied with or whether noncompliance with the commitments of the approved application and local approval exists.
- (o) Terms of the permit. A permit and the privileges granted by a permit issued under this Subsection C(2) are conditioned on the livestock operator's compliance with the standards in this chapter and with commitments made in the application for a permit. The County is authorized to suspend a permit or seek other redress provided in this chapter for noncompliance.
- (p) Transferability. A permit and the privileges granted by the permit run with land and remain in effect, despite a change in ownership of the livestock facility, as long as the new operator does not violate the terms of the local approval. An applicant may record with the Register of Deeds, at the applicant's expense, the duplicate copy of the approved application. Upon change of ownership of the livestock facility, the new owner of the facility shall file information with the County Clerk providing pertinent information,

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<sup>3</sup> Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

including but not limited to such information as the name and address of the new owner and date of transfer of ownership.

(3) Standards applicable to conditional uses other than Ch. ATCP 51, Wis. Adm. Code, regulated livestock facilities. The Department of Agriculture, Trade, and Consumer Protection shall be notified of the approval of any conditional uses. In passing upon applications for conditional uses, the County Planning and Zoning Committee shall consider the following relevant factors:

- (a) The statement of purposes of this chapter and the A-1 District.
- (b) Potential for conflict with agriculture use.
- (c) Need of the proposed use for a location in an agricultural area.
- (d) Availability of alternative locations.
- (e) Compatibility with existing or permitted uses on adjacent lands.
- (f) Productivity of the lands involved.
- (g) Location of the proposed use so as to reduce to a minimum the amount of productive agricultural land converted to such use as to meet the definition of "use consistent with agricultural use" in § 405-9 hereof.<sup>15</sup>
- (h) Need for public services created by the proposed use.
- (i) Availability of adequate public services and the ability of affected local units of government to provide them without an unreasonable burden.
- (j) The effect of the proposed use on water or air pollution, soil erosion, and rare or irreplaceable natural resources.

(4) Conditions which may be attached to conditional uses. Upon a consideration of information supplied at the public hearing and a review of the standards contained in Subsection C(3), the following conditions may be attached to the granting of a conditional use: increased setbacks and yards; specifications for water supply, liquid waste, and solid waste disposal facilities; landscaping and planting screens; sureties; operational controls and time of operation; air pollution controls; erosion prevention measures; location of the use; and similar requirements found necessary to fulfill the purpose and intent of this chapter. Violation of these conditions shall constitute a violation of this chapter as provided in § 405-25 of this chapter. D. Yard/setback requirements.

(1) Chapter ATCP 51, Wis. Adm. Code, regulated livestock facilities 500 animal units and larger. All buildings, structures, or

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enclosures, including pastures which house or confine animals, including but not limited to animal hospitals, kennels, barnyards, feedlots, and stables, shall meet the following minimum setback requirements:

- (a) Zoning district setbacks.
  - [1] Residential, business, planned residential and public and semi-public zoned parcels: minimum of 350 feet for nonresidential structures and livestock.
- (b) General setbacks {subject to Subsection D(1)(a)[1] above}.
  - [1] Property line fewer than 1,000 animal units: 100 feet.
  - [2] Property line 1,000 animal units and greater: 200 feet.

Note: The setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to September 20, 2006, except that a structure may not be expanded closer to the property line.

[3] Public road right-of-way fewer than 1,000 animal units:  
100 feet.

[4] Public road right-of-way 1,000 animal units and greater: 150 feet.

Note: The setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to September 20, 2006, except that a structure may not be expanded closer to the public road right-of-way.

- (c) Waste storage structures.
  - [1] New waste storage structure:
    - [a] Property line: 350 feet.

[b] Public road right-of-way: 350 feet.

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

(a) Located on the same tax parcel as a waste storage structure in existence before September 20, 2006.

(b) No larger than the existing structure.

(c) No further than 50 feet from the existing structure.

(d) No closer to the road or property line than the existing structure.

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

(d) Water quality and related setbacks.

[1] Navigable waters and wetlands. A livestock facility shall comply with setback and related requirements in any applicable shoreland or wetland zoning ordinances enacted within the scope of authority granted under

§ 59.692, 61.351 or 62.231, Wis. Stats.

[2] Floodplain. A livestock facility shall comply with setback and related requirements in any applicable floodplain zoning ordinance that is enacted within the scope of statutory authority under § 87.30, Wis. Stats.

[3] Wells. All wells located within a livestock facility shall comply with Chs. NR 811 and 812, Wis. Adm. Code. New or substantially altered livestock structures shall be separated from existing wells by the distances required in Chs. NR 811 and 812, Wis. Adm. Code, regardless of whether the livestock facility operator owns the land on which the wells are located. A livestock structure in existence on September 20, 2006, may be altered as long as the alteration does not reduce the distance between the livestock structure and an existing well.

(2) Agricultural uses not regulated under Ch. ATCP 51, Wis. Adm. Code.

(a) All buildings, structures, or enclosures which house or confine animals, including but not limited to animal hospitals, kennels, barnyards, feedlots, and stables, shall meet the following minimum setback requirements:

[1] Front yard: 100 feet.

[2] Side yard: 100 feet.

[3] Rear yard: 100 feet.

(b) All other uses shall meet the following minimum setback requirements:

[1] Class A highway (state highway): 110 feet from center line or 50 feet from lot line, whichever measures furthest into the lot.

[2] Class B highway (county trunk): 83 feet from center line or 50 feet from lot line, whichever measures furthest into the lot.

[3] Class C highway (town road): 63 feet from center line or 30 feet from lot line, whichever measures furthest into the lot.

[4] Front lot line: 30 feet for all structures.

[5] Rear lot line: 30 feet for dwelling and attached accessory structures, 10 feet for detached accessory building.

[6] Side lot line: 10 feet for all structures.

Note: Subsection D(2)(b)[4], [5] and [6] above are subject to Subsection D(2)(b)[1], [2] and [3] above.

E. Height requirements. (See also § 405-14.)

(1) All single-family dwellings and their accessory structures shall not exceed the following maximum requirements:

(a) Principal building and attached accessory buildings: 35 feet.

(b) Detached accessory structures: 20 feet.

(2) All other buildings or structures shall not exceed the following maximum: 85 feet.

F. Area requirements. (See also § 405-15.) All lots shall meet the following requirements:

(1) Minimum lot area.

- (a) District A-1(35). To establish a farm residence or farm operation (as allowed in Subsection B): 35 acres.
- (b) District A-1(15). To establish a farm residence or farm operation (as allowed in Subsection B): 15 acres.
- (2) Maximum additional dwelling area.
  - (a) To establish a dwelling area for an additional residence as allowed in Subsection B(2): 20,000 square feet per dwelling.
  - (b) Where an additional residence for persons specified in Subsection B(2) is established, the residence shall be at least 40 feet from other residences.
  - (c) Dwelling areas created under Subsection F(2)(a) above shall not, in order to preserve the maximum land for farm use, exceed the maximum unless required to meet sanitary code requirements.

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- (3) Minimum lot width.
  - (a) To establish a residence or farm operation (as allowed in Subsection B): 300 feet.
  - (b) To establish a separate dwelling area for an additional residence as allowed in Subsection B(2): 150 feet.

G. Parking and access regulations. (See Article VII.)

H. Sign regulations. (See Article VIII.)

I. Standards for rezoning. Decisions on petitions for rezoning areas zoned for exclusive agricultural use shall be based on findings which consider:

- (1) Adequate public facilities to serve the development are present or will be provided.
- (2) Provision of these facilities will not be an unreasonable burden to local government.
- (3) The land is suitable for development.
- (4) Development will not cause unreasonable air and water pollution, soil erosion, or adverse effects on rare or irreplaceable natural areas.
- (5) The potential for conflict with remaining agricultural uses in the area.
- (6) The need of the proposed development location in an agricultural area.
- (7) Availability of alternative locations.
- (8) Productivity of the agricultural lands involved.
- (9) The location of the proposed development to minimize the amount of agricultural land converted.

#### **5-4.00 A-2 AGRICULTURAL TRANSITION DISTRICTS**

##### **5-4.01 PURPOSE AND INTENT:**

(A) Purposes: The purpose of the A-2 district are to:

- 1. Provide for the orderly transition of agricultural land to other uses in areas planned for eventual urban expansion.
- 2. Defer urban development until the appropriate local government bodies determine that adequate public services and facilities can be provided at a reasonable cost.
- 3. Ensure that urban development is compatible with local land use plans and policies.
- 4. Provide periodic review to determine whether all or part of the lands should be transferred to another zoning district. Such review shall occur:
  - a. A minimum of every five years.
  - b. Upon completion or revision of the county Agricultural Preservation Plan or a municipal land use plan which affects lands in the district.
  - c. Upon extension of public services, such as sewer and water, necessary to serve urban development.

- (B) Intent: This district is intended to apply to lands located adjacent to incorporated municipalities or developed areas where such lands are predominantly in agricultural or related open space use but where conversion to nonagricultural use is expected in the near future. Lands indicated as transition areas in the Agricultural Preservation Plan and similar lands are to be included.

5-4.02 PERMITTED USES: Same as A-1 Exclusive Agriculture (See Section 5-3.02) subject to the limitations of Section 5-5.02 (A).

5-4.03 CONDITIONAL USES: Same as A-1 Exclusive Agriculture (See Section 5-3.03).

5-4.04 YARD REQUIREMENTS: Same as A-1 Exclusive Agriculture (See Section 5-3.04).

5-4.05 HEIGHT REQUIREMENTS: Same as A-1 Exclusive Agriculture (See Section 5-3.05).

5-4.06 AREA REQUIREMENTS: Same as A-1 Exclusive Agriculture (See Section 5-3.06).

5-4.07 PARKING AND ACCESS: (See Section 7).

5-4.08 SIGN REGULATION: (See Section 8).

5-4.09 STANDARDS FOR REZONING: Same as A-1 Exclusive Agriculture (See Section 5-3.09).

#### § 405-31 A-2 Agricultural Transition District.

##### A. Purpose and intent.

##### (1) Purposes. The purposes of the A-2 District are to:

- (a) Provide for the orderly transition of agricultural land to other uses in areas planned for eventual urban expansion.
- (b) Defer urban development until the appropriate local government bodies determine that adequate public services and facilities can be provided at a reasonable cost.
- (c) Ensure that urban development is compatible with local land use plans and policies.
- (d) Provide periodic review to determine whether all or part of the lands should be transferred to another zoning district. Such review shall occur:

[1] A minimum of every five years.

[2] Upon completion or revision of the County Farmland Preservation Plan or a municipal land use plan which affects lands in the district.

[3] Upon extension of public services, such as sewer and water, necessary to serve urban development.

##### (2) Intent. This district is intended to apply to lands located adjacent to incorporated municipalities or developed areas where such lands are predominantly in agricultural or related open space use but where conversion to nonagricultural use is expected in the near future. Lands indicated as transition areas in the Farmland Preservation Plan and similar lands are to be included.

B. Permitted uses. Same as A-1 Exclusive Agriculture (see § 405-30B) subject to the limitations of § 405-32B(1).

C. Conditional uses. Same as A-1 Exclusive Agriculture (see § 405-30C).

- D. Yard requirements. Same as A-1 Exclusive Agriculture (see § **405-30D**).
- E. Height requirements. Same as A-1 Exclusive Agriculture (see § **405-30E**).
- F. Area requirements. Same as A-1 Exclusive Agriculture (see § **405-30F**).
- G. Parking and access. (See Article **VII**.)
- H. Sign regulation. (See Article **VIII**.)
- I. Standards for rezoning. Same as A-1 Exclusive Agriculture (see § **405-30I**).

§ 405-32 **A-3 Secondary Agricultural District.**

A. Purpose and intent.

- (1) Purpose. The primary purposes of the A-3 District are to maintain, preserve, and enhance land historically used or suited for agricultural or agriculturally related purposes but which are not included within the A-1 Exclusive Agricultural District.
- (2) Intent. This district is intended to include those lands best suited to smaller farm uses, including but not limited to truck farming, horse farming, hobby farming, and orchards.

B. Permitted uses. The following uses and their customary accessory uses are permitted:

- (1) Uses permitted in § **405-30B** **(1), (3) and (4)** subject to these limitations:
    - (a) Livestock shall not exceed one livestock unit per acre.
    - (b) On parcels interrupted by a road, on any portion(s) smaller than two acres, no livestock shall be permitted.
  - (2) Single- and two-family residential dwelling and seasonal dwellings.
  - (3) Community-based residential facilities (CBRF) which serve eight or fewer residents.
  - (4) Recreational vehicles as provided in § **405-17**.
  - (5) Mobile homes and manufactured homes existing before June 27, 1990, on a lot in this A-3 District may be continued in residential use provided they are not abandoned (see § **405-34D**, Prohibited uses), meet the United States Department of Housing and Urban Development (HUD) standards which became effective June 15, 1976, and the minimum floor area of the definition of "manufactured home" in § **405-9**.
  - (6) Home occupations.
- C. Conditional uses. The following uses may be permitted after review and approval by the County Planning and Zoning Committee (see § **405-21** for application and review requirements):
- (1) Uses listed in § **405-30C(1)(a)** through **(q)** and **(s)** subject to the limitations of livestock units and acreage of Subsection **B(1)** above.
  - (2) Manufactured homes **(NOTE: See definition of MANUFACTURED HOME)**.

D. Yard requirements.

- (1) All buildings, structures, or enclosures which house or confine animals, including but not limited to animal hospitals, kennels, barnyards, feedlots, and stables, shall meet the following minimum setback requirements:
  - (a) Front yard: 100 feet.
  - (b) Side yard: 100 feet.
  - (c) Rear yard: 100 feet.
- (2) All other uses shall meet the following minimum setback requirements:
  - (a) Class A highway (state highway): 110 feet from center line or 50 feet from lot line, whichever measures furthest into the lot.
  - (b) Class B highway (county trunk): 83 feet from center line or 50 feet from lot line, whichever measures furthest into the lot.
  - (c) Class C highway (town road): 63 feet from center line or 30 feet from lot line, whichever measures furthest into the lot.
  - (d) Front lot line: 30 feet for all structures.
  - (e) Rear lot line: 30 feet for dwelling and attached accessory structures, 10 feet for detached accessory building.
  - (f) Side lot line: 10 feet for all structures.

Note: Subsection **D(2)(d)**, **(e)** and **(f)** above are subject to Subsection **D(2)(a)**, **(b)** and **(c)** above.

E. Height requirements. (See also § **405-14**.)

- (1) All single-family dwellings and their accessory structures shall not exceed the following maximum requirements:
  - (a) Principal building and attached accessory buildings: 35 feet.
  - (b) Detached accessory structures: 20 feet.
- (2) All other buildings or structures shall not exceed the following maximum: 85 feet.

F. Area requirements. All lots shall meet the following minimum requirements (see also § **405-65B**):

- (1) Lot area: five acres.
- (2) Lot width: 300 feet.

G. Parking and access. (See Article **VII**.)

H. Sign regulation. (See Article **VIII**.)

I. Standards for rezoning: same as A-1 Exclusive Agriculture (see § 405-30I).

§ 405-33 **R-1C Single-Family Conservation Residence District.**

A. Purpose and intent. The R-1C District is intended to require the use of nontraditional residential subdivision design, known as "conservation subdivision," that will cluster the residential parcels and preserve open space and forest land, but so designed to be spacious and protected from encroachment of incompatible land use, noise and traffic hazard. The district is also intended to avoid overcrowding by requiring certain minimum yards, open spaces and site area while making available dwellings designed for and occupied exclusively by one family.

B. Permitted uses.

(1) Development area.

(a) Single-family dwelling (seasonal or year round) for owner occupancy or long-term rent or lease.

(b) Residential condominium.

(c) Accessory apartment.

(d) Accessory buildings.

(e) Home occupation.

(f) Professional home office.

(g) Essential utility services.

(2) Preservation area (collectively, building structures shall not exceed 10% of the undivided permanent open space).

(a) Park.

(b) Playground.

(c) Sport and recreation court/field.

(d) Pond.

(e) Temporary use of an office or shelter for material and equipment being used in the construction of a permanent structure may be permitted by the Planning and Zoning Administrator.

C. Conditional uses.

(1) Preservation area.

(a) Association lodge.

(b) Public emergency shelter.

(c) Multifamily dwelling.

- (d) Marina.
- (e) Temporary rental of dwelling (30 days or less).
- D. Yard requirements. All uses shall meet the following minimum setback requirements:
  - (1) Class A highway (state highway): 110 feet from center line or 50 feet from lot line, whichever measures furthest into the lot.
  - (2) Class B highway (county trunk): 83 feet from center line or 50 feet from lot line, whichever measures furthest into the lot.
  - (3) Class C highway (town road): 63 feet from center line or 30 feet from lot line, whichever measures furthest into the lot.
  - (4) Front lot line: 30 feet for all structures.
  - (5) Rear lot line.
    - (a) Dwelling and attached accessory structures: 30 feet.
    - (b) Detached accessory building: 10 feet.
  - (6) Side lot line: 10 feet for all structures.

Note: Subsection **D(4)**, **(5)**, and **(6)** above are subject to Subsection **D(1)**, **(2)** and **(3)** above.

- E. Height requirements. (See also § **405-14**.)
  - (1) Residential structure and attached accessory structure: 35 feet.
  - (2) Detached residential accessory structure: 20 35 feet.**
  - (3) All other structures and facilities: 35 feet.
  - (4) Exceptions. See § **405-14B**.

- F. Area requirements. (See also § **405-15**.)
  - (1) Project area: minimum 20 acres.
  - (2) Development lots.
    - (a) Area excluding access strips: minimum 20,000 square feet.
    - (b) Width: minimum of 100 feet, measured at the front yard building setback line.
    - (c) Road frontage: minimum 70 feet.
    - (d) Maximum ground coverage. The total ground area occupied by any principal building with all its accessory buildings shall not exceed the following percentage of total lot area: 20%.

- (3) Preservation area.
- (a) Fifty percent or more of the developable land and all undevelopable land area shall be designated as undivided permanent open space.
- (b) All the land which is not divided into development land shall be designated as permanent open space, not to be further subdivided, and protected through conservation easement held by the County, by a recognized land trust or conservancy, or shall be held in common by equal shares by the owners of the development lots. All development lots capable of being further divided shall be restricted from further division by setting forth such restrictions in a recordable document naming the County as an interested party with standing to enforce such restrictions.
- G. Parking and access regulations. (See Article VII.)
- H. Sign regulations. (See Article VIII.)

**§ 405-34 R-1 and R-1(LL) Single-Family Residential Districts.**

- A. Purpose and intent. The purpose of these districts is to establish and preserve quiet, single-family neighborhoods as desired by large numbers of people, free from uses except those which are both compatible with and convenient to the residents of such a district.
- B. Permitted uses. The following uses and their customary accessory uses are permitted:
  - (1) Detached single-family dwellings provided they contain the following minimum requirements:
    - (a) Area: 720 square feet of livable floor area, with at least one portion able to contain a square 24 feet on a side.
    - (2) Residential condominium.
    - (3) Home occupations and professional home office.
    - (4) Essential services.
    - (5) Community-based residential facilities which serve eight or fewer residents.
    - (6) Recreational vehicles pursuant to § 405-17.
    - (7) Camping (see § 405-17).
    - (8) Domestic/pet animals: maximum of **two five** animals **unless the lot area exceeds two acres**. (see also Subsection D, Prohibited uses.) **For the purpose of this section, animals under the age of six months shall not be considered in the number of allowable animals.**
    - (9) Chickens: Maximum of five (5) chickens per lot. No roosters.**
- C. Conditional uses. The following uses may be permitted after review and approval by the County Planning and Zoning Committee (see § 405-21 for application and review requirements):
  - (1) Nonsectional **(single-wide)** manufactured homes provided they are a replacement for an existing mobile home or manufactured home **(NOTE: See definition of MANUFACTURED HOME)** and meet the following minimum requirements:

- (a) Livable floor area: 720 square feet.
- (b) Width: 14 feet.
- (2) Community-based residential facilities which serve nine or more residents.
- (3) Private parks, commercial swimming pools, and similar commercial recreational facilities, including ski and other trails, schools and churches provided they are located, planned, and designed to avoid undue noise or other nuisances and dangers.
- (4) Legal nonconforming uses.
- (5) Two-family dwellings and multifamily dwellings not exceeding eight units per structure.
- (6) Temporary rent or lease of single-family, duplex and multifamily dwellings.
- (7) Day-care centers.
- (8) Livestock: **Other than as permitted in B. (9) above.**

D. Prohibited uses.

- (1) Livestock, **other than as permitted in B. (9) above** on lots less than two acres. On lots over two acres livestock shall not exceed one animal unit per acre.
- (2) Mobile homes **or single-wide manufactured homes** not occupied on a regular basis (not left vacant more than 12 months at a time) or abandoned mobile homes, **or single-wide manufactured homes** and other vehicles.

E. Yard requirements. All uses shall meet the following minimum setback requirements:

- (1) Class A highway (state highway): 110 feet from center line or 50 feet from lot line, whichever measures furthest into the lot.
- (2) Class B highway (county trunk): 83 feet from center line or 50 feet from lot line, whichever measures furthest into the lot.
- (3) Class C highway (town road): 63 feet from center line or 30 feet from lot line, whichever measures furthest into the lot.
- (4) Front lot line: 30 feet for all structures.
- (5) Rear lot line:
  - (a) Dwelling and attached accessory structures: 30 feet.
  - (b) Detached accessory building: 10 feet.
- (6) Side lot line: 10 feet for all structures.

Note: Subsection **E(4)**, **(5)**, and **(6)** above are subject to Subsection **E(1)**, **(2)** and **(3)** above.

F. Height requirements. (See also § **405-14**.)

- (1) Residential structure and attached accessory structure: 35 feet.
- (2) Detached accessory structure: 20 feet.
- (3) All single-family dwellings, manufactured homes, and community-based residential facilities and their accessory structures shall not exceed the following maximum requirements:
  - (a) Principal buildings and attached accessory buildings: 35 feet.
  - (b) Detached accessory structures: ~~20~~ **25** feet.
- (4) Exceptions. See § **405-14B**.

G. Area requirements. (See also §§ **405-15** and **405-65A**.)

- (1) Maximum ground coverage. The total ground area occupied by any principal building with all its accessory buildings shall not exceed the following percentage of total lot area: 20%, and in no case more than 8,000 square feet.
  - (2) Lot area excluding access strips.
    - (a) R-1: minimum area of 20,000 square feet.
    - (b) R-1(LL): minimum area of two acres.
  - (3) Lot width. All lots shall have a minimum width of 100 feet, measured at the front yard setback line.
- H. Parking and access regulations. (See Article **VII**.)
- I. Sign regulations. (See Article **VIII**.)

§ 405-35 **R-2 Rural Residential District.**

- A. Purpose and intent. The purpose of this district is to provide for areas of residential living in the rural countryside, where prime agricultural lands would not be involved, and where the residents of this district accept agriculture as the dominant way of life, wishing to participate in a limited way, living on large lots that have space for vegetable gardens, small crop fields or orchards, keeping of livestock, and similar rural activities. Since parcels suitable to be placed in this district may be scattered along the rural road network, among larger tracts of A-1 zoning, this district may be expected to regulate small groupings of such residences. Although this district will be used in an agricultural environment, since the emphasis of this district is on residential living, it is necessary to place limits on the amount of animal keeping on each parcel.
- B. Permitted uses. The following uses and their customary accessory uses are permitted:
- (1) Same as R-1 and R-1(LL) Single-Family Residential District (see § **405-34B**) as well as agricultural activities compatible with rural residential living, such as gardening, raising seed, grain and fruit crops, beekeeping, horse grazing and stables, and limited livestock raising and keeping as follows: one livestock unit for each acre of lot area.
- C. Conditional uses. The following uses may be permitted after review and approval by the County

Planning and Zoning Committee (see § 405-21 for application and review requirements):

(1) Same as R-1 Large Lot Single-Family Residential District (see § 405-34C).

D. Prohibited uses. Same as § 405-34D.

E. Yard requirements. All uses shall meet the following minimum setback requirements:

**(1) Class A highway (state highway): 110 feet from center line or 50 feet from lot line, whichever measures furthest into the lot.**

**(2) Class B highway (county trunk): 83 feet from center line or 50 feet from lot line, whichever measures furthest into the lot.**

**(3) Class C highway (town road): 63 feet from center line or 30 feet from lot line, whichever measures furthest into the lot.**

**(2) Front lot line:**

**(a) 100 feet Subject to E. (1), (2) and (3) for all structures.**

(3) Rear lot line:

(a) Dwelling and attached accessory structures: 30 feet.

(b) Detached accessory building: 10 feet.

(4) Side lot line: 10 feet for all structures.

F. Height requirements. (See also § 405-14.)

(1) All single-family dwellings, manufactured homes, group homes, and their accessory structures shall not exceed the following maximum requirements:

(a) Principal buildings and attached accessory buildings: 35 feet.

**(b) Detached accessory structures: ~~20~~ 35 feet.**

(2) Exceptions. See § 405-14B.

G. Area requirements. (See also § 405-15.)

(1) Maximum ground coverage. The total ground area occupied by any principal building with all its accessory buildings shall not exceed 8% of total lot area and in no case more than 15,000 square feet.

(2) Lot requirements. All lots shall meet the following minimum requirements:

(a) Lot area: 174,240 square feet (four acres).

(b) Lot width: 300 feet, measured at the front yard setback line.

H. Parking and access regulations. (See Article **VII**.)

I. Sign regulations. (See Article **VIII**.)

**§ 405-36 R-3 Versatile Residential District.**

A. Purpose and intent. The purpose of this district is to provide areas for a variety of housing structures and to regulate existing mobile/manufactured home developments and provide for new such settlements.

B. Permitted uses. The following uses and their customary accessory uses are permitted:

- (1) Single-family homes and sectional and nonsectional manufactured homes as defined in § **405-9**.
- (2) Home occupations and professional home offices.
- (3) Essential services.
- (4) Recreational vehicles pursuant to § **405-17**.
- (5) Camping (see § **405-17**).

C. Conditional uses. The following uses may be permitted after review and approval by the County Planning and Zoning Committee (see § **405-21** for application and review requirements):

- (1) Commercial recreational facilities such as swimming pools, tennis or golf clubs, or lakeshore boating spaces, intended to serve more than **just only** residents of a manufactured home park.
- (2) Community-based residential group home facilities and day care.
- (3) Manufactured home parks, including common open and recreational space and management office.

D. Prohibited uses. Same as § **405-34D**.

E. Yard requirements. All uses shall meet the following minimum setback requirements, except side yards shall be increased to 30 feet where units are not served with public sanitary sewer:

- (1) Class A highway (state highway): 110 feet from center line or 50 feet from lot line, whichever measures furthest into the lot.
- (2) Class B highway (county trunk): 83 feet from center line or 50 feet from lot line, whichever measures furthest into the lot.
- (3) Class C highway (town road): 63 feet from center line or 30 feet from lot line, whichever measures furthest into the lot.
- (4) Front lot line: 30 feet for all structures.
- (5) Rear lot line: 30 feet for dwelling and attached accessory structures, 10 feet for detached accessory building.
- (6) Side lot line: 10 feet for all structures.

Note: Subsection **E(4), (5), and (6)** above are subject to Subsection **E(1), (2) and (3)** above.

F. Height regulations. (See also § **405-14.**)

(1) All permitted dwellings, including community-based residential facilities, and their accessory structures shall not exceed the following maximum requirements:

(a) Principal building and attached accessory buildings: 35 feet.

(b) **Detached accessory structures: 20 25 feet.**

(2) Exceptions. See § **405-14B.**

G. Area requirements. (See also § **405-15.**)

(1) Maximum ground coverage. The total ground area occupied by any principal building with all its accessory buildings shall not exceed the following percentage of total lot area: 20%.

(2) Lot requirements. All uses shall meet the following minimum lot requirements:

(a) Manufactured home park. (See § **405-48.**)

[1] Project area: minimum five acres.

[2] Dwelling lot area: minimum 10,000 square feet.

[3] Dwelling lot width: minimum 100 feet.

(b) Conventional individual residential lot:

[1] Area: minimum of 20,000 square feet.

[2] Width: 100 feet measured at the front yard setback line.

H. Parking and access regulations. (See Article **VII.**) R-2I. Sign regulations. (See Article **VIII.**)

§ 405-37 **PR Planned Residential Community District.**

A. Purpose and intent. The purpose of this district is to provide an area for large-scale mixed-use development such as permanent and seasonal residential dwelling units, open space and recreational uses, and compatible commercial uses. The intent is to permit the grouping of residential and nonresidential uses identified with lake and recreational developments.

B. Permitted uses. **None.**

**(1) The following uses and their customary accessory uses are permitted:**

**(a) Single-family residential and seasonal dwellings.**

C. Conditional uses.

**(1) All land uses shall be conditional uses. Such land uses as The following uses may be permitted following County Planning and Zoning Committee review and approval (see also § 405-21A and**

Subsection I of this section for application and review requirements):

- (a) Boating and fishing supply sales.
- (b) Campgrounds and recreational vehicle parks.
- (c) Camping supply sales.
- (d) Multifamily dwellings.
- (e) Food stores.
- (f) Marinas.
- (g) Public or private parks, recreation areas, and community buildings.
- (h) Recreational buildings and recreational or educational camps.
- (i) Service stations.
- (j) *Restaurants.*
- (k) *Hotels.*

***(l) Temporary rent or lease of single-family, duplex and multifamily dwellings.***

~~***(j) Single family residential and seasonal dwellings.***~~

- (2) Every such development shall be subject to review and consideration by the County Planning and Zoning Committee with regard to its acceptability under this section. The following criteria shall be applied to every proposed development as a basis for determining its consistency with the letter and spirit of this chapter:
  - (a) Its compatibility with the site, with particular emphasis on the preservation of natural features and the use of open space.
  - (b) Its overall compatibility with existing land uses in the vicinity and with probable future land uses in the vicinity.
  - (c) The internal compatibility of the various land uses proposed to be included within the development.
  - (d) Its compatibility with the existing and probable future transportation facilities in the vicinity, and its tendency to increase the demand upon those facilities.
  - (e) The provision of adequate internal circulation facilities, including streets and sidewalks, and parking facilities within the development.
  - (f) Its compatibility with existing and probable future provision for public utility services such as sewer and water facilities, and its tendency to increase the demand upon those facilities.
  - (g) Its compatibility with existing and probable other public service, such as schools, police protection, fire protection, street maintenance, etc., and its tendency to increase the demand upon these services.

- (h) The provision of adequate open space for both active and passive recreation, the provision of public access to streams and bodies of water, the preservation of environment and aesthetic values, the provision of adequate and appropriate arrangements for the continuing preservation of the aforesaid features, including legal restrictions and other legal devices, and the provision of adequate and appropriate institutional arrangements for continued maintenance.
  - (i) The long-term economic stability of the proposed development and its economic impact on other properties in the vicinity
  - (j) The presentation of an adequate and practicable implementation schedule for completion of the development, whether by stages or all in one period, in order to ensure that the adverse results of failure to complete the development may be effectively avoided.
- D. Yard requirements. All uses shall meet the **following** minimum setback requirements around the perimeter of the development project. Other yard requirements may be as established by the approved project plan. **(See also § 405-13.)**

**(1) Class A highway (state highway): 110 feet from center line or 50 feet from lot line, whichever measures furthest into the lot.**

**(2) Class B highway (county trunk): 83 feet from center line or 50 feet from lot line, whichever measures furthest into the lot.**

**(3) Class C highway (town road): 63 feet from center line or 30 feet from lot line, whichever measures furthest into the lot.**

**(4) Side yard: 30 feet.**

**(5) Rear yard: 30 feet.**

E. Height requirements. (See also § 405-14.) All buildings or structures shall not exceed the following maximum requirements:

(1) Principal building and attached accessory buildings: 35 feet.

(2) **Detached accessory structures: ~~20~~ 25 feet.**

F. Area requirements. (See also § 405-15.)

(1) Maximum ground coverage. The total ground area occupied by any principal building with all its accessory buildings shall not exceed 20% of the total lot area.

(2) Land requirements. All uses shall meet the following minimum requirements:

(a) Minimum area: five acres.

(b) Minimum width of development parcel: 200 feet.

(c) Land area per dwelling unit: 20,000 square feet computed by dividing the project area, net of present street rights-of-way, by 20,000 square feet after first deducting 20% for future public or private streets and 10,000 square feet for open spaces.

- G. Parking and access regulation. (See Article **VII**.)
- H. Sign regulation. (See Article **VII**.)
- I. Additional application requirements.
  - (1) In addition to the application requirements contained in § **405-21A** of this chapter, all applications for PR Planned Residential Community shall include the following:
    - (a) The applicant for a change in zoning to Planned Residential Community must satisfy the County Planning and Zoning Committee that it has the ability to carry out the proposed plan and prepare and submit a schedule for construction.
    - (b) The applicant shall prepare and submit a preliminary development plan for review by the County Planning and Zoning Committee which shall include, but not be limited to, the following:
      - [1] A topographic map showing contours at intervals of two feet or less.
      - [2] A plot plan showing:
        - [a] Building location on the tract.
        - [b] Access for streets.
        - [c] Parking arrangements and number of spaces.
        - [d] Interior drives and service area.
        - [e] Area set aside for common open space.
        - [f] Existing wooded areas and unique natural features.
      - [3] Location map showing present zoning, use, and character of adjacent property and property boundary. Distances from existing community facilities should be indicated.
      - [4] A map showing the general arrangement of streets, both public and private.
      - [5] A map showing the drainage plan for the development and location of all adjacent water resources.
      - [6] A map showing the location of the proposed sewage disposal system, water system, and other utilities.
    - (c) Upon approval of the preliminary development plan, the applicant shall:
      - [1] Prepare and submit a final development plan which shall include:
        - [a] Approval of water supply.
        - [b] Approval of sewage collection and disposal system.
      - [2] Incorporate all changes and alterations requested in the preliminary plan.

- (2) In the event that, within 36 months following approval by the governing body, the applicant has not completed the planned roads and related utilities and open space improvements of the approved first phase in accordance with the plans so approved, the County Planning and Zoning Committee shall initiate action to review and determine if extension is justified or if recommendation for rezoning is to be made by the governing body.

§ 405-38 **B-1 Rural Business District.**

A. Purpose and intent. The purpose of this district is to provide for commercial development that already exists in unincorporated settlements or in isolated locations along the local, County, and state roadway network, and for new such development.

- (1) Given the wide variety of business uses that must be accommodated, and the wide variety of traffic and access conditions that pertain to the specific highway locations, this district provides for a diversity of regulations as to highway and building access, setbacks, side yards, and related regulations.
- (2) This diversity in dealing with specific conditions requires that each permit for building or parking construction, or highway access, for properties already in the district, and for properties petitioned to be placed in the district, first be subjected to review and approval of their building and site plans, with a view to improving existing conditions, and to creating safe and functional new conditions, as enumerated below under Subsection I.

B. Permitted uses. The following uses and their customary accessory uses, such as parking and signs, are permitted subject to review of building and site plans per Subsection I following:

- (1) Retail establishments.
- (2) Community and customer service establishments, including financial and other personal services, including funerals; consumer item repairs, including motor vehicle sales and service; eating and drinking establishments; overnight lodging (**hotel, motel, resort cabin and similar**); indoor commercial recreation such as bowling alleys and theaters; and clubs, lodges or other meeting places or halls.
- (3) Offices for the professions, insurance, utilities, studios, medical clinics, veterinarian (no outdoor keeping of animals) and other businesses.
- (4) Automobile drive-through establishments where the service rendered or product sold is provided for each customer while he remains in or near his vehicle, and provided one or a few vehicles at a time are served, in contrast with an outdoor theater where all customers are served at once.
- (5) Wholesaling or warehousing uses serving a broad range of consumers, including residents and contractors, including rental storage units.

**(6) Commercial storage buildings.**

- (7) Existing residences and proposed accessory uses and structures thereto located within the district shall be considered conforming; **new residences which are solely accessory to a permitted use, such as one provided for an owner or caretaker.**

**(8) New residences which are solely accessory to a permitted use, such as one provided for an owner or caretaker**

C. Conditional uses. The following uses may be permitted after review and approval by the County Planning and Zoning Committee (see § 405-21 for application and review requirements):

- (1) Auto salvage yards.
- (2) Contractor equipment and supply storage yards.

**(3) Remote propane and electric substations.**

- (3) Day-care facilities for children or adult community-based residential facilities.
- (4) Manufacturing related to the sale or services of the principal use, such as cabinet or HVAC fabrication shops.
- (5) Outdoor recreation facilities, including campgrounds, recreational vehicle parks, drive-in theaters, amusement parks, commercial recreation fields, golf driving ranges, shooting ranges, and race tracks.
- (6) Truck terminals, or truck service facilities involving washing or vehicle repair.
- (7) Veterinarian services involving outdoor keeping of patient animals.
- (8) Kennels.
- (9) Commercial feed storage involving retail or wholesale sales, as contrasted with storage accessory to a farm.

D. Yard requirements.

- (1) In existing settlements involving a series of established substandard parcels, businesses and other uses which were built with little or no setbacks and side yards, existing distances shall be considered conforming to this chapter; additions to such uses or new construction mingled among such uses shall be reviewed under Subsection I below as to the desirability and feasibility of achieving greater distances, including averaging existing and required distances of Subsection D(4) herein. Note: Situation example: Grand Marsh.
- (2) Isolated existing individual businesses constructed along the road network with little or no setbacks or other yards shall be considered nonconforming uses under Article IX of this chapter.
- (3) A zero setback may be approved for intended common wall building construction or shared parking and cross lot drives.
- (4) Building **(business and residential):**
  - (a) Class A highway (state highway): 110 feet from center line or 50 feet from lot line, whichever measures furthest into the lot.
  - (b) Class B highway (county trunk): 83 feet from center line or 50 feet from lot line, whichever measures furthest into the lot.
  - (c) Class C highway (town road): 63 feet from center line or 30 feet from lot line, whichever measures furthest into the lot.

- (d) Side yard: 30 feet.
- (e) Rear yard: 30 feet.
- (5) Parking lot.
- (a) Class A, B and C highways: 30 feet from right-of-way/lot line.
- (b) Side yard: 10 feet.
- (c) Rear yard: 30 feet.

Note: See also Subsection **D(1)**.

E. Height regulations. (See also § **405-14**.) All buildings or structures shall not exceed 35 feet.

**F. Structure area requirements.**

**(1) Commercial building structure area (detached): Minimum 400 square feet.**

**(2) Residential building structure (non-commercial use): Minimum 720 square feet. (see SINGLE-FAMILY DWELLING definition)**

G. Area requirements.

- (1) Maximum ground coverage. The total ground area occupied by any principal building with all its accessory buildings shall not exceed 30% of total lot area.
- (2) Lot area: minimum of 20,000 square feet excluding access strips.
- (3) Lot width: minimum of 100 feet measured at the building site.

G. Parking, loading, and access regulations. (See Article **VII**.)

H. Sign regulations. (See Article **VIII**.)

I. Special requirements.

- (1) No use in this district requiring a building or zoning permit shall be approved until a building and site plan review and approval has first taken place by the County planning and highway staffs. Persons not satisfied with the requirements proposed to be imposed upon the use as a result of said staff review may seek modifications of the conditions by the County Planning and Zoning Committee. Said staff may consult with the Wisconsin Department of Transportation in arriving at standards and conditions as will promote a safe and efficient public highway system.
- (2) The review described in Subsection **I(1)** above shall be concerned with, and be limited to, the number and location of driveways, with a view to reducing the number and increasing the spacing thereof; the type and amount of landscape and signing to help define proper use of driveway openings; positioning of the buildings and their entrances (including lateral access into parking areas) to make effective and safe use of the highway access points; and achieving cross access between adjacent properties to discourage unnecessary vehicular movement on the public highway in order for vehicles to travel between uses. Frontage or rear access roads and shared driveways may

be required.

§ 405-39 **I-1 Industrial District.**

A. Purpose and intent.

- (1) It shall be the purpose of the Industrial District to provide areas for manufacturing and related uses and employment which areas would be both desirable for such uses and yet not detrimental to the subject site or surrounding areas by reason of vibration, contamination of surface or ground waters or of the air from dust, smoke, fumes, odor, or noise, or of harm to property values, health, safety, prosperity, aesthetics and general welfare by virtue of the foregoing or for reasons including harm to public safety or general welfare due to traffic, loading or industry-specific characteristics (see also Subsection **I**).
- (2) Plan. In order to determine that none of the deleterious factors listed in Subsection **A(1)** preceding are likely to be present, no permit for a use or expansion thereof in this district shall be granted until a plan for the use has first been submitted by the applicant and reviewed and approved by the staffs of the County Planning and Zoning Department and the County Highway Commissioner's office. Such reviews shall be made expeditiously, on forms or other uniform basis, dealing with the building, site and operations of the proposed use, and may include conditions of approval. Applicants unsatisfied with denials or with the conditions of approval may seek review and modification by the County Planning and Zoning Committee.

B. Permitted uses (including usual accessory parking and signs) subject to Subsection **A(2)** above.

- (1) Manufacturing, assembly, fabrication, and processing operations, including related materials and product storage and warehousing, where the factors of Subsection **A(1)** would not be violated.
- (2) Transportation terminals, including trucking and railroading, and related transportation services, including accessory sale of fuel or service, overnight lodging, and eating facilities oriented to trucks.
- (3) General warehousing.
- (4) Commercial or service uses that are oriented to serve industrial functions and which prefer to locate within an industrial area, such as restaurants, professional offices, and highway service uses such as those listed in Subsection **B(2)**, but which also serve passenger automobiles.
- (5) Public utility offices and installations, including service yards.
- (6) Retail uses which by virtue of their extensive outdoor storage or display of product prefer to locate in an industrial area, including building supply, contractor or farm equipment, recreational or manufactured home **(NOTE: See definition of MANUFACTURED HOME)** sales, and similar uses.
- (7) Sexually oriented businesses.
- (8) Offices or owner/caretaker residence accessory to any of the above uses.

**(9) Zoo.**

C. Conditional uses; standards.

- (1) Conditional uses.

- (a) Day-care facilities for the children or older adult relatives of employees or other community residents, where the location within an industrial area is convenient and yet not detrimental to the day care occupants.
  - (b) Auto or equipment salvage yards, provided that the conditions include adequate protective measures to prevent surface or ground water contamination by petroleum products, acids, rust, and other contaminants associated with such yards, as well as visual screening necessary to shield product storage areas.
  - (c) Stockyards or related facilities that process livestock, wherein violation of the standards of the intent of this district is a high probability, but where through location, and agreement on special conditions, the use might become acceptable.
  - (d) Kennels.
- (2) Standards applicable to conditional uses. The County Planning and Zoning Committee shall review uses proposed for this district with regard to such matters as the purpose and intent of this district [see Subsection A(1)] as well as:
- (a) The creation of nuisance conditions for the public or for users of nearby areas.
  - (b) The creation of traffic hazards.
  - (c) The creation of health hazards.
  - (d) Other factors affecting the general welfare.

**D. Yard requirements. All uses shall meet the minimum setback requirements *below and the applicable requirements* in § 405-13.**

**(1) Building:**

**(a) Class A highway (state highway): 110 feet from center line or 50 feet from lot line, whichever measures furthest into the lot.**

**(b) Class B highway (county trunk): 83 feet from center line or 50 feet from lot line, whichever measures furthest into the lot.**

**(c) Class C highway (town road): 63 feet from center line or 30 feet from lot line, whichever measures furthest into the lot.**

**(d) Side yard: 50 feet.**

**(e) Rear yard: 50 feet.**

**(5) Parking lot.**

**(a) Class A, B and C highways: 30 feet from right-of-way/lot line.**

**(b) Side yard: 10 feet.**

**(c) Rear yard: 30 feet.**

- E. Height requirements. (See also § 405-14.) All buildings or structures shall not exceed 45 feet.
- F. Area requirements. (See also § 405-15.) The total ground area occupied by any principal building with all its accessory buildings shall not exceed 35% of total lot area.
- G. Parking, loading, and access requirements. (See Article VII.)
- H. Sign regulations. (See Article VIII.)
- I. Special regulations.
  - (1) Where a use in this district adjoins or is opposite an agricultural, residential, conservancy, or public and semi-public district, a landscaped open area, screen planting, or solid decorative fence shall be required.
  - (2) Performance standards to be enforced.
    - (a) Air pollution. No activity shall emit any fly ash, dust, fumes, vapors, smoke, mists or gases in such quantities as to cause soiling or danger to the health of persons, animals, vegetation or other forms of property. No activity shall emit any liquid or solid particles in concentrations exceeding 0.3 grain per cubic foot of the conveying gas nor any color visible smoke equal to or darker than number two on the Ringelmann Chart described in the United States Bureau of Mines Information Circular 8333.
    - (b) Electromagnetic emissions. No activity shall emit electrical, radioactive or other electromagnetic disturbances outside its premises that are dangerous to plant or animal life as determined by applicable federal or state regulation or which adversely affect the use of neighboring premises such as by interfering with the use or enjoyment of common household and business equipment such as radio, television, telephone, computer or facsimile operations.
    - (c) Fire and explosive hazards. All activities involving the manufacturing, utilization, processing or storage of flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion with adequate fire-fighting and fire-suppression equipment and devices that are standard in the industry. All materials that range from active to intense burning shall be manufactured, utilized, processed and stored only in completely enclosed buildings which have incombustible exterior walls and automatic fire-extinguishing system. The aboveground storage capacity of materials that produce flammable or explosive vapors shall not exceed the following:

<b>Closed Cup Flash Point</b>	<b>Gallons</b>
Over 187° F.	40,000
105° F. to 187° F.	20,000
Below 105° F.	10,000

- (d) Glare and heat. No activity shall emit glare or heat that is visible or measurable at the boundaries of the lot on which the principal use is located. All operations producing intense glare or heat shall be conducted within a completely enclosed building. Exposed sources of light shall be shielded so that the direct rays are not visible outside their premises.
- (e) Noise.

- [1] At the property line, the maximum sound-pressure level radiated in each standard octave band by any use or facility (other than transportation facilities or temporary construction work) shall not exceed the values for octave bands lying within the several frequency limits given in Table I after applying the corrections shown in Table II. The sound-pressure level shall be measured with a sound-level meter and associated octave band analyzer conforming to standards prescribed by the American Standards Association, Inc., New York, New York, and American Standard Specification for an Octave-Bank Filter Set for the Analysis of Noise and Other Sounds, 224.101953, or latest approved revision thereof, American Standards Association, Inc., New York, New York, shall be used.

**Table I**

<b>Frequency Ranges Containing Standard Octave Bands in Cycles Per Second</b>	<b>Octave Band Sound Pressure Level in Decibels re 0.0002 dyne/cm</b>
20 to 75	65
75 to 150	55
150 to 300	50
300 to 600	45
600 to 1,200	40
1,200 to 2,400	40
Above 2,400	35

- [2] If the noise is not smooth and continuous and is not radiated between the hours of 10:00 p.m. and 7:00 a.m. one or more of the corrections in Table II shall be applied to the octave band levels given in Table I.

**Table II**

<b>Type or Location of Operation or Character of Noise</b>	<b>Correction in Decibels</b>
Daytime operation only	5
Noise source operates less than:	
20% of any 1-hour period	5
5% of any 1-hour period	10
Noise of impulsive character (hammering, etc.)	-5

**Table II**

<b>Type or Location of Operation or Character of Noise</b>	<b>Correction in Decibels</b>
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Noise of periodic character	-5
Property is located in any I-1 District and is not within 200 feet of any R District	10

\* Apply one of these corrections only

- (f) Odors. Except for agricultural uses no activity shall emit any odorous matter of such nature or quantity as to be offensive, obnoxious or unhealthful outside its premises. The guide for determining odor measurement and control shall be Ch. NR 429, Wis. Adm. Code, and amendments thereto.
- (g) Vibrations. No activity in any district except the I-1 District and quarrying operations if so approved shall emit vibrations which are discernible without instruments outside its premises. No activity in the I-1 District and quarrying operations if so approved shall emit vibrations which exceed the following displacement measured with a three-component measuring system:

	<b>Displacement</b>	
	<b>(inches)</b>	
<b>Frequency</b>	<b>Outside the Premises</b>	<b>Outside the District</b>
<b>(cycles per second)</b>		
0 to 10	0.0020	0.0004
10 to 20	0.0010	0.0002
20 to 30	0.0006	0.0001
30 to 40	0.0004	0.0001
40 to 50	0.0003	0.0001
50 and over	0.0002	0.0001

- (h) Water quality protection.
- [1] Surface and subsurface waters protected. No activity shall locate, store, discharge or permit the discharge of any treated, untreated or inadequately treated liquid, gaseous or solid materials of such nature, quantity, obnoxiousness, toxicity or temperature that would be likely to run off, seep, percolate or wash into surface or subsurface waters as to contaminate, pollute or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste or unsightliness, or be harmful to human, animal, plant or aquatic life.

[2] Minimum standards. In addition to Subsection **I(2)(h)[1]** above, no activity shall discharge any liquid, gaseous or solid materials so as to exceed or contribute toward the exceeding of the minimum standards and those other standards and the application of those standards set forth in Ch. NR 102, Wis. Adm. Code, and amendments thereto for all navigable waters in the County.

**§ 405-40 WC Wetland Conservation Overlay District.**

**A. Purpose and intent.**

- (1) Purpose. The purpose of this district is to preserve, protect, and enhance wetlands placed into this district. Wetlands are those areas where water is at, near, or above the land surface long enough to support aquatic or hydrophytic vegetation and where soils are indicative of wet conditions.
- (2) Intent. This district is intended to regulate such lands whether they fall within or without shoreland areas as defined by state statute, such as § 59.69, Wis. Stats.
- (3) Underlying zoning. This district restricts uses otherwise permitted in the underlying zoning district. For purposes of this section, any other overlay district falling within the bounds of this district is also defined as an underlying zoning district, and its regulations also are subservient to the regulations of this district.

**B. Permitted uses.**

- (1) Permitted principal uses.
  - (a) Agricultural uses, provided that they do not involve extensions of cultivated areas or extension of or creation of new drainage systems, and further provided that they do not substantially disturb or impair the natural fauna, flora, topography, or water regimen.
  - (b) Fishing.
  - (c) Grazing in dry conditions.
  - (d) Hunting if permitted under other County laws.
  - (e) Preservation of scenic, historic and scientific areas.
  - (f) Public fish hatcheries.
  - (g) Public or private parks, where left in a natural, undeveloped, open space use.
  - (h) Sustained yield forestry if conducted under a United States Natural Resources Conservation Service management plan.
  - (i) Stream, bank and lakeshore protection.
  - (j) Water retention and wildlife preserves.
- (2) Permitted accessory uses.
  - (a) Structures accessory to principal uses, not intended for human habitation or the confined housing of animals or livestock, such as fences and elevated nature trail walkways.

C. Conditional uses. No conditional uses shall be permitted in this district except:

- (1) Sod farming.
- (2) Utility facilities (except buildings and substations) such as underground watertight conduits, telephone and electric poles, etc.
- (3) Public road crossings of the wetland, provided that other routes have first been studied and discarded, and provided that the construction technique and final roadway design used will not permanently impair the overall function of the wetland being crossed. Where some permanent damage appears unavoidable, the Planning and Zoning Committee, if satisfied the crossing is in the public interest, may require compensating measures which create at least an equal amount of wetlands nearby or elsewhere, or which preserve an equal or larger area of wetland nearby or elsewhere which is otherwise not protected.

D. Special regulations.

- (1) Where a lot or parcel of land is located partially within this district and partially within an adjoining district having minimum land area or open space requirements to meet the standards of that district, that portion of said lot or parcel which falls within this district may be counted toward said standard but not to exceed 40% of said standard, and provided that the physical arrangement of the wetland does not preclude satisfactory positioning of the lot or parcel.
- (2) On-site well and sewage disposal prohibited. No private well used to obtain water for human consumption nor soil absorption sewage effluent treatment system or holding tank shall be placed within this district.

E. Yard requirements. Underlying district requirements shall apply.

F. Height requirements. Underlying district requirements shall apply.

G. Area requirements. Underlying district requirements shall apply.

H. Parking, loading and access requirements. Ordinarily this district prohibits parking and loading areas, and access shall be across nonwetland portions of the same.

I. Sign regulations (Article **VIII**). Ordinarily this district prohibits structures other than fences; however, signs necessary for the management of lands within this district shall be permitted, such as "for sale," "no trespassing," owner name and roadside temporary posters such as political signs.

**§ 405-41 PSP-1 Public and Semi-Public District.**

A. Purpose and intent. The purpose of this district is to establish and preserve areas for certain public and institutional uses in Adams County.

B. Permitted uses. The following uses and their customary accessory uses are permitted:

- (1) Public and private schools, colleges, and universities.
- (2) Monasteries.
- (3) Public libraries and museums.

- (4) Public administrative offices, town halls, and public service buildings, including well pump houses and police and fire stations.
- (5) Historic or archaeological sites or structures and nature centers.
- (6) Public parks, playgrounds, play fields, campgrounds, recreational vehicle parks, swimming pools and beaches.
- (7) Hospitals, sanitariums, rest homes, nursing homes, home for the aged, and children's nurseries.
- (8) Public hunting grounds.

**(9) Churches.**

C. Conditional uses. The following uses may be permitted after review and approval by the County Planning and Zoning Committee (see § 405-21 for application and review requirements):

- (1) Penal and correctional institutions.
- (2) Airports, airstrips, landing fields, and related structures, provided that the site area is not less than 50 acres.
- (3) Cemeteries.
- (4) Public wastewater and water treatment plants.

D. Yard requirements. All uses shall meet the *following* minimum setback requirements *below and the applicable requirements* in § 405-13.

~~All uses shall meet the minimum setback requirements. (see also § 405-13.)~~

**(1) Class A highway (state highway): 110 feet from center line or 50 feet from lot line, whichever measures furthest into the lot.**

**(2) Class B highway (county trunk): 83 feet from center line or 50 feet from lot line, whichever measures furthest into the lot.**

**(3) Class C highway (town road): 63 feet from center line or 30 feet from lot line, whichever measures furthest into the lot.**

**(4) Side yard: 30 feet.**

**(5) Rear yard: 30 feet.**

E. Height requirements. (See also § 405-14.) All buildings or structures shall not exceed 60 feet.

F. Area requirements. (See also § 405-15.)

- (1) Maximum ground coverage. The total ground area occupied by any principal building with all its accessory buildings shall not exceed 25% of total lot area.
- (2) Lot requirements. All uses shall meet the following minimum lot requirements:

- (a) Lot area: 20,000 square feet.
- (b) Lot width: 100 feet.
- G. Parking, loading, and access requirements. (See Article VII.)
- H. Sign regulations. (See Article VIII.)

**§ 405-42 UCO Uplands Conservancy Overlay District.**

- A. Purpose and intent. The purpose of this district is to preserve environmentally important upland areas, such as woodlands, or sensitive areas such as erodible steep slopes, by minimizing the impacts of farming and development on such lands, while allowing some economic use of the lands. Due to the variety of underlying zoning districts that will fall within this overlay, and the varying soil and woodlot conditions, zoning and building permits for uses within this overlay will require building and site plan review.
- B. Permitted uses. All permitted and accessory uses as allowed in the underlying zoning are permitted in this overlay, as long as the uses are adapted to the basic intent of preserving, as much as possible, the natural conditions falling within this overlay. For example, development lots should be arranged so that overlay lands fall undisturbed in rear or side yards, enlarged as necessary to protect the overlay lands. Farming uses should be very low intensity, such as wild crop harvesting, tree farming, and similar uses as best management practices would indicate, as published by the United States Natural Resources Conservation Service, and similar organizations.
- C. Conditional uses. All uses permitted conditionally by the underlying zoning district are permitted conditionally in this overlay, provided that the existence of this district is taken into account as part of setting the conditions of use, so that the essential preservation of these overlay lands is recognized.
- D. Yard requirements, area requirements, and parking and access regulations. Yard and area requirements established by Article III and parking and access standards of Article VII, as made applicable to uses permitted by the underlying zoning, apply in this overlay, except that requirements may be enlarged and standards increased as necessary to minimize intrusion into lands being protected by this overlay.
- E. Special requirements.
  - (1) No use permitted by the underlying zoning which use falls within this overlay district shall be issued a building or zoning permit until a building and site plan review has first taken place by the County planning staff, or their designee, for the portion of it falling within this overlay. Persons not satisfied with the requirements proposed to be imposed as a result of said review may seek relief from the County Planning and Zoning Committee, and the ruling of that Committee may be appealed to the Board of Adjustment.
  - (2) The initial review and subsequent requests for relief and appeal shall be guided by these principles:
    - (a) Minimized destruction. Is the use being designed or conducted in such a way as to least disturb the resource placed in the overlay.
    - (b) Cluster-repositioning. Would modifying the underlying zoning area requirements allow placement of activity or development away from the most sensitive areas.

- (c) Replacement. Where some resource destruction is unavoidable, can it be replaced elsewhere on or near the property; for example, reforestation to replace lost woodlands.
- (3) Plan reviews that involve modification under Subsection **E(2)(b)** to underlying area requirements shall require approval of the Planning and Zoning Committee, and aggrieved parties may appeal those modifications to the Board of Adjustment.

§ 405-43 **SPO Shoreland, *Wetland and Habitat* Protection and Floodplain Overlay District.**

A. Purpose and intent.

- (1) Purpose. The purpose of this district is to assure that areas in the Shoreland Protection overlay comply with the requirements for both the underlying zoning district and the requirements of Chapter **370**, Floodplain Zoning, and Chapter **396**, Shoreland, Wetland and Habitat Protection, of this Code.
- (2) Intent. This district is intended to include all areas regulated by either Chapter **370**, Floodplain Zoning, or Chapter **396**, Shoreland, Wetland and Habitat Protection, of this Code.

B. Permitted uses. Those uses which are:

- (1) Permitted by both Chapter **370**, Floodplain Zoning, and Chapter **396**, Shoreland, Wetland and Habitat Protection, of this Code and also by the underlying district.
- (2) Permitted by the underlying district and have been granted a special exception permit and/or variance under Chapter **370**, Floodplain Zoning, or Chapter **396**, Shoreland, Wetland and Habitat Protection, of this Code.

C. Conditional uses. Those uses which are:

- (1) Permitted by both Chapter **370**, Floodplain Zoning, and Chapter **396**, Shoreland, Wetland and Habitat Protection, of this Code are conditional uses in the underlying district.
- (2) Conditional uses in the underlying district which have been granted a special exception permit and/or variance under Chapter **370**, Floodplain Zoning, or Chapter **396**, Shoreland, Wetland and Habitat Protection, of this Code.

D. Yard requirements. All structures shall meet the minimum setbacks of Chapter **396**, Shoreland, Wetland and Habitat Protection, of this Code or the underlying district, whichever is more restrictive.

E. Height requirements. All structures shall meet the height requirements of the underlying district.

F. Parking, loading, and access requirements. (See Article **VII**.)

G. Sign regulations. All signs shall meet the sign requirements of Chapter **396**, Shoreland, Wetland and Habitat Protection, of this Code or the underlying district, whichever is more restrictive.

§ 405-44 **LNO Landfill Notification Overlay District.**

- A. Purpose and intent. This district does not provide for any regulatory function. Its purpose is to alert landowners and others to the existence of past or present landfills, by placing this overlay district upon the zoning district map. Such landfills may or may not be contaminating surface or ground waters coming in contact with contents of the landfill.

- (1) Liability disclaimer.
  - (a) By placing lands in this district, the County does not claim a hazard actually exists, only that extra care should be taken in making use of the waters on or under these lands for agriculture, or for human or animal consumption, and to alert owners to the possible need for special state permits to drill and use water from wells falling within this area.
  - (b) By excluding lands from this district, the County does not certify that lands falling just outside the district are necessarily free from the hazards of the subject landfill. Excluding lands near a landfill from this district only indicates that criteria being followed by the County, such as Wisconsin Department of Natural Resources radius lines, or groundwater hydrological studies, do not support placing the land in the district. As new studies from time to time suggest expanding or contracting the limits of this district, the County reserves the right to make adjustments in the district's boundaries, as a service to the public.
- B. Permitted uses. All permitted and accessory uses as allowed by the underlying zoning, provided that necessary state permits for well water usage have been obtained.
- C. Conditional uses. All uses permitted as conditional uses by the underlying zoning, provided that necessary state permits for well water usage have been obtained. Failure to obtain such permits, or a positive finding with regard to Subsection A(1) above, may be sufficient grounds for denial or modification of a conditional use application.

**§ 405-45 WPO Wellhead Protection Overlay District.**

- A. Purpose and intent. This district is intended to protect from contamination the groundwater recharge zone of existing and planned municipal ground water wells, which wells supply the potable water to many residential, business, institutional and other utility customers. This district is necessary because the Water Utility by geological necessity must draw its water from the ground levels lying closest to the surface, which grounds contain soil types which rapidly transmit pollutants, thereby threatening the entire groundwater supply being drawn upon by the municipal wellhead.
  - (1) Supremacy of this district. The choice of regulation employed via this overlay district is to entirely prohibit certain uses that otherwise may be permitted by basic and other overlay districts falling within the confines of this overlay district. The regulations of this district shall supersede the regulations of all other such districts occupying the same geographic area.
  - (2) Uses prohibited. The uses prohibited by this district have been identified in geologic surveys as risks for groundwater contamination. This method of regulation by complete prohibition is employed to provide the greatest assurance that inadvertent discharge of pollutants into the groundwater supply will not occur, since groundwater cleanup is often prohibitively expensive, and liability for such cleanup is often hard or impossible to establish.
  - (3) Use list not exhaustive. The uses prohibited by this district represent the state of present knowledge and most common description of said uses. As other polluting uses are discovered, or other terms of description become necessary, it is the intention to add them to the list of uses prohibited by this district. To screen for such other uses or terms for uses, no use shall be permitted in this district without first submitting its building, site and operational plans for review and approval by the County Planning and Zoning Department.
  - (4) Changing technology. The uses prohibited by this district are prohibited based upon the combined pollution experience of many individual uses, and the technology generally employed by that class of uses, which technology causes the uses as a class to be groundwater pollution risks. As the

technology of identified use classes changes to nonrisk materials or methods, upon petition from such a use, and after conferring with expert geological and other opinion, it is the intention to delete from the prohibited list, or allow conditionally, uses which demonstrate convincingly that they no longer pose pollution hazard.

- (5) Substitution of hazards prohibited. In dealing with uses or classes of uses which attempt to become permissible, under the terms of this district, by continuing to utilize pollutant materials but altering their methods of storage or handling, for example transferring materials storage from leak-prone but explosion-resistant underground tanks to leak-resistant but explosion-vulnerable aboveground vessels, it is not the intention to accept such alternate hazards as the basis for making a use permissible. It is the intention to continue the ban on such uses until the technology of the class of uses removes reliance upon the pollutant materials or processes.

B. Permitted and prohibited uses.

- (1) All uses permitted by underlying basic or other overlay zones are permitted, subject to review of the building, site and operational plans of such uses by the County Planning and Zoning Department, whether required or not by the underlying and other overlay districts, except the following uses, which are specifically prohibited by this district:

**List of Prohibited Uses**

- Animal waste storage areas and facilities
- Asphalt ingredients storage or processing plants
- Automobile or truck fuel sales or service stations
- Automobile or truck laundries
- Building materials and products storage yards
- Cartage facilities, truck terminals
- Cemeteries
- Chemical storage, sale, processing or manufacturing plants
- Dry-cleaning establishments
- Electronic circuit manufacture or assembly plants
- Electroplating operations
- Exterminating supply, storage, or application shops
- Fertilizer manufacturing or storage operations

## List of Prohibited Uses

Foundries and forge plants

Garages for repair and servicing of motor vehicles, including body repair, painting, or engine rebuilding

Highway salt storage areas

Industrial liquid waste storage areas

Junk/recycling yards, motor vehicle salvage yards

Landfills, areas for dumping or disposal of garbage, refuse, trash or demolition material

Metal reduction and refinement plants

Mining operations

Motor and machinery service and assembly shops

Motor freight terminals

On-site soil absorption sewage treatment systems on new lots under 40,000 square feet

Paint products manufacturing

Petroleum products storage or processing

Photography studios, involving the developing of film or pictures

Plastics manufacturing

Printing and publishing establishments

Pulp and paper manufacturing

Septage and municipal sewage sludge disposal sites

Storage, manufacturing or disposal of toxic or hazardous materials

Underground petroleum products storage tanks for industrial, commercial, residential or other uses (see also petroleum products storage or processing)

Woodworking and wood products manufacturing

(2) Permitted accessory uses. All accessory uses permitted by the underlying basic or other overlay

zones are permitted, subject to review of the building, site and operational plans of such uses by the County Planning and Zoning Department, whether required or not by the underlying and other overlay districts, except those uses prohibited in Subsection **B(1)** preceding, which are hereby prohibited whether judged to be principal or accessory uses.

- C. Conditional uses. Any class of uses prohibited by this district may become a use permitted by right, or an individual use within a class potentially may be permitted by conditional grant pursuant to Subsection **A(4)**, Changing technology, of this section. However, the County Planning and Zoning Committee shall not favorably recommend to the County Board a petition to remove a use from the prohibited list of this district nor favorably process a petition for conditional use status without being sure beyond a reasonable doubt that the action will not materially violate the intent of this district, resulting in exposure of the public water supply to pollution.

#### § 405-46 **AHO Airport Height Overlay District.**

##### A. Purpose and intent.

- (1) Purpose. The purpose of this district is to regulate the height of structures and trees and the use of property in the vicinity of Adams County Legion Field, Adams County, Wisconsin, pursuant to Wisconsin Bureau of Aeronautics guidelines.
- (2) Definitions. As used in this section, unless the context otherwise requires, the following terms shall have the meanings indicated:

##### **AIRPORT**

The Adams County Legion Field located in Section 9, Town 17 North, Range 6 East, Adams County, Wisconsin.

##### **AIRPORT COMMISSION**

The Adams County Legion Field Airport Commission or designee.

##### **AIRPORT HAZARD**

Any structure, object or natural growth or use of land which obstructs the air space required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing or taking off.

##### **BOARD OF ADJUSTMENT**

The existing five members of the Adams County Board of Adjustment, which is a quasi-judicial body which grants or denies appeals for variances.

##### **NONCONFORMING USE**

Any structure, tree or use of land which does not conform to a regulation prescribed in this section or an amendment thereto, as of the effective date of such regulation.

##### **OVERLAY DISTRICT**

Additional restrictions are placed on land without changing the existing zoning. Examples include floodplain zones and highway interchange zones.

##### **PERSON**

Any individual, firm, partnership, corporation, company, association, joint-stock association, or body politic, and includes any trustee, receiver, assignee or other similar representative thereof.

## **RUNWAY**

A level portion of an airport having a surface specially developed and maintained for the landing and takeoff of aircraft.

## **STRUCTURE**

Any object constructed or installed by man.

## **TREE**

Any object of natural growth, except farm crops which are cut at least once a year, and except shrubs, bushes or plants which do not grow to a height of more than five feet.

## **ZONE**

An area of land with a single height limitation, the boundaries of which are section lines and subdivisional lines of sections used for zone boundaries.

- (3) Zones. All zones established by this section are as shown on the Wisconsin Bureau of Aeronautics Height Limitation Zoning Map dated July 24, 2007, within a three-mile radius of Adams County Legion Field, titled "Height Limitation Zoning Map, Adams County Legion Field, Friendship, Wisconsin," which is attached hereto and adopted as part of this section.
  - (a) Height limitation zones. Except as otherwise provided in this section, no structure shall be constructed, altered, or located or permitted to remain after such construction, alteration or location, and no trees shall be allowed to grow, to a height in excess of the height limit indicated on the Height Limitation Zoning Map.
  - B. Use restrictions.
    - (1) Activities. Notwithstanding the provisions of Subsection **A(3)** of this section, no use may be made of land in any underlying zone in such a manner as to create electrical interference with radio communication between the airport and aircraft, or make it difficult for pilots to distinguish between airport lights and others, or result in glare in the eyes of pilots using the airport, or impair visibility in the vicinity of the airport or otherwise endanger the landing, taking off, or maneuvering of aircraft.
    - (2) Exceptions. The restrictions contained in Subsection **A(3)** shall not apply to objects which are less than 35 feet in height above ground level at the object site.
  - C. Nonconforming uses; regulations not retroactive.
    - (1) The regulations prescribed in Subsection **A(3)** of this section shall not be construed to require the removal, lowering or other change or alteration of any existing nonconforming use, except as otherwise provided by Subsection **E(2)**.
    - (2) Changes. Nothing herein contained shall require any change in the construction, alteration or intended use of any structure, if the construction or alteration of such was begun prior to the effective date of this section, and if such is diligently prosecuted.
    - (3) Removal. This section shall not interfere with the removal of nonconforming uses by purchase or the

use of eminent domain.

- D. Administration. It shall be the duty of the Airport Commission to administer and enforce the regulations prescribed herein. Applications for permits shall be made to the Airport Commission or designee upon a form furnished by it. Applications which are by this section to be decided by the Airport Commission shall be granted or denied within 30 days of the date of filing of the application, unless Federal Aviation Administration approval is requested. There shall be no charge for permits issued by the Airport Commission; provided, however, that the site elevation data shall be the responsibility of the applicant. Applications requiring action by the Board of Adjustment shall be forthwith transmitted by the applicant to the Board for hearing and decision.
- E. Permits.
- (1) Future uses. No structure shall hereafter be constructed, erected or installed in any zone created by Subsection **A(3)** of this section until the owner or his agent shall have applied in writing for a permit therefor and obtained such permit from the Airport Commission. Said permit shall be posted in a prominent place on the premises prior to and during the period of construction, erection, installation or establishment. Application for such permit shall indicate the use for which the permit is desired and shall describe and locate the use with sufficient particularity to permit the Airport Commission to determine whether such use would conform to the regulations herein prescribed. If such determination is in the affirmative, the Airport Commission shall issue the permit applied for.
  - (2) Existing uses. Before any nonconforming structure may be replaced, altered, or rebuilt, a permit shall be applied for and secured in the manner prescribed by Subsection **E(1)** above.
    - (a) Authorizing such change, replacement or repair. No such permit shall be denied if the structure will not become a greater hazard to air navigation than it was on the effective date of this section, or than it was when the application for permit was made. It will not be necessary to apply for a permit under this section for the construction of any new structure or the modification or reconstruction of any existing structures of industrial plants located within the area affected by this section provided they are of a height equal to or less than the maximum height of the present structures.
  - (3) Trees. In the event that the Airport Commission determines that a tree planted after the adoption of this section is in violation of the height restriction for the zone in which it is located, the Commission shall give written notice by certified mail to the landowner to take such steps as are necessary to bring said tree in compliance with this section within 10 days of said notice. The Airport Commission or its designated agent shall have the right to trim, prune, or remove said tree at the landowner's expense after said ten-day period if the owner has not acted.
- F. Hazard marking and lighting. Any permit or variance granted under Subsection **E** or **G** may, if such action is deemed advisable by the Airport Commission to effectuate the purpose of this district and if such is reasonable in the circumstances, be so conditioned as to require the owner of the structure or trees in question to permit the owner of the airport, at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to the flyers the presence of an airport hazard.
- G. Board of Adjustment. The existing Adams County Board of Adjustment is a local body appointed by the County Board and is authorized by law in § 59.69, Wis. Stats., to hear appeals in matters relating to County zoning ordinances. Section 114.136(4), Wis. Stats., states that if the County has a zoning ordinance, then the Board of Adjustment shall be the board of appeals set up by such ordinance. The language of the statute is mandatory.

H. Appeals and review.

- (1) Variances. Upon appeal in special cases the Board of Adjustment may, after investigation and public hearing, grant such variance from the terms of this section as will not be contrary to the public interest, where owing to special conditions a literal enforcement of this section would result in unnecessary hardship, and such relief will do substantial justice and be in accord with the spirit of this section, and does not create a hazard to the safe, normal operation of aircraft.
  - (2) Aggrieved person. Any person aggrieved or affected by any decision or action of the Airport Commission made in its administration of this section may appeal such decision or action to the Board of Adjustment.
  - (3) Procedure. Any appeal taken pursuant to this section shall be in conformity with the procedure established by § 59.694, Wis. Stats.
- I. Penalties. Any person violating any of the provisions of this section shall, upon conviction, forfeit not less than \$100 nor more than \$500 for such offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the County jail until said forfeiture and costs are paid, but not to exceed 30 days. Each day on which a violation continues shall constitute a separate offense.

## Article VI

### **Manufactured Home and Recreational Vehicle Parks and Campgrounds**

#### **§ 405-47 Unlawful parking; permit procedure; inspections.**

- A. It shall be unlawful to place, locate, or park any manufactured home or recreational vehicle on any street, alley, or highway, or other publicly owned land, except as provided hereunder.
- (1) Emergency or temporary stopping or parking of a manufactured home or recreational vehicle is permitted on any street, alley, or highway for not longer than 24 hours provided it is not used for overnight lodging, and further provided that such stopping is subject to any other and further prohibitions, regulations, or limitations imposed by the traffic and parking regulations or ordinances for that street, alley, or highway.
  - (2) Special permission extending emergency or temporary stopping or parking of a manufactured home or recreational vehicle may be granted by the Planning and Zoning Administrator or his designee. This permission may be granted for a period not to exceed five days, if the issuing official finds that such parking will not interfere with the orderly flow of traffic, or be otherwise injurious to the safety or welfare of the County or its inhabitants. Such permission shall be in written form and shall state the name of the applicant, the owner or lessee of the manufactured home or recreational vehicle, the requested temporary location of the manufactured home or recreational vehicle, the dates and hours of the extension of permission, the reasons for the extension, and such other information or stipulations as may be appropriate.
- B. It shall be unlawful to place, locate, or park any manufactured home or recreational vehicle on any privately owned parcel of land, except as provided in this chapter. All the allowable uses listed in § 405-48B(1) shall be subject to the restrictions set forth in this chapter applying to conditional use, including those specifying consideration and recommendation by the County Planning and Zoning Committee.
- C. Manufactured home and recreational vehicle parks.

- (1) It shall be unlawful for any person to construct, alter, or extend any manufactured home park or recreational vehicle park within Adams County unless he holds a valid permit issued by the Planning and Zoning Administrator in the name of such person for the specific construction, alteration, or extension proposed.
  - (2) All applications for permits shall contain the following:
    - (a) All the information requested for a conditional use permit, § **405-21A**.
    - (b) Complete plans and specifications of the proposed park showing but not limited to the following:
      - [1] The area and dimensions of the tract of land.
      - [2] The number, location, and size of all manufactured home lots or recreational vehicle spaces and the location of common areas.
      - [3] The location and width of roadways.
      - [4] The location of the manufactured home within each manufactured home lot.
      - [5] Plans and specifications of all sewage collection and disposal and water distribution systems.
      - [6] Location of all buildings to be located within the park.
      - [7] Such other plans and specifications and information as may reasonably be required by the Planning and Zoning Administrator.
  - (3) All applications for permits shall be reviewed by the Planning and Zoning Administrator.
  - (4) No permit shall be issued for the construction of a manufactured home park unless said development shall contain a minimum number of 10 manufactured home lots, except in the case of an addition to, or extension of, an existing manufactured home park.
  - (5) When, upon review of the application, the Planning and Zoning Administrator is satisfied that the proposed plan meets the requirements of this chapter, a permit shall be issued.
  - (6) Any person whose application for a permit under this section has been denied may request and shall be granted a hearing on the matter before the Board of Adjustment under the procedure provided by § **405-23** of this chapter.
- D. Inspection of manufactured home and recreational vehicle parks.
- (1) The Planning and Zoning Administrator is hereby authorized and directed to make inspections as are necessary to determine satisfactory compliance with this chapter.
  - (2) The Planning and Zoning Administrator and his authorized agents shall have authority to enter property for the purpose of inspecting and investigating conditions relating to the enforcement of this chapter.
  - (3) It shall be the duty of the park management to give the Planning and Zoning Administrator and his authorized agents free access to all areas at reasonable times for the purpose of inspection.

- (4) It shall be the duty of every occupant of a manufactured home park or recreational vehicle park to give the owner thereof, or his agent or employee, access to any part of such park at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this chapter.

§ 405-48 **Manufactured home parks.**

A. General provisions.

- (1) A manufactured home park may be established, as provided for in the R-3 Versatile Residential District, subject to the provisions of that district and this section.
- (2) Construction, alteration, or extension of a manufactured home park shall be subject to the issuance of a permit as set forth in § 405-47C of this chapter.
- (3) All manufactured home parks established in Adams County shall comply with the design, system, and other requirements set forth hereunder and those contained in Ch. SPS 326, Wis. Adm. Code.

B. Park design and land use requirements. A manufactured home park shall be located only upon a site where the condition of soil, groundwater level, drainage, and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, noise, odors, or other adverse influences, and no portion subject to unpredictable and/or sudden flooding, subsidence, or erosion shall be used for any purpose which would expose persons or property to hazards.

(1) Allowable uses.

(a) Single-family manufactured homes as defined by this chapter shall be allowed, and any approved accessory structures included in the original plans and specifications, or revisions thereof.

(b) Parks, playgrounds, and open space uses.

(c) The following commercial uses when they are for the exclusive use of park residents:

[1] Manufactured home park office.

[2] Laundromat, provided that a public sewerage system is available.

[3] Clubhouse and facilities for private social or recreation clubs.

(d) Signs pertaining to the lease, hire, or sale of individual manufactured homes, not more than two square feet in area.

(e) One manufactured home park identification sign not more than 50 square feet in area, to be located in proximity to the park entrance.

(2) Manufactured home park and lot density controls and standards.

(a) The minimum area for each manufactured home park shall be five acres. The minimum land area per dwelling shall be as set forth in the R-3 District, and the number of manufactured home lots completed and ready for occupancy before the first occupancy is 10.

(b) Every manufactured home shall be located on a manufactured home lot exclusive of common open

space and other R-3 required project area having the following minimum dimensions exclusive of park streets:

	<b>With Public Sewer</b>	<b>Without Public Sewer</b>
Area	5,400 square feet	10,000 square feet
Width	50 feet	100 feet
Depth	100 feet	100 feet

- (c) No manufactured home park shall have an overall density greater than six manufactured homes per any one acre, nor greater than R-3 District requirements.
- (d) Occupied lot area ratio. Manufactured homes shall not occupy an area in excess of 1/3 of their respective lot areas. The accumulated area of the manufactured home and its accessory structures on a manufactured home lot shall not exceed 2/3 of the respective lot area.
- (3) Required setbacks.
  - (a) Each manufactured home shall be located at least 10 feet from any manufactured home lot line.
  - (b) All manufactured homes shall meet the setback requirements in § 405-13.
- (4) Park street requirements.
  - (a) General requirements. In all manufactured home parks, safe and convenient vehicular access shall be provided, by means of streets or driveways, from public streets or roads, except that in those manufactured home parks in which grouping or clustering of parking spaces or other such design features is employed in the layout, direct access need not be provided to every lot; provided, further, however, that in all cases direct access adequate for fire protection vehicles and other emergency vehicles shall be provided.
  - (b) Park entrance. Entrances to manufactured home parks shall be designed to minimize congestion and hazards and allow free movement of traffic on adjacent streets.
  - (c) Internal streets. Surfaced roadways shall be of adequate width to accommodate anticipated traffic and in any case shall meet the following minimum requirements:
    - [1] Roadway width, all streets: 66 feet.
    - [2] Pavement width: 27 feet.
    - [3] Dead-end streets (culs-de-sac) shall be provided at the closed end with a turnaround having an outside roadway diameter of at least 150 feet and a pavement diameter of at least 110 feet.
  - (d) Street construction and design standards.
    - [1] Pavement. All streets shall be provided with a smooth, hard and dense surface (such as concrete, blacktop or seal coating) which shall be durable and well drained under normal use and weather conditions. Pavement edges shall be protected to prevent raveling of the wearing surface and shifting

of the pavement base.

- [2] Grades. Grades of all streets shall be sufficient to ensure adequate surface drainage.
- (5) Parking requirements.
- (a) On-street parking, or parking in the roadway easement, shall be prohibited.
- (b) Occupant parking. A minimum of two parking spaces shall be provided for occupant parking purposes. Such spaces shall be located within 150 feet of the manufactured home lot to be served.
- (c) Visitor parking. A minimum of one space for every four manufactured home lots shall be provided for visitor parking purposes.
- (d) Parking space. Each parking space shall contain a minimum of 180 square feet. The space shall be paved with a smooth, hard and dense surface which shall be durable and well drained under normal use and weather conditions.
- (e) Parking restrictions. Parking of boats, trailers, campers, snowmobiles, or other motorized vehicles may be restricted to an area (or areas) provided by the park management specifically for said purpose.
- (6) Illumination requirements. All parks shall be furnished with lighting units so spaced and designed to provide safe movement of pedestrians and vehicles at night. Lighting units shall be placed at the following locations:
- (a) Park streets.
- (b) Public walkways.
- (c) Entrances to public buildings.
- (d) Any potentially hazardous location.
- (7) Tenant storage.
- (a) Unless provided in current manufactured home models, adequate storage facilities shall be provided each manufactured home on each lot, or in compounds located within a reasonable distance, generally not more than 100 feet from each stand.
- (b) Storage facilities should provide a minimum of 90 cubic feet of storage for each manufactured home and should be designed in a manner that will enhance the appearance of the park and will protect the contents from the penetration of moisture and weather.
- C. Responsibilities of park management.
- (1) The person or condominium association to which a permit for a manufactured home park is issued shall operate the park in compliance with this chapter and shall provide adequate supervision to maintain the park, its facilities, and equipment in good repair and in a clean and sanitary condition.
- (2) The park management shall supervise the placement of each manufactured home, which includes securing its stability and installing all utility connections.

D. Responsibilities of park occupants.

- (1) The park occupant shall comply with all applicable requirements of this chapter and shall maintain his/her manufactured home lot, its facilities and equipment in good repair and in a clean and sanitary condition.
- (2) The park occupant shall be responsible for proper placement of his/her manufactured home and proper installation of all utility connections in accordance with the instructions of the park management.
- (3) The undercarriage, supports and stabilizing devices of the manufactured home shall be skirted and landscaped to maintain an attractive community appearance.
- (4) The park occupant shall store and dispose of all his/her rubbish and garbage in a clean, sanitary and safe manner.

§ 405-49 **Recreational vehicle parks and campgrounds.**

- A. A recreational vehicle park or campground may be established within a B-1 Rural Business District, PR Planned Residential Community District, or PSP-1 Public and Semi-Public District subject to the provisions of this chapter.
- B. A recreational vehicle park so established shall conform to the regulations and standards set forth in Ch. ATCP 79, Campgrounds, Wis. Adm. Code, which is hereby adopted by reference.
- C. Insofar as said Ch. ATCP 79, Wis. Adm. Code, differentiates between primitive campgrounds, developed campgrounds and a walk-in camp, the standards and regulations applying to developed campgrounds shall apply to recreational vehicle parks under this chapter.

**Article VII**  
**Traffic, Loading, Parking and Access**

§ 405-50 **Traffic visibility.**

- A. To protect the visibility of motorists, cyclists, riders, and pedestrians at the intersection of any two streets, no structure which creates a substantial impediment to visibility shall be created or maintained between the heights of 2 1/2 feet and 10 feet above the average roadway grades within the triangular area described as follows:
  - (1) A visual clearance triangle bounded by the street center lines and a line connecting points on them 300 feet from a Class A highway intersection, 200 feet from a Class B highway intersection and 150 feet from a Class C highway intersection.
  - (2) At intersections involving either a Class A or a Class B highway, the visual triangle shall comply with Subsection A(1) or the Guide Dimensions for Vision Triangles of the Adams County Highway Department, whichever is most restrictive.
- B. To ensure the safety of motorists, cyclists, riders, and pedestrians at intersections, a substantial impediment to visibility is defined as any fence, wall, sign, or other structure which substantially blocks the view of approaching vehicular, cyclist, or pedestrian traffic.

§ 405-51 **Loading area requirements.**

On every lot on which a business, trade, or industrial use exists, an adequate loading area shall be provided so that all vehicles loading, maneuvering, or unloading are completely off public streets and so

that no vehicles will back onto public streets.

§ 405-52 **Parking requirements.**

- A. In all districts and in connection with every use, there shall be provided, at the time any use or building is erected, enlarged, extended, or increased, off-street parking in accordance with the following:
- (1) Adequate access to a public street shall be provided for each parking space, and driveways shall be as required by § 405-53.
  - (2) Each parking space shall be not less than nine feet wide and 20 feet in length exclusive of the space required for driveways.
  - (3) Required off-street parking shall be on the same lot as the use it serves or on a lot not more than 400 feet distant. No parking stall or driveway, except in residential districts, shall be closer than 10 feet to a lot line, unless barriers or curbs are installed to prevent parked vehicles from extending over a lot line.
  - (4) All off-street parking areas for more than five vehicles and all driveways shall be:
    - (a) Provided with a surface which is durable and well drained under normal use and weather conditions.
    - (b) Arranged and marked to provide for orderly and safe loading or unloading, parking, and storage of vehicles.
- B. Number of parking stalls required. Parking spaces shall be provided as specified in this section, unless otherwise approved by the Planning and Zoning Committee.

Use	Minimum Parking Requirements
Single-family dwellings including <b>mobile manufactured</b> homes	2 spaces for each dwelling unit
Two-family and multiple-family dwellings	1 1/2 spaces for each dwelling unit
Motels, hotels or resorts	1 space for each guest room plus 1 space for each 3 employees
Rooming and boarding houses, fraternity and sorority houses, dormitories, rectories	1 space for each bed plus 1 for each employee
Retirement homes, orphanages, convents, monasteries	1 space for each 1,000 square feet of primary floor area
Hospitals, sanatoriums, institutions, rest and nursing homes	1 space for each 3 beds plus 1 space for each 3 employees plus 1 space for each staff physician
Medical and dental clinics	1 space for each 100 square feet of waiting room area

Use	Minimum Parking Requirements
Churches, theaters, auditoriums, community centers, vocational and night schools, and other public assembly	1 space for each 3 seats
Colleges and secondary schools	1 space for each employee plus 1 space for each 5 students 16 years of age or more
Elementary schools	1 space for each employee plus 5 visitor spaces
Restaurants, bars and similar places of entertainment	1 space for each 150 square feet of primary floor area, plus 1 space for each 2 employees
Manufacturing and processing plants (including meat and food processing), laboratories and warehouses	1 space for each 500 square feet of primary floor area, plus 1 space for each 2 employees
Funeral homes	20 spaces for each viewing room
Bowling alleys	5 spaces for each alley
Lodges and clubs	1 space for each 5 members
Automobile repair garages and service garages	1 space for each regular employee plus 1 space for 250 square feet of floor area used for repair work
Motor vehicle sales (new and used)	1 space for each 500 square feet of floor area and for each 300 square feet of outdoor display area on which motor vehicles are to be displayed (this requirement does not include service garages; see above)
Gasoline filling stations	3 spaces for each grease rack or similar facility plus 1 space for each attendant
Repair shops, retail and service stores	1 space for each 800 square feet of leasable area
Golf courses	4 spaces per hole
Barber and beauty shops	2 spaces plus 1/2 space per chair
Offices	1 space for each 300 square feet of primary floor area
Uses not listed	The provisions for a similar use shall apply

## Use

## Minimum Parking Requirements

Combinations of any of the above uses

The sum of the number of stalls required for each individual use shall be provided

### § 405-53 **Driveways.**

All driveways installed, altered, changed, replaced, or extended shall:

- A. Have a minimum travel surface width of at least 10 feet.
- B. Be provided with a surface which is durable and well drained under normal use and weather conditions.

## Article VIII **Signs**

### § 405-54 **Intent.**

The intent of this article is to provide for and regulate the location and construction of signs and to ensure that signs are compatible with surrounding land uses and express the identity of individual proprietors and the community as a whole.

### § 405-55 **Sign types.**

For the purpose of this article, signs shall be classified as:

- A. Advertising sign. A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises where such sign is located; a billboard.
- B. Awning sign. A nonilluminated identification sign affixed flat to the surface of an awning and not extending vertically or horizontally beyond the limits of such awning.
- C. Bulletin boards. Any sign which is characterized by changeable copy, letters, or symbols regardless of method of attachment.
- D. Canopy sign. A sign suspended from or forming part of a canopy or marquee and which does not extend horizontally beyond the limits of such canopy or marquee.
- E. Ground sign. A sign attached to the ground independent of any buildings.
- F. Portable sign. A sign which is not designed to be permanently attached to the ground or a building.
- G. Political sign. Any sign which pictures or states the name of an individual seeking election to a public office or pertaining to or advocating political views or policies.
- H. Projecting sign. A sign, other than a wall or roof sign, attached to or supported by a building or structure and projecting more than 12 inches from the face of the building or structure.
- I. Roof sign. A sign erected on or over the roof of a building.
- J. Wall sign. A sign which is attached to a wall of a building, projects not more than 12 inches from such wall, and does not extend above the ceiling line of the top floor of the building.

K. Window sign. A sign painted on or affixed to a window.

**§ 405-56 Conformance required.**

All signs to be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered shall conform to the requirements of this chapter.

**§ 405-57 Exempt signs.**

The following signs are permitted in all zoning districts subject to the following regulations:

- A. Real estate ground or wall signs not exceeding eight square feet in area which advertise the sale, rental, or lease of the premises upon which the signs are temporarily located. Such signs may be placed at the right-of-way line.
- B. Ground signs identifying the name and address of the resident, not exceeding six square feet in area, and located on the premises. Such signs may be placed at the right-of-way line.
- C. Home occupation and professional home office signs not exceeding nine square feet in area on any one side, located on premises, not placed so as to obstruct traffic visibility, and not illuminated after 10:00 p.m. or before 8:00 a.m.
- D. Bulletin boards on ground or wall signs not exceeding 36 square feet in area, located on the premises, and used by public, charitable, or religious institutions. Such signs may be placed at the right-of-way line.
- E. Memorial signs, tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of metal or wood and affixed flat against a structure.
- F. Official ground signs, such as traffic control, parking restrictions, information, and notices. Such signs may be placed at the curblineline or up to the pavement edge.
- G. Political signs, provided the following provisions are met:
  - (1) No sign is erected more than 60 days prior to the election.
  - (2) All signs are removed within seven days after the election.
  - (3) No sign shall be attached or placed on utility poles or traffic devices within public rights-of-way.
  - (4) The graphic message must relate to candidates or beliefs at issue in the current election.
  - (5) Persons or committees authorizing the distribution or posting of campaign materials shall be responsible for compliance with the provisions of this chapter.
- H. Field demonstration and test plot signs in agricultural districts.
- I. "No Trespassing," "No Hunting" and other private regulatory signs not exceeding one square foot in area.

**§ 405-58 Specific district requirements.**

A. Residential districts.

- (1) The following signs are permitted in a residential district:

- (a) Signs specifically exempted in § **405-57**.
  - (b) Manufactured home park identification signs as specified in § **405-48B(1)**.
  - (c) On-premises ground signs not exceeding 50 square feet, identifying an apartment, condominium, multiple-family use or subdivision.
- (2) The following signs may be permitted in a residential district after review and approval by the County Planning and Zoning Committee as a conditional use (see § **405-21** for application and review requirements):
- (a) Signs permitted in Subsection **B(1)**.
- B.** Business, agricultural, public and semi-public and industrial districts.
- (1) The following on-premises signs are permitted in business, agricultural, public and semi-public and industrial districts:
- (a) Temporary signs when permitted by the County Planning and Zoning Committee. The County Planning and Zoning Committee shall, in each case, determine the structural type of sign permitted, the maximum size permitted, and the time period the sign may remain in place.
  - (b) Wall signs placed against the exterior walls of buildings and, for any one premises, not exceeding 300 square feet in area or 30% of the signable area of the building, as defined in § **405-59**, whichever is smaller.
  - (c) Projecting signs not exceeding 100 square feet in area for any one premises. They shall not extend more than six feet into any required yard and shall be at least 10 feet from all side lot lines.
  - (d) Awning and canopy signs not exceeding 100 square feet in area for any one premises. They shall not extend more than six feet into any required yard.
  - (e) Ground signs not exceeding 30 feet in height above grade. They shall not exceed 80 square feet on one side or 160 square feet on all sides. No ground sign shall be placed closer than 80 feet to another ground sign. Such signs may be placed at the right-of-way line.
  - (f) Roof signs not exceeding 10 feet in height above the roof. They shall meet the height requirements for the district in which they are located and shall not exceed 300 square feet on all sides for any one premises.
  - (g) Portable signs not exceeding 40 square feet on one side or 80 square feet on all sides.
  - (h) Window signs.
  - (i) Signs specifically exempted in § **405-57**.
- (2) Advertising signs (outdoor billboards) which advertise products, businesses, or public service activities not related to the occupancy or use of the premises on which they are located are permitted subject to the following restrictions:
- (a) Area. No individual sign shall exceed 14 feet in vertical measurement nor 50 feet in total length, nor be more than 700 square feet in area.

- (b) Spacing. No advertising sign shall be closer than 600 feet to another sign. Twin or back-to-back sign structures shall be considered one sign for purposes of this section.
  - (c) Height. No advertising sign shall project higher than 30 feet above grade.
  - (d) Illumination. Signs shall be shielded whenever necessary to avoid casting bright light upon property located in any residential district.
  - (e) Advertising signs may be placed at the right-of-way line.
- C. Conservancy districts. All signs are prohibited in conservancy districts except those specifically exempted by § 405-57.

**§ 405-59 Signable area.**

The signable area of a building is a rectangular or square area of the facade, up to the roofline, which is free of windows, doors, or major architectural detail. In computing signable area, only a building facade which faces a public street may be utilized.

**§ 405-60 Restrictions on signs.**

- A. Lighting and color. Signs shall not resemble, imitate, or approximate the shape, size, form, or color of railroad or traffic signs, signals, or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices. Signs shall not be placed so as to obstruct or interfere with traffic visibility, nor be lighted in such a way as to cause glare or otherwise impair driver visibility upon public streets. Signs may be illuminated.
- B. Placement. Signs shall not be erected, relocated, or maintained so as to prevent free ingress or egress to any door, window, or fire escape, and no sign shall be attached to a standpipe or fire escape.

**§ 405-61 Sign maintenance.**

The owner of any sign shall keep it in good maintenance and repair, including restoring, repainting, or replacing a worn or damaged legally existing sign to its original condition.

**§ 405-62 Existing signs.**

Signs, lawfully existing at the time of the adoption of or amendment to this chapter, may be continued although their size or location does not conform to this chapter. Such signs shall be considered an existing nonconforming use.

## Article IX Nonconforming Uses, Lots and Structures

**§ 405-63 Existing nonconforming uses.**

The lawful use of a structure, land, or water, existing at the time of adoption of or amendment to this chapter, may be continued although the use does not conform to the provisions of this chapter; however:

- A. Only that portion of the land, structure, or water in actual use may be continued. The use may not be extended, enlarged or substituted except as required by law or order so as to comply with the provisions of this chapter.
- B. Substitution of new equipment may be permitted by the Board of Adjustment if such equipment will reduce the incompatibility of the nonconforming use.
- C. If the nonconforming use is discontinued or terminated for a period of 12 months, any future use of

the structure, land or water shall conform to the provisions of this chapter.

~~D. In both of the A-1 Exclusive Agricultural Districts [A-1(35) and A-1(15)], any use not consistent with agricultural use shall be considered a conditional use subject to the provisions of §§ 405-21 and 405-30C.~~

**§ 405-64 Existing nonconforming structures.**

A structure, existing at the time of adoption of or amendment to this chapter, may be continued although its size or location does not conform to yard, height, parking, loading, or access provisions of this chapter; however:

- A. It shall not be extended, enlarged, reconstructed, moved or structurally altered except when **allowed or** required by law or order to comply with the provisions of this chapter.
- ~~B. Total lifetime structural repairs or alterations shall not exceed 50% of the structure's equalized value unless it is permanently changed to conform to the provisions of this chapter.~~
- C. A nonconforming structure damaged by fire, explosion, flood, the public enemy, or other calamity to the extent of 50% or more of its equalized value shall not be restored except to comply with the provisions of this chapter. Pursuant to § 59.69(10m), Wis. Stats., and notwithstanding any other provision of this chapter, a nonconforming structure damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold or infestation after March 2, 2006, may be restored to the size, location, and use that it had immediately before the damage or destruction occurred, and no limits may be imposed on the costs of the repair, reconstruction, or improvement of said structure. The size of the restored structure may be larger than the size it was immediately before the damage or destruction if necessary for the structure to comply with applicable state or federal requirements.
- D. Residential structures which encroach upon required yards may be structurally altered, provided they will not create a greater degree of encroachment, **subject to Subsection B above.**

**§ 405-65 Existing nonconforming lots.**

- A. A dwelling built on an existing nonconforming lot in a certified Farmland Preservation district must be either a farm residence, a conditional use that qualifies under s. 91.46(2)(c) or rezoned out of the district.**
- B. In any residential district, a single-family detached dwelling and its accessory structures may be erected on any legal lot of record in the Adams County Register of Deeds office, provided that requirements of all other applicable ordinances are met. Such lot or parcel shall be in separate ownership from abutting lands. If in separate ownership, all the district requirements shall be complied with insofar as practical but shall not be less than the following:
  - (1) Lot width: 50 feet minimum.
  - (2) Lot area: 10,000 square feet minimum.
- B. In an A-3 Secondary Agricultural District, structures may be erected on a legal lot of record in the Adams County Register of Deeds office before the effective date or amendment of this chapter, provided that requirements of all other applicable ordinances are met. Such lot or parcel shall be in separate ownership from abutting lands. If in separate ownership, all the district requirements shall be complied with insofar as practical but shall not be less than the following:
  - (1) Lot width: 150 feet.

(2) Lot area: five acres.

C. If abutting lands and the substandard lot are in the same ownership, the substandard lot shall not be sold or used without full compliance with the provisions of this chapter.

**§ 405-66 Changes and substitutions.**

Once a nonconforming use, lot, or structure has been changed to conform, it shall not revert to a nonconforming use, lot, or structure. Once the Board of Adjustment has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the previous use shall lose its status as a legal nonconforming use.

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