JEFFERSON COUNTY

ZONING ORDINANCE
NO. 11

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ZONING ORDINANCE, JEFFERSON COUNTY
STATE OF WISCONSIN

11.01 INTRODUCTION

(a) Authority. These regulations are adopted under the authority granted by various sections of the Wisconsin Statutes, including but not limited to Sections 59.69, 59.692, 59.694, 59.696, 59.697, 87.30, 281.31, and Chapters 91, 236, 287, 289 and 823, Wis. Stats. 1999-00, as amended from time to time. Therefore, the County Board of Jefferson County, Wisconsin, does ordain as follows: [am. 03/13/12, Ord. 2011-28]

(b) Purpose. The purpose of this Ordinance is to promote the health, safety, morals, prosperity, aesthetics, and general welfare of this County, and to limit structures to those areas where soil and geological conditions will provide a safe foundation and prevent and control water pollution.

(c) Intent. It is the general intent of this Ordinance to regulate and to restrict the use of all structures, lands, shorelands, and waters; regulate and restrict lot coverage, population distribution and density, and the size and location of all structures so as to lessen congestion in and promote the safety and efficiency of the streets and highways; secure safety from fire, flooding, panic, and other dangers; provide adequate light, air, sanitation, and drainage; prevent overcrowding; avoid undue population concentration; facilitate the adequate provision of public facilities and utilities; stabilize and protect property values; further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the community; prevent and control water pollution; protect spawning grounds, fish and aquatic life; preserve shoreline cover; and implement the Jefferson County Comprehensive Plan, as may be amended by the County Board from time to time. It is further intended to provide for the administration and enforcement of this Ordinance and to provide penalties for its violation. [Amended 2/8/00, Ord. No. 99-28, am. 3/13/12, Ord. 2011-28]

(d) Abrogation and Greater Restrictions. It is not intended by this Ordinance 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 laws. However, wherever this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern. The shoreland provisions of this Ordinance supersede all the provisions of any County zoning ordinance adopted under Section 59.692, Wisconsin Statutes, which relate to shorelands. The general shoreland zoning provisions located in Section 11.10 and the Shoreland-Wetland District regulations of Section 11.10(c) shall not require approval or be subject to disapproval by any town or town board. However, where an ordinance adopted under a statute other than Section 59.692, Wisconsin Statutes, is more restrictive than this Ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise. (Amended 11/13/84, Ord. No. 84-15, and 4/16/84, Ord. No. 85-4.)

(e) Interpretation. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the County and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Geographic Information System (GIS) data is utilized for interpretations of this ordinance. GIS data is a graphic representation of the underlying data that is contained in the Soil Survey of Jefferson County, Wisconsin, Federal Emergency Management Agency (FEMA) floodplain maps, Wisconsin DNR Wetland Inventory maps, official zoning maps and tax parcel maps. [Amended 2/8/00, Ord. No. 99-28]

(f) Severability. If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

(g) Repeal. All other ordinances or parts of ordinances of the County inconsistent or conflicting with this ordinance, to the extent of the inconsistency only, are hereby repealed.

(h) Title. This Ordinance shall be known as, referred to or cited as the "1975 ZONING ORDINANCE, COUNTY OF JEFFERSON, WISCONSIN."

11.02 DEFINITIONS

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

Accessory Residential Structure: Any accessory structure that primarily accommodates the sheltered parking of a vehicle or the storage of residential maintenance equipment. Also includes gazebos, swimming pools, greenhouses, and wind and solar energy systems for on-site residential use. [cr. 3/13/12, Ord. 2011-28]

Accessory Use or Structure: A use or detached structure subordinate to the principal use of a structure, land, or water and located on the same lot or parcel, serving a purpose customarily incidental to the principal use or the principal structure.

Adaptive Reuse of Barns: To be utilized under this definition in the ordinance the barn must be existing and constructed prior to 1970. [Ord. No. 2013-30, 03-11-2014]

Agricultural Accessory Structure: A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use on the same farm, subject to normal setback requirements in the associated zoning district. These include, but are not limited to:

a. A facility used to store or process raw agricultural commodities, all of which are produced on the farm.
b. A facility used to keep livestock on the farm, subject to other quantitative thresholds within this Ordinance, which may require a conditional use permit if such thresholds are exceeded.
c. A facility used to store or process inputs primarily for agricultural uses on the farm.
d. A wind turbine or solar energy facility that collects wind or solar energy on the farm, and uses or transforms it to provide energy primarily for use on the farm.
e. A manure digester, bio-fuel facility, or other facility that produces energy from materials grown or produced on the farm, primarily for use on the farm.
f. An Animal Waste Storage Facility, subject to the Jefferson County animal waste management ordinance.
g. Up to three semi-trailers or truck boxes used for the storage of agricultural equipment, supplies, or products on A-1 zoned property of 35 or more contiguous acres in the same ownership (for the purposes of this provision, a road shall not be considered a divider of contiguity). Normal setbacks and permits shall be required for trailers and truck boxes used for storage of agricultural equipment. [cr. 3/13/12, Ord. 2011-28]

Agricultural Preservation and Land Use Plan: The Agricultural Preservation and Land Use Plan for Jefferson County, Wisconsin, prepared as the County's State-certified farmland preservation plan under Chapter 91 of the Wisconsin Statutes and as a component of the County Comprehensive Plan, which is intended to guide County farmland preservation and land use decision making and may be amended from time to time. [cr. 3/13/12, Ord. 2011-28]

Agriculture-Related Use: An agricultural equipment dealership, facility providing agricultural supplies, facility for storing or processing agricultural products, or facility for processing agricultural wastes, except for facilities intended to convert agricultural products to energy as a principal use and primarily serving entities outside the premises; agricultural chemical dealers and/or storage facilities; commercial dairies; commercial food processing facilities; canning and other food packaging facilities; sawmills; de-barking operations; and chipping facilities. [am. 3/13/12, Ord. 2011-28]

Agricultural Use: Any of the following activities conducted for the purpose of producing an income or livelihood: crop or forage production; keeping livestock (e.g., bovine animals, equine animals, goats, bison, elk, poultry, sheep, swine, farm raised deer, farm raised game birds, camelids, ratites); beekeeping; nursery, sod, or Christmas tree production; floriculture; forest management; enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land and conservation payment program. Does not include any uses of land otherwise defined as an "Agriculture-Related Use." [cr. 03/13/12, Ord. 2011-28]

Alley: A right of way affording only secondary access to abutting properties.

Animal Unit: The equivalent of one (1) cow, four (4) hogs, ten (10) sheep, ten (10) goats, one hundred (100) rabbits or poultry, one (1) horse, pony or mule. [12/21/82, Ord. No. 11] This is not applicable for ATCP 51 Livestock Siting Rules. See ATCP 51 for applicable definition relating to livestock facilities. [Amended 09/11/06, Ord. 2006-15; am. 04/19/11, Ord. 2011-02]

Animal Waste Storage Facility: A manure storage impoundment made by construction embankments, excavating a pit or dugout, or fabricating a structure, including stationary equipment and piping used to load or unload a manure storage facility if the equipment is specifically designed for that purpose and is an integral part of the facility, but not including equipment used to apply manure to land. [cr. 03/13/12, Ord. 2011-28]

Area Variance: A modification to a dimensional, physical, locational requirement such as the setback, frontage, height, bulk, or density restriction for a structure that is granted by the board of adjustment. [Ord. No. 2018-13, 08/13/2018]

Basement: That portion of any structure located partly below the average adjoining lot grade.

Bed and Breakfast Establishment: An indoor lodging facility as defined in Chapter DHS 197 in the Wisconsin Administrative Code, and different from a "Tourist Rooming House" or other lodging facility. Within the A-1 district, shall also be subject to the following limitations:

a. Be conducted by the owner or operator of the farm.
b. Require no buildings, structures, or improvements other than a farm residence, an Agricultural Accessory Structure, or both.
c. Not impair the current or future agricultural use of the farm or of other farmland within a certified farmland preservation zoning district, legally protected from nonagricultural development, or both. [cr. 03/13/12, Ord. 2011-28]

Building: Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery, or materials.

Building Area: The total living area bounded by the exterior walls of a building at the floor levels, but not including basement, garages, open porches, and unfinished attics.

Building Height: The vertical distance measured from the mean elevation of the finished lot grade along the street yard face of the structure to the highest point of the structure, excluding chimneys, vents or antennae.

Campground: A privately or municipally owned parcel or tract of land, maintained, intended, or used for the purpose of supplying temporary or overnight living accommodations to the public by providing designated areas for the placement of trailers, tents, buses, automobiles, or sleeping bags, and may include structures to provide services to the patrons, such as rest rooms, bathing and laundry facilities. Accessory structures associated with the camping use within designated and approved campsites are limited to one detached deck and one storage shed per site. Decks shall not exceed 400 square feet and shall have no walls and roofs. Storage sheds shall not exceed 100 square feet in size. Floodplain and shoreland overlay districts may provide additional restrictions impacting placement of accessory structures. [Amended 12/9/97, Ord. No. 97-28]

Centerline: A line equidistant from the edges of the median separating the main-traveled ways of an existing or planned divided road or highway or the centerline of the main-traveled way of a non-divided road or highway.

Channel: A natural or artificial watercourse of perceptible extent, with definite bed or banks to confine and conduct continuously or periodically flowing water. Channel flow thus is that water which is flowing within the limits of the defined channel.

Clinic: An establishment for the medical examination and treatment of patients, but without provision for keeping such patients overnight on the premises.

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

Committee: That committee or commission created or designated by the County Board under Section 59.69(2)(a), Wisconsin Statutes, to act in all matters pertaining to county planning and zoning. [11/13/84, Ord. No. 84-15]

Comprehensive Plan: The Comprehensive Plan of Jefferson County, Wisconsin, as defined and adopted under Wisconsin Statutes, from time to time amended, which is intended to guide the physical development of the County over a 20 year planning period. [cr. 03/13/12, Ord. 2011-28]

Conditional Use: A use of a special nature so as to make impractical its predetermination as a principal use within a district.

Contiguous Lands: All lands not divided by a public road, river or lake that adjoin by more than a common point. For the purpose of this definition, "a river" is only the following: Ashippun, Bark, Crawfish, Oconomowoc, Rock, Scuppernong and Whitewater rivers. [2/8/00, Ord. No. 99-28]

Department: The Department of Natural Resources. [11/13/84, Ord. No. 84-15]

Development: Any manmade change to improved or unimproved real estate including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or substantial alterations to buildings, structures or accessory structures; the placement of mobile homes; ditching, lagooning, dredging, filling, grading, paving, excavation or drilling operations; and the deposition or extraction of earthen materials. [11/13/84, Ord. No. 84-15]

District: A portion or portions of Jefferson County for which the regulations governing the use of land and building are uniform.

Dwelling: A detached building designed or used exclusively as a residence or sleeping place, but does not include boarding or lodging houses, motels, hotels, tents, or trailers.

Dwelling Unit: One (1) or more rooms designed as a unit for occupancy by not more than one (1) family for living and sleeping purposes.

Encroachment Lines: Limits of obstruction to flood flows. These lines are generally parallel to the stream. The lines are established by assuming that the area landward (outside) of the encroachment lines will be ultimately developed in such a way that it will not be available to convey flood flows. The stream channel and adjoining flood plains between these lines will be maintained as open space and will be adequate to convey the regional flood without adversely increasing flood heights.

End of Taper: The point of intersection between the outer edges of the ramp pavement and the mainline pavement.

Environmental Corridors: Environmentally sensitive areas located throughout Jefferson County where additional land preservation policies and development standards are applied. Mapped environmental corridors include all land that meets one or more of the following conditions: public-owned park, recreation, and conservancy lands, water bodies and wetlands mapped as part of the Wisconsin DNR Wetland Inventory, 100-year floodplains based upon FEMA maps or contiguous woodlands over 10 acres in size. In addition to the mapped criteria listed above, any land

with a slope in excess of 20% should be considered as an environmental corridor and subject to environmental corridor land use policies. [2/8/00, Ord. No. 99-28]

Equal Degree of Encroachment: Established by considering the effect of encroachment on the hydraulic efficiency of the flood plain along a significant reach of the stream. Dependent upon factors such as the relative orientation of the channel with respect to the floodway, the natural and manmade characteristics of the flood plain, relative ground level on both sides of the stream, the type of vegetation on both sides of the stream and the resistance of such vegetation to flood flow. In most cases these factors will not result in equal distances or areas between encroachment lines on both sides of the stream.

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

Expressway: A divided principal or primary arterial highway with full or partial control of access and with or without grade separated intersections.

Family: Any number of persons related by blood, adoption, or marriage, or not to exceed three (3) persons not so related, living together in one dwelling as a single housekeeping entity.

Family Day Care Home (4-8 children): Any accessory use within an occupied dwelling in which a qualified person or persons provide child care for four to eight children. The care of less than four children is not subject to the regulations of this Ordinance. Family day care homes are also regulated under §66.1017(1)(a) of the Wisconsin Statutes. [cr. 3/13/12, Ord. 2011-28]

Farm: A parcel or parcels of land where the majority of the land is used for growing farm products, such as vegetables, trees (e.g., orchard), and grain, and/or the raising of the farm animals, from which at least $6,000 of gross farm revenue in the prior full calendar year (or $18,000 total over the last 3 years) have been earned or where the land is enrolled in a farm commodity or conservation program, and typically operated as a single business venture distinct from other farms. Also referred to as a "farm operation." [cr. 3/13/12, Ord. 2011-28]

Farm Residence: A single-family residence located on a farm that meets one of the following criteria:

a. Is the only residence on the farm; or
b. Is occupied by an owner or operator of the farm; or
c. Is occupied by an individual who earns more than 60 percent of his or her gross income from the farm. [cr. 3/13/12, Ord. 2011-28]

Feedlot: Any livestock feeding or housing area or structure in which the concentration of animals is such that a vegetative cover is not maintained during the summer. This is not applicable for ATCP51 Livestock Siting Rules. See ATCP51 for applicable definition relating to livestock facilities. [Amended 09/11/06, Ord. 2006-15]

First Amendment Protected Adult-Oriented Establishment: See 11.04(k) [Created 6/21/05, Ordinance No. 2005-10]

Flood: A temporary rise in stream flow or stage that results in water overtopping its banks and inundating areas adjacent to the channel.

Flood Plain: The land which has been or may be hereafter covered by flood water during the regional flood. The flood plain includes the floodway and the flood fringe as those terms are defined in Chapter NR116, Wisconsin Administrative Code. [11/13/84, Ord. No. 84-15]

Flood Profile: A graph or a longitudinal profile showing the relationship of the water surface elevation of a flood event to location along a stream or river.

Flood Proofing: A combination of structural provisions, changes or adjustments to properties and structures subject to flooding primarily for the reduction or eliminating of flood damages to properties, water and sanitary facilities, structures, and contents of buildings of a flood hazard area. This includes sealing, anchoring, elevating, and filling.

Flood, Regional: A flood determined by the Department of Natural Resources which is representative of large floods known to have occurred generally in Wisconsin and reasonably characteristic of what can be expected to occur on a particular stream. The regional flood generally has an average frequency in the order of the one hundred (100) year recurrence interval flood, determined from an analysis of floods on a particular stream and other streams in the same general region.

Flood Stage: For the purposes of this Ordinance, the term is used to mean the elevation of a flood as referred to some datum. For other purposes, it is commonly used to refer to the elevation at which a stream will overtop its banks at normal stage. [Amended 4/16/85, Ord. No. 85-4]

Floodway: The channel of a stream and those portions of the flood plain adjoining the channel that are required to carry and discharge the flood water or flood flows of any river or stream including but not limited to flood flows associated with the regional flood.

Freeway: An expressway with full control of access and with fully grade-separated intersections.

Frontage: The smallest dimension of a lot abutting a public street measured along the street line.

Fur Farm: Any property comprising land or buildings or both, used for the purpose of raising or harboring fur-bearing animals including those defined in Section 169.18, Wisconsin Statutes, and also including any other fur-bearing animals, whether the animals are kept for breeding or slaughtering or pelting purposes.

Game Farm: A facility where wild animals, birds, or fish are raised and/or hunted for food or sport; may include shooting range, retail area, maintenance and repair services related to hunting and fishing. [cr. 3/13/12, Ord. 2011-28]

Garage: An accessory building or accessory portion of the main building, used or designed or intended to be used for the storage of private motor vehicles.

Garage, Residential: A structure or carport for storage of automobiles, household vehicles, trucks of 3/4 ton capacity and under, household equipment and material. Maximum square footage – 1,000 square feet. Maximum height – 15 feet. Larger garages, sheds, parking of larger vehicles are treated under Extensive On-Site Parking or Storage. [12/21/82, Ord. No. 11; 11/10/09, Ord. 2009-19]

Highway, Collector: A highway which serves as a linkage between local highways and arterials. High collectors serve communities exceeding two hundred (200) population and significant recreational centers. Low collectors de-emphasize mobility and carry generally low traffic volumes.

Highway, Local: Roads intended to move vehicles from individual parcels to the high order road systems, and should not carry through traffic. Local roads carry low volume traffic.

Highway, Minor Arterial: Serves multi-purpose trips with moderate mobility and considerable land access. Is an intra-area traffic carrier. Serves communities over 500 population. Provides variable level of service with mixed operating conditions.

Highway, Primary Arterial: Serves long trips with high mobility. Connects regions or important cities. Serves communities over 5,000 population by 1990. Continuous system in combination with Principal Arterials. Provides high level of service with only slight variation.

Highway, Principal Arterial: Serves longest trips with highest mobility. Connects states, regions, or metropolitan areas. Serves cities over 50,000 population by 1990. Continuous, interconnected system with uninterrupted maximum level of service.

Highway, Standard Arterial: Serves long trips with good mobility. Has intraregional and intercommunity connections. Serves community over 1,000 population. It is generally continuous system in combination with Principal and Primary Arterials. Provides good level of service under varying operating conditions.

Home Occupations: Any occupation for gain or support conducted by resident occupants of a premises. In zoning districts in which they are allowed, all home occupations shall meet the following requirements:

a. Shall be clearly incidental and secondary to a principal residential use of the property.
b. Only one such use shall be permitted on any lot.
c. Shall not be designed or conducted in a manner that would cause the premises to differ from its residential or agricultural appearance, such as through the use of colors, materials, construction, lighting, or excessive signs or through the production of noise, vibration, light, odor, dust, smoke or other air pollution detectable outside the parcel by persons with normal sensitivities.
d. The display, storage, or parking of materials goods, supplies, or equipment outside is prohibited, except for those vehicles incidental to the principal use of the property.
e. One on-premises sign of not more than six (6) square feet in area to advertise the home occupation is permitted.
f. Within the A-1 district, the home occupation shall also:
    1. Be conducted by the owner or operator of the farm.
    2. Require no buildings, structures, or improvements other than a farm residence, Agricultural Accessory Structures or improvements, or some combination.
    3. Not impair the current or future agricultural use of the farm or of other farmland within a certified farmland preservation zoning district, legally protected from nonagricultural development, or both.
    4. Provide only stock-in-trade produced on the premises, such as a roadside stand for the sale of products grown or produced on the premises, or a commercial service delivered on or off the premises.

Where allowed as permitted accessory uses, each **Accessory Home Occupation** shall meet the following additional standards:

a. Shall be conducted completely within the dwelling.
b. Shall occupy no more than twenty-five (25) percent of the dwelling floor area.
c. Shall employ no persons besides permanent residents of the premises in the R-1, R-2, C, and W districts and may additionally employ no more than one non-resident employee in all other zoning districts where allowed.
d. The business of selling stocks of merchandise, supplies, or products that are kept on the premises shall not be permitted, except for those produced by the home occupation and for small household or personal care products. The direct retail sale of products is not allowed, except for events designed to market small household or personal care products and for persons picking up an order they have placed in advance.

Where allowed by conditional use permit, each **Conditional Home Occupation** shall meet the following additional standards (but not those standards exclusive to an Accessory Home Occupation):

a. Shall be conducted completely within the dwelling, completely within one or more accessory buildings, or both, except for farms regularly open for tours, demonstrations, hayrides, corn mazes, farm breakfasts, and other similar events.

b. Shall occupy no more than a total of 2,500 sq. ft. of accessory building floor area.
c. Shall employ no more than four (4) non-resident employees in addition to permanent residents of the premises.

[Repealed and recreated 4/16/85, Ord. No. 85-4; am. 3/13/12, Ord. 2011-28]

Hotel: A building where rooms, with or without meals, are supplied to transient public, or to anyone who may apply, for compensation.

Household Pets: Animals such as dogs and cats or other domesticated animals raised for the purpose of pleasure rather than utility or other commercial purpose. [12/21/82, Ord. No. 11]

Interchange: A grade-separated intersection on a state trunk highway with one or more turning roadways for travel between intersection legs.

Junk Yard: An area consisting of buildings, structures, or premises where junk, waste, discarded, or salvage materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled including automobile wrecking yards, but not including the purchase or storage of used furniture and household equipment or used cars in operable condition.

Kennel: A premises within which one or more of the following activities is conducted:

a. Dogs, cats, or other household pets are maintained, boarded, bred, kept, or cared for in return for remuneration or for the purpose of sale.
b. Within any agricultural district, five (5) or more dogs are kept as household pets, not counting pups below the age of five (5) months, unless more are allowed by conditional use permit.
c. Within any other district, three (3) or more dogs are kept as household pets, not counting pups below the age of five (5) months, unless more are allowed by conditional use permit.

Within the A-1 district, the kennel shall be subject to the following standards:

a. Be conducted by the owner or operator of the farm.
b. Require no buildings, structures, or improvements other than a farm residence, an Agricultural Accessory Structure, or both.
c. Not impair the current or future agricultural use of the farm or of other farmland within a certified farmland preservation zoning district, legally protected from nonagricultural development, or both.

[12/21/82, Ord. No. 11; am. 3/13/12, Ord. 2011-28]

Laboratory: A place where scientific experiments and research are carried on or where drugs, chemicals or such substances are made or tested or an establishment devoted to the development of and fabricating of preliminary or pilot models, but specifically not to include any mass production of the result of the experimental work.

Livestock Unit: One thousand (1,000) pounds of live animal weight for livestock animals not regulated by ATCP51 Livestock Siting Rules either by number or type. This includes emus, ostriches and confined wildlife species. [Amended 09/11/06, Ord. 2006-15].

Loading Area: A completely off-street space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.

Local Utilities: Lines and facilities serving the immediate neighborhood, not pass through lines or facilities. [12/21/82, Ord. No. 11]

Lot: A parcel of land having access to and 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 Ordinance.

Lot, Corner: A lot abutting two (2) or more streets at their intersection provided that the corner of such intersection shall have an angle of 135 degrees or less, measured on the lot side.

Lot, Front: The side of a lot bordering the principal street, unless otherwise specified on a plat, except that those lots bordering a lake or river shall have the side bordered by the water deemed the front.

Lot, Interior: A lot which is not a corner lot.

Lot Lines and Area: The peripheral boundaries of a parcel of land and the total area lying within such boundaries excluding right-of-way. [Ord. No. 2012-09, 08-13-2012]

Lot Width: The width of a parcel of land measured at the rear of the specified street yard or setback line.

Major Recreational Equipment: Large items normally used for recreational purposes, including but not limited to travel trailers, motor homes, all-terrain vehicles, snowmobiles, boats and motors, buses and vans converted for sleeping purposes.

Mobile Home: Any structure originally designed to be capable of transportation by a motor vehicle upon a public highway, which does not require substantial on-site fabrication, and is intended for human occupancy.

Mobile Home Park: An area or premises on which is located two or more mobile homes.

Motel: A series of attached, semi-attached, or detached sleeping units for the accommodation of transient guests.

Navigable Waters: Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. Under Section 59.692, Wisconsin Statutes, notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinance required under Section 281.31(2m), Wisconsin Statutes, notwithstanding any other provision of law or administrative rule, a shoreland zoning ordinance required under s. 59.692, a construction site erosion control and storm water management zoning ordinance authorized under s. 59.693, 60.627, 61.354 or 62.234 or a wetland zoning ordinance required under s. 61.351 or 62.231 does not apply to lands adjacent to farm drainage ditches if:

(1) Such lands are not adjacent to a natural navigable stream or river;

(2) Those parts of such drainage ditches adjacent to these lands were not navigable streams before ditching; and

(3) Such lands are maintained in nonstructural agricultural use.

Nonconforming Use or Structure: Any structure, land, or water lawfully used, occupied, or erected at the time of the effective date of this Ordinance or amendments thereto which does not conform to the regulations of this Ordinance or amendments thereto. Any such structure conforming in respect to use but not in respect to frontage, width, height, area, yard, parking, loading, or distance requirements shall be considered a nonconforming structure and not a nonconforming use.

Nonfarm Residence: Any residence that is not a farm residence, as defined in this section. [cr. 3/13/12, Ord. 2011-28]

Nonlocal Utilities: Pass through lines or facilities. [12/21/82, Ord. No. 11]

Non-Prime Agricultural Lands: Class IV through VII soils as defined within the Soil Survey of Jefferson County, Wisconsin and Class III soils that exhibit non-prime agricultural land capabilities comparable to Class IV

through VII soils. Also, Class I, II and III soils and other unclassified lands where evidence demonstrates a long-term history of non-cultivation or the presence of physical feature, (e.g. rock outcroppings, upland cover) that limit the potential for use of the land as productive agricultural land, as determined by the Planning and Zoning Committee. [2/8/00, Ord. No. 99-28; am. 03/13/12, Ord. 2011-28]

Nursing Home and Rest Home: A building or institution for the care of the aged, the infirm, or the sick, provided the same shall comply with the further definitions and regulations contained in COMM 83 of the Wisconsin Administrative Code.

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. [11/13/84, Ord. No. 84-15]

Parcel of Record: All contiguous lands zoned A-1 or A-T under the same ownership and in the A-1 zoning district that existed on February 8, 2000. Lots created by recorded certified survey map approved by the Planning and Zoning Department since December 13, 1977, are considered separate parcels of record. Parcels of record may contain one or more tax parcels as described by the property tax rolls. [2/8/00, Ord. No. 99-28; am. 3/13/12, Ord. 2011-28]

Parent Parcel: All contiguous lands zoned A-1 or A-T and under the same ownership that existed on December 13, 1977. A-1 or A-T zoned parcels created by variance before December 13, 1977, are not considered parent parcels. Parent parcels may contain one or more tax parcels as described by the property tax rolls. [2/8/00, Ord. No. 99-28; am. 3/13/12, Ord. 2011-28]

Parking Lot: An area where automobiles are temporarily stored, primarily for the convenience of employees, residents, or patrons, but not for the purpose of storing vehicles to be junked, salvaged or sold.

Parking Space: A graded and surfaced area of not less than 200 square feet in area, either enclosed or open, for the parking of a motor vehicle having adequate ingress and egress to a public street or alley.

Park, Public: An area owned by a governmental agency, operating for the convenience and recreation of the public, containing such facilities as the agency shall see fit.

Prime Agricultural Lands: Class I and II soils as defined within the Soil Survey of Jefferson County, Wisconsin, and Class III soils that exhibit prime agricultural land capabilities comparable to Class I and II soils as determined by the Planning and Zoning Committee. [2/8/00, Ord. No. 99-28; am. 03/13/12, Ord. 2011-28]

Professional Home Office: Residence of a doctor of medicine, practitioner, dentist, clergyman, architect, landscape architect, professional engineer, registered land surveyor, attorney, artist, teacher, author, musician, or other recognized professional person used to conduct their profession where the office does not exceed one-half (1/2) the area of only one (1) floor of the residence, and no more than one (1) nonresident person is employed.

Reach: A hydraulic engineering term to describe longitudinal segments of a stream or river. A reach will generally include the segment of the flood plain where flood heights are primarily controlled by man-made or natural flood plain obstructions or restrictions. In an urban area the segment of a stream or river between the consecutive bridge crossings would most likely be a reach.

Regional Flood: A flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular stream because of like physical characteristics, once in every 100 years. [11/13/84, Ord. No. 84-1]

Residential Accessory Uses and Buildings:

(1) Includes driveways, walks, gardens, patios, pools, storage buildings and enclosures, provided that total ground area covered by buildings in this category does not exceed 500 square feet. More extensive coverage falls under Extensive Parking or Storage. [12/21/82, Ord. No. 11; 11/10/09, Ord. 2009-19; Ord. No. 2012-04, 05-07-2012]

(2) Keeping of Chickens. Allows up to five (5) chickens (hens) to be kept on land with an existing single-family residence where the minimum following standards are met and in zoning districts where residential accessory uses are listed. (NOTE: Raising/keeping of farm animals defined separately and not included under this definition):

a. Hens only; no roosters
b. Does not apply to any other fowl, peafowl, guinea hens or peacocks
c. Chickens must be kept in an enclosure at all times, and the enclosure and fencing shall meet all road setback requirements for the zoning district in which it is located, and shall be a minimum of fifteen (15) feet from any side or rear lot line. Setback shall be measured from fencing and structure.
d. If over 100 square feet, the enclosure structure shall be required to obtain a Zoning and Land Use permit.
e. Maximum 200 square foot enclosure permitted.
f. Enclosure includes fencing and covered structure. Covered structure is also required to be within the fenced enclosure.
g. No slaughtering permitted.
h. The fenced enclosure and covered structure shall be maintained and kept in a sanitary condition, so as not to create a nuisance.

[Ord. No. 2012-04, 05-07-2012]

Roadside Stand: A structure having a ground area of not over 200 square feet, not permanently fixed to the ground, readily removable in its entirety, and to be used solely for the sale of farm products produced on the premises or adjoining premises.

Salvage Yard: Site used for the storage or sale of salvageable materials or for the purposes of salvage, wrecking, dismantling or demolition of salvageable materials. This includes the collection and/or dismantling of automobiles or other objects for transportation, reuse or resale.

Salvageable Material: Discarded material no longer of value as intended, but which is stored or retained for salvage sale or further reuse.

Sanitary Landfill: A method of disposing of solid waste on land without creating nuisances or hazards to public health or safety, by utilizing principles of engineering to confine the solid waste to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of earth at such intervals as may be necessary.

Service Station: Any building, structure, or premises used for the dispensing and sale of any motor fuel or 554oils, having pumps and storage tanks, or where the repair of motor vehicles or sale of tires, batteries, and other parts takes place.

Shoreland: Lands within the following distances from the ordinary high-water mark of navigable waters: 1,000 feet from a lake, pond or flowage; and 300 feet from a river or stream or to the landward side of the flood plain, whichever distance is greater.

Shoreland - Wetland Zoning District: The zoning district, created as a part of the shoreland zoning provisions, comprised of shorelands that are designated as wetlands on the Wetland Maps which have been adopted and made a part of this Ordinance. [11/13/84, Ord. No. 84-15]

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

Solid Waste: Garbage, refuse, and all other discarded or salvageable material, including waste material resulting from industrial, commercial, and agricultural operations, and from domestic use and public service activities, but does not include solid or dissolved material in waste effluents or other common water pollutants.

Stable: A building or premises used for the housing, boarding, rent, or lease of riding animals. [am. 3/13/12, Ord. 2011-28]

Stable, Agricultural: A stable housing less than ten (10) riding animals. Within the A-1 district, shall also be subject to the following limitations:

a. Be conducted as an accessory use to the farm by the owner or operator of the farm.
b. Require no buildings, structures, or improvements other than an Agricultural Accessory Structure. Not impair the current or future agricultural use of the farm or of other farmland within a certified farmland preservation zoning district, legally protected from nonagricultural development, or both. [cr. 3/13/12, Ord. 2011-28]

Stable, Commercial: A stable housing ten (10) or more riding animals. Within the A-1 district, shall be subject to the following limitations:

a. Be conducted as an accessory use to the farm by the owner or operator of the farm.
b. Require no buildings, structures, or improvements other than an Agricultural Accessory Structure.
c. Not impair the current or future agricultural use of the farm or of other farmland within a certified farmland preservation zoning district, legally protected from nonagricultural development, or both. [cr. 3/13/12, Ord. 2011-28]

Story: The vertical distance between the surface of any floor and the floor next above it, or if there be no floor above it, the space between such floor and the ceiling next above it.

Street: A public highway not otherwise defined lying within a subdivision, with a right of way not less than 66 feet, providing primary access to abutting properties.

Structure: Any erection or construction, such as buildings, silos, signs and carports.

Structural Alterations: Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams, or girders.

Substantial Evidence: Facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion. [Ord. No. 2018-13, 08/13/2018]

Tourist Rooming House: An indoor lodging facility as defined in Chapter DHS 195 in the Wisconsin Administrative Code. Different from a "Bed and Breakfast Establishment" and other lodging facilities. [cr. 3/13/12, Ord. 2011-28]

Trailer: A portable vehicle designed to be towed by an automobile, and used for temporary sleeping purposes while its occupants are engaged in recreational activities.

Turning Lane: An existing or proposed connecting roadway between two arterial highways or between an arterial highway and any other highway. Turning lanes include grade separated interchange ramps.

Unnecessary Hardship: That circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with restrictions governing area, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of this Ordinance. [11/12/84, Ord. No. 84-15]

Use Variance: An authorization by the board of adjustment under this subsection for the use of land for a purpose that is otherwise not allowed or is prohibited by the applicable zoning ordinance. [Ord. No. 2018-13, 08/13/2018]

Utilities: Public and private facilities such as water wells; water and sewage pumping stations, water storage tanks; power generating plants; electrical power substations; static transformer stations; telephone and telegraph exchanges; microwave radio relays; and gas regulation stations; but not including sewage disposal plants, municipal incinerators, warehouses, shops and storage yards.

Variance: A departure from the terms of this Ordinance as applied to a specific building, structure, or parcel of land, which the Board of Adjustment may permit, contrary to the regulations of the Ordinance for the district in which such building or structure or parcel is located, when the Board finds, after a public hearing that a literal application of such regulation will effect a limitation on the use of the property which does not generally apply to other properties in the same district, and for which there is no compensating gain to the public health, safety, or welfare. [Ord. No. 2018-13, 08/13/2018]

Vision Clearance Triangle: An unoccupied triangular space at the intersection of highways or streets with other highways or streets or at the intersection of highways or streets with railroads. Such vision clearance triangle shall be bounded by the intersecting highway, street, or railroad right of way lines by measurement from their intersection as specified in this Ordinance.

Waste Storage, Treatment or Disposal: A land use that includes sites or facilities where solid wastes or hazardous wastes are stored, treated or subject to disposal as defined in Ch. 287 and 289, Wisconsin Statutes; waste recycling facilities, commercial or governmental, which in the A-1 district must be "consistent with agricultural uses" as defined in Section 91.01(10) of the Wisconsin Statutes; and dumps or landfills as otherwise described in this Ordinance. New or expanded waste storage, treatment, or disposal uses shall not unreasonably burden private or public interests to the satisfaction of the County based on the following considerations:

a. Whether a waste facility or usage is an appropriate land use, considering land use plans, site factors, neighboring uses and environmental considerations; and
b. Safety and security, in relation to dangers of fire, explosion, leakage, hazards through unauthorized entry onto the site, etc.; and
c. Pollution of land, air, water, noise, dust, vibration, blowing of refuse, smell, etc.; and
d. Damage or excess wear and tear to roads, bridges, etc.; and
e. Traffic hazards; and
f. Economic injuries; present or potential; through precluding reasonable uses of nearby lands; and reuse plans/potentials after the waste facility ceases operations.
[cr. 03/13/12, Ord. 2011-28]

Wetlands: Those areas where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which have soils indicative of wet conditions. [11/13/84, Ord. No. 84-15]

Yard: An open space on a lot, on which a structure is situated, unoccupied except as otherwise provided in this Ordinance.

The Standard Industrial Classification Manual published by the U.S. Government Printing Office shall serve as a guide to interpreting use listings and classifications within this Ordinance.

11.03 GENERAL PROVISIONS

(a) Jurisdiction. The jurisdiction of this Ordinance shall include all lands and water within the County of Jefferson, Wisconsin, which are not within the corporate boundaries of incorporated areas.

(b) Compliance. 1. No structure, land, or water shall hereafter be used, and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a zoning permit and without full compliance with the provisions of this Ordinance and all other applicable local, county, and state regulations.

2. The Zoning Administrator shall be a full-time County employee with the following powers and duties:

a. Administer, supervise and enforce the provisions of this Ordinance and all sections of the Wisconsin Statutes pertaining to County zoning.

b. Receive applications for and issue building and sign permits, land use permits, and conditional use permits subject to approval by the Committee as provided herein.

c. Advise interested persons as to the provisions of this Zoning Ordinance and other matters pertaining to County zoning.

d. Inspect from time to time the premises for which a permit or license has been issued under this Ordinance, report suspected violations of this Ordinance to the District Attorney or Corporation Counsel for prosecution and sign complaints under the direction and supervision of the District Attorney and Corporation Counsel.

e. Enter upon premises or private property at reasonable times for the purpose of investigating complaints and enforcing the provisions of this Ordinance.

3. Compliance with the Shoreland and Flood Plain provisions of this Ordinance shall not be grounds for the removal of lands from the Flood Plain District unless such lands are filled to a height of at least two (2) feet above the elevation of the regional flood for the particular area and are contiguous to other lands lying outside the Flood Plain District.

a.Certification of Compliance. The Zoning Administrator shall request the applicant to submit a certification by a registered professional engineer that the finished fill and building floor elevations, flood-proofing measures or other flood protection factors were accomplished in compliance with the provisions of this Ordinance.

b. Mapping Disputes. When the location of the Flood Plain District boundary is established by experienced flood maps, the flood elevations or flood profiles for the point in question shall be the governing factor locating the district boundary on the land. If elevations or profiles are not available, the Board of Adjustment may examine any other available evidence which is relevant.

(c) Zoning Permit. 1. Applications for a zoning permit shall be made to the Zoning Administrator on forms furnished by his office, and shall include the following, where applicable:

a. Names and addresses of the applicant, owner of site, architect, engineer or contractor.

b. Description of the site by legal description; address of the site; type of structure; existing and proposed operation or use of site; number of employees; and the zoning district within which the subject site lies.

c. Certified survey map or plat of record, showing the parcel of land for which the permit is requested.

d. Sketch of the site, showing lot dimensions, existing and proposed structures, and their dimensions, distances between structures and property lines, parking and loading areas, and watercourses.

e. Written permit for highway access from the highway maintaining authority, complete with identification number.

f. Proposed sewage disposal plan if municipal sewage service is not available. This plan shall be designed by a licensed Wisconsin master plumber or master plumber restricted to sewer and water.

g. Proposed water supply if municipal water service is not available.

h. Additional information as may be required by the Zoning Administrator.

2. A zoning permit shall be either granted or denied in writing by the Zoning Administrator within 30 days. The permit shall expire 12 months from the date of issue unless substantial work has commenced. Any permit issued in conflict with the provisions of this Ordinance shall be null and void.

3. Highway access in accordance with the provisions of the access permit shall be established and completed prior to commencement of construction.

4. [12/21/82, Ord. No. 11] a. Permits shall be required to erect or move a building onto a parcel or to structurally alter, or move an existing building except as otherwise provided below:

1. A building is a structure having a roof, supported by columns, walls or the earth and intended for shelter, housing or enclosure of persons, animals, processes, equipment, goods or materials. Decks, pools, foundations are structures.

2. For purposes of this section: a. Building also includes towers for microwave and television purposes, or windmills

(b) Establishment of a use of property on a temporary basis, using such devices as tents, tarps, portable feeding and sanitation facilities, falls within the definition of building and requires a permit.

b. <u>Permits are not required</u> for buildings in the following categories:

1. Accessory farm buildings such as sheds having a floor area of 100 square feet or less.

2. Accessory buildings on a parcel having a residential occupancy, such as storage sheds that have a floor area of 100 square feet or less.

c. Buildings that are exempt from permits must, nonetheless, comply fully with all zoning requirements.

(d) Site Restrictions. No land shall be used or structure erected where the land is held unsuitable for such use or structure by the County Planning and Zoning Committee by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of the County. The Committee, in applying the provisions of this section, shall, in writing, recite 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 Committee may affirm, modify or withdraw its determination of unsuitability.

1. All lots shall front on and have access to a public road for a minimum distance of at least sixty-six (66) feet.

2. No zoning permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.

3. Minimum lot size shall be determined in accordance with 11.04(f).

(e) Reapplication. Application for a conditional use permit, variance, or amendment which is denied shall not be again submitted within a period of nine (9) months from the date of the denial.

(f) Use Restrictions. The following use restrictions and regulations shall apply:

1. Principal Uses. Only those principal uses specified for a district, their essential services, and the following uses shall be permitted in that district.

2. Accessory uses and structures are permitted in any zoning district only when the principal structure is present or under construction, except essential services which may precede construction. Except where specifically prohibited, all machinery, equipment, temporary storage, vehicles, construction, and other related materials or activities used in the conduct of a permitted principal, accessory, or conditional use in the applicable zoning district are permitted. These include but are not limited to those vehicles, materials, and activities that may be employed in the day-to-day operation of a farm, if farming is allowed in the associated zoning district. [am. 3/13/12, Ord. 2011-28]

3. Conditional uses and their accessory uses are considered as special uses requiring review, public hearing, and approval by the Committee.

4. Unclassified or unspecified uses may be permitted by the Zoning Board of Adjustment after the County Planning and Zoning Committee has made a review and recommendation, provided that such uses are similar in character to the principal uses permitted in the District.

5. Temporary uses, such as real estate sales field office or shelters for materials and equipment being used in the construction of a permanent structure, may be permitted by the Committee for a specified period of time.

6. Uses not specifically permitted shall be prohibited.

(g) Reduction or Joint Use. No lot, yard, parking area, building area, or other space shall be reduced in area or dimension so as not to meet the provisions of this Ordinance. 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.

(h) Airport Approach Protection. No structure shall hereafter be constructed, altered or located and no trees shall be allowed to grow to a height exceeding thirty-five (35) feet in the area surrounding any FAA-approved airport defined as a circle having its center point at the crossing of the runways and measured outward to a distance of one-half (1/2) mile. Furthermore, no use may be made of land in any zone which creates electrical radio interference, makes it difficult to distinguish airport lights, or impairs visibility in the vicinity of the airport, or otherwise endangers the landing, taking off, or maneuvering of aircraft.

(i) Violations. It shall be unlawful for any person, firm, association, or corporation, including his or their contractors or agents, to construct, erect, move, alter or use any structure, lands or water in violation of any of the provisions of this Ordinance. In case of any violation, the Board of Supervisors, the Zoning Administrator, the Committee, or any property owner who would be affected by such violation may initiate appropriate action or proceeding to enjoin such violation.

(j) Penalties. Any person, firm, or corporation who fails to comply with the provisions of this Ordinance shall, upon conviction thereof, forfeit not less than $25.00 nor more than $5,000.00 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 thirty (30) days. Each day a violation exists or continues shall constitute a separate offense. In addition to such forfeiture or imprisonment, action may be brought to enjoin, remove, or vacate any use, erection, moving or alteration of any building or use in violation of this Ordinance.

11.04 <u>ZONING DISTRICTS</u>

(a) Establishment of Districts.

1. The Zoning Districts are provided as follows:

a. R-1 Residential - Sewered
b. R-2 Residential - Unsewered
c. B-Business
d. I-Industrial
e. A-T Agricultural Transition [cr. 3/13/12, Ord. 2011-28]
f. A-1 Exclusive Agricultural [2/8/00, Ord. No. 99-28]
g. A-2 Agricultural and Rural Business [2/8/00, Ord. No. 99-28; am. 3/13/12, Ord. 2011-28]
h. A-3 Agricultural/Rural Residential [2/8/00, Ord. No. 99-28]
i. C-Community
j. W-Waterfront
k. S-Shoreland-Wetland (Overlay Zone)
l. N-Natural Resources
m. R/R-Residential/Recreational
[Repealed and recreated 4/16/85, Ord. No. 85-4; re-lettered 3/13/12, Ord. 2011-28]

2. Boundaries of these districts are hereby established as shown on a map entitled "Zoning Map, Jefferson County, Wisconsin," which accompanies and is a part of this Ordinance. Such boundaries shall be construed to follow corporate limits; U.S. Public Land Survey lines; lot or property lines; centerlines of streets, highways, alleys, easements, and railroad rights of way or such lines extended; unless otherwise noted on the zoning map.

3. Vacation of public streets and alleys shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts.

(b) Zoning Map. A certified copy of the zoning map shall be adopted and approved with the text as part of this Ordinance and shall bear upon its face the attestation of the County Board Chairman and the County Clerk and shall be on file in the office of the County Clerk.

(c) Rules for Interpretation of Zone Boundaries. Where uncertainty exists as to the boundaries of districts as shown on the zoning map, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.

2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

3. Boundaries indicated as approximately following municipal boundaries shall be construed as following municipal boundaries.

4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

5. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines.

6. Boundaries indicated as parallel to or extension of features indicated in the preceding above shall be so construed. Distances not specifically indicated on the zoning map shall be determined by the scale of the map.

(d) Limited Number of Buildings. There shall be not more than one (1) principal dwelling structure and two (2) accessory structures, which include one (1) residential garage and one (1) residential accessory building on any lot in the R-1 and R-2 Residential, Community and Waterfront Districts. [11/10/09, Ord. 2009-19]

(e) Zone Regulations. No person shall use any land, building, or structure, or erect, construct, reconstruct, move or structurally alter a building, structure, or part thereof, except in conformance with the following regulations. All applicable sections of the Jefferson County Agricultural Preservation and Land Use Plan shall guide the determination of rezoning land to the following districts. [Amended 2/8/00, Ord. No. 99-28]

(f) Zoning Controls.

1. <u>R-1 – RESIDENTIAL – SEWERED</u> [title – 2/14/84, Ord. No. 83-20]

Purpose. To identify those areas where predominantly residential development has occurred or will be likely to occur within the urban service areas and limited service areas as described in the Jefferson County Agricultural Preservation and Land Use Plan. To protect residential neighborhoods by prohibiting uses which will not mix well with homes. [Amended 2/8/00, Ord. No. 99-28; am. 3/13/12, Ord. 2011-28]

Principal Uses. [12/21/82, Ord. No. 11]
a. Single family detached home.
b. Parks, conservancy areas.
c. Group homes in single family dwellings, 8 or fewer occupants.

Accessory Uses. [12/21/82, Ord. No. 11]
a. Garage, residential.
b. Residential accessory uses.
c. Home occupation, accessory. [Amended 4/16/85, Ord. No. 85-4; am. 3/13/12, Ord. 2011-28]
d. Professional home office. [am. 3/13/12, Ord. 2011-28]
e. Child care provided in a residence.
f. Local utilities.
g. Household pets. (Kennels separately defined, not included here.)
[re-lettered 3/13/12, Ord. 2011-28]

Conditional Uses. [12/21/82, Ord. No. 11]
a. Church.
b. School.
c. Mobile home on foundation.
d. Mobile home park (including sales of mobile homes associated with park operation.
e. Multiple dwelling unit structures, established as a planned development, with overall density not exceeding ten (10) dwelling units per acre. [am. 4/16/85, Ord. 85-4]
f. Duplex.
g. Rest home; nursing home.
h. Day care centers.
i. Group homes, 9 or more occupants.
j. Extensive on-site parking or storage.
k. Non-local utilities.
l. Public and semi-public uses.
m. Keeping of dogs as household pets on a non-commercial basis in excess of two per premises.

Minimum Lot Area. 8,000 square feet. 10,000 square feet - Shoreland Area.

Minimum Width. Eighty (80) feet.

Minimum Depth. Eighty (80) feet.

Minimum Yards. Front - Section 11.07(d)2. Rear - 25 feet. Side - 10 feet each.

Maximum Principal Building Height. Three (3) stories or thirty-five (35) feet. [4/21/87, Ord. 87-03]

Maximum Accessory Building Height. Section 11.07(b)1. [4/2/87, Ord. 87-03]

Maximum Lot Coverage By Buildings. Maximum lot coverage by principal and accessory structures not to exceed thirty (30) percent of existing lot area. [4/16/85, Ord. No. 85-4]

2. R-2 - RESIDENTIAL – UNSEWERED [title – 2/14/84, Ord. No. 83-20]

Purpose. To identify non-farm residential areas not served by public sewer. To be applied only within the urban service areas, limited service areas, and rural hamlet areas described in the Jefferson County Agricultural Preservation and Land Use Plan. To ensure that, when used within urban service areas or limited service areas, that the establishment of unsewered development does not unreasonably inhibit future public sewer service. To protect residential neighborhoods by prohibiting uses which will not mix well with homes. [am. 2/8/00, Ord. No. 99-28; am. 3/13/12, Ord. 2011-28]

Principal Uses. [12/21/82, Ord. No. 11]

a. Single family detached home.
b. Parks, conservancy areas.
c. Group homes in single family dwellings, 8 or fewer occupants.

Accessory Uses. [12/21/82, Ord. No. 11]

a. Garage, residential.
b. Residential accessory uses.
c. Home occupation, accessory. [am. 3/13/12, Ord. 2011-28]
d. Professional home office. [am. 3/13/12, Ord. 2011-28]
e. Child care provided in a residence.
f. Local utilities.
g. Household pets. (Kennels separately defined, not included here.)
h. Growing of field crops.

[Re-lettered 3/13/12, Ord. 2011-28]

Conditional Uses. [12/21/82, Ord. No. 11]

a. Church.
b. School.
c. Mobile home on foundation.
d. Mobile home park (including sales of mobile homes associated with park operation)
e. Multiple dwelling unit structures, established as a planned development, with overall density not exceeding five dwelling units per acre.
f. Duplex.
g. Rest home; nursing home.
h. Day care centers.
i. Group homes, 9 or more occupants.
j. Extensive on-site parking or storage.
k. Non-local utilities.
l. Public and semi-public uses.
m. Keeping of dogs as household pets on a non-commercial basis in excess of two per premises.
n. Raising/keeping of farm animals provided that parcels are at least 2 acres and provided that the number

of animals will not exceed one animal unit per one acre. [am. 2/8/00, Ord. 99-28]

o. Private airstrips when lands are adjacent to an FAA-approved airport.

Minimum Lot Area. Appendix A.

Minimum Width. One hundred (100) feet.

Minimum Depth. One hundred fifty (150) feet.

Minimum Yards. Front - Section 11.07(d)2. Rear - 40 feet. Side - 15 feet each.

Maximum Principal Building Height. Three (3) stories or thirty-five (35) feet. [4/21/87, Ord. No. 87-03]

Maximum Accessory Building Height. Section 11.07(b)1. [4/21/87, Ord. No. 87-03]

Maximum Lot Coverage By Buildings. Maximum lot coverage by principal and accessory structures not to exceed thirty (30) percent of existing lot area. [4/16/85, Ord. No. 85-04]

3. <u>B – BUSINESS</u> [title – 2/14/84, Ord. 83-20]

Purpose. To identify areas appropriate for non-agricultural commercial use located within the urban service areas or limited service areas as described in the Jefferson County Agricultural Preservation and Land Use Plan. [am. 2/9/00, Ord. No. 99-28; am. 3/13/12, Ord. 2011-28]

Principal Uses. [12/21/82, Ord. No. 11]

a. General merchandise stores.
b. Food stores.
c. Building materials, hardware, garden supplies.
d. Automotive dealers, mobile home dealers.
e. Fuel dealers.
f. Service stations and repair shops.
g. Apparel and accessory stores.
h. Furniture, home furnishings and equipment.
i. General retail establishments.
j. Finance, insurance and legal services.
k. Real estate offices.
l. Personal services establishments.
m. Business services.
n. Repair services.
o. Business association offices.
p. Civic, social and fraternal associations.
q. Churches.
r. Other professional services
s. Community buildings (local government owned).
t. Community garages and storage facilities (local government owned).
u. Communication services.
v. First Amendment Protected Adult-Oriented Establishments [Created 06/21/05, Ord. No. 2005-10]

Accessory Uses. [12/21/82, Ord. No. 11]

a. Local utilities.
b. R-1 Accessory Uses associated with a residence allowed in this district.

Conditional Uses. [12/21/82, Ord. No. 11]
a. Eating and drinking places.
b. Hotels, motels.
c. Movie theaters.
d. Amusement and recreation facilities and services.
e. Construction contractors.
f. Transportation services.
g. Wholesale trades.
h. Residences.
i. Non-local utilities.
j. Public and semi-public uses.

Minimum Lot Area. Sewered - 8,000 square feet, except Shoreland Area which shall be 10,000 square feet. Unsewered - Appendix A, plus any additional requirements of COMM 83.

Minimum Width. Eighty (80) feet.

Minimum Depth. Sewered - 80 feet. Unsewered - 150 feet.

Minimum Yards. Front - Section 11.07(d)2. One-half (1/2) the height of the structure for side and rear. [Ord. No. 2013-31, 03-11-2014]

Maximum Building Height. Three (3) stories or thirty-five (35) feet.

4. <u>I – INDUSTRIAL</u> [title – 2/14/84, Ord. No. 83-20]

Purpose. To identify areas best suited for non-agricultural industrial development because of location, topography, existing streets, utilities and relationship to other land uses and located within the urban service areas or limited service areas as described in the Jefferson County Agricultural Preservation and Land Use Plan. [am. 2/8/00, Ord. No. 99-28; am. 3/13/12, Ord. 2011-28]

Principal Uses. The following Industrial categories when the use involves manufacturing, processing, warehousing, wholesale distribution and transportation. [12/21/82, Ord. No. 11]

The activity is a permitted use when it falls in the categories below and when the proposed operation will be fully enclosed within buildings, except for parking/driving areas. Where some operations or storage are not under cover, the permit has to come before the Planning and Zoning Committee for site plan approval.

a. Transportation services.
b. Food and kindred products (not including meat products).
c. Textile products, apparel.
d. Lumber and wood products.
e. Furniture and fixtures.
f. Printing, publishing and allied industries.
g. Rubber and plastic products.
h. Leather and leather products.
i. Stone, clay, glass products.
j. Fabricated metal products.
k. Machinery.
l. Electrical and electronic equipment and supplies.
m. Transportation equipment.
n. Instrument manufacturing.
o. General manufacturing.

p. Retailing as an adjunct to a principal or conditional use allowed in this district.

Accessory Uses. Local utilities. [12/21/82, Ord. No. 11]

Conditional Uses. [12/21/82, Ord. No. 11]
a. Retailing that is freestanding -- that is, not adjunct to a manufacturing operation.
b. Meat products.
c. Mining, including exploration and testing preparatory to mining, milling, and processing of mined materials.
d. Paper mills.
e. Chemical and allied products.
f. Petroleum refinery and related industries.
g. Concrete products.
h. Primary metal industries.
i. Ordnance works.
j. Generation of electrical power.
k. Manufacturing and distribution of gas.
l. Dumps or landfills.
m. Salvage yards; junkyards.
n. Storage or processing of industrial wastes.

Minimum Lot Area. Sewered - 8,000 square feet, except Shoreland Area which shall be 10,000 square feet. Unsewered - Appendix A, plus any additional requirements of COMM 83.

Minimum Width. Eighty (80) feet.

Minimum Depth. Sewered - 80 feet. Unsewered - 150 feet.

Minimum Yards. Front - Section 11.07(d)2. One half (1/2) the height of the structure for side and rear. [Ord. No. 2013-31, 03-11-2014]

Maximum Building Height. Three (3) stories or thirty-five (35) feet.

5. A-T AGRICULTURAL TRANSITION [title – 2/14/84, Ord. No. 83-20; am. 2/8/00, 99-28; 03/13/12, Ord. 2011-28]

Purpose. To preserve for an unspecified time period in agricultural and open space land use those lands generally located in proximity to developed areas within Jefferson County where future development is in keeping within town, city, village, and/or county plans, and located within 15 Year Growth Areas as described in the Jefferson County Agricultural Preservation and Land Use Plan. [am. 2/8/00, Ord. No. 99-28; 10/09/01, Ord. No. 2001-16; 11/12/02, Ord. No. 2002-25; 3/13/12, Ord. 2011-28]

Principal Uses.
a. Agriculture, subject to the limitations under subs. (p) through (r) below. [am. 3/13/12, Ord. 2011-28]
b. Horticulture.
c. Dairying, subject to the limitations under subs. (p) through (r) below. [am. 3/13/12, Ord. 2011-28]
d. Beekeeping.
e. Livestock raising, subject to the limitations under subs. (p) through (r) below. [am. 3/13/12, Ord. 2011-28]
f. Hatching of fowl, subject to the limitations under subs. (p) through (r) below. [am. 3/13/12, Ord. 2011-28]
g. Nursery.
h. Greenhouse.

i. Stable, agricultural. [am. 3/13/12, Ord. 2011-28]
j. Truck farm.
k. Forest management.
l. Game farm.
m. Hunt club.
n. Roadside stand for the sale of products grown or produced on the premises.
o. Existing dwellings built before January 15, 1975, and their replacements, as long as the replacement dwelling is placed within 100 feet of the existing dwelling, unless otherwise reviewed and approved by the Planning and Zoning Committee. [am. 3/13/12, Ord. 2011-28]
p. Feedlot for 150 livestock units or less, ATCP 51 regulated livestock facilities for more than 150 animal units are not permitted in the A-T district [see Section 11.05(d)2]. [am. 3/13/12, Ord. 2011-28]
q. Fowl and poultry farm housing 10,000 birds or less, ATCP 51 regulated poultry farms housing more than 10,000 birds are not permitted in the A-T district [see Section 11.05(d)2]. [am. 3/13/12, Ord. 2011-28]
r. On parcels with less than 35 acres of contiguous land, only one animal unit per acre, with a minimum of 2 acres required.
s. County parks – uses permitted under the County Parks Ordinance. [Ord. No. 2012-13, 09-11-2012]

[9/8/81, Res. No. 81-87; am. 10/09/01, Ord. No. 2001-16; 2/8/00, Ord. No. 99-28; 10/09/01, Ord. No. 2001-16; 1/12/02, Ord. No. 2002-25; 09/11/06, Ord. 2006-15; lettered & am. 3/13/12, Ord. 2011-28]

Accessory Uses.

a. Essential services.
b. Accessory uses as listed in the A-3 zoning district, with the exception of sub. g. for existing and/or replacement dwellings. [am. 3/13/12, Ord. 2011-28]
c. A parcel of land zoned A-T can contain and is not limited to equipment used in different types of farming activities at the particular location or on other A-T zoned lands owned or leased by the owners of the parcel in question. This includes construction equipment used in the farming activities; machinery and equipment used in the housing and care of livestock or agricultural production; storage units and associated equipment; feed storage areas such as bunker or pit silos; other such materials as may be employed in the day-to-day operation of agricultural activities, whether or not these items were originally intended for such purposes. Also included is up to three (3) semi-trailers or truck boxes if used for storage of agricultural equipment, supplies or products on A-T zoned property of 35 or more contiguous acres (for the purpose of this provision, a road shall not be considered a divider.) Normal setbacks and permits shall apply to these trailers and truck boxes used as storage units. Greater than three (3) semi-trailers or truck boxes utilized for storage shall require a conditional use permit. This section does not apply to licensed semi-trailers that are located on the property for the regular transport of agricultural goods and supplies produced on the particular farm. [4/16/85, Ord. No. 84-4; am. 2/8/00, Ord. No. 99-28; 9/11/06, Ord. 2006-15; 01/10/06, Ord. No. 2005-40; lettered 3/13/12, Ord. 2011-28]

Conditional Uses.

a. Commercial raising of fish. [lettered 3/13/12, Ord. 2011-28]
b. Home occupation, conditional. [created 3/13/12, Ord. 2011-28]
c. Fur farm. [lettered 3/13/12, Ord. 2011-28]
d. Public and semi-public uses [see Section 11.05(b)] except those uses listed in Section 11.05(b)1. [lettered 3/13/12, Ord. 2011-28]
e. Private agri-related airstrips. [lettered 3/13/12, Ord. 2011-28]
f. Greater than three (3) semi-trailers or truck boxes utilized for storage of agricultural equipment, supplies or products on A-T zoned property of 35 or more contiguous acres (for the purpose of this provision, a road shall not be considered a divider.) [lettered & amended 3/13/12, Ord. 2011-28]
g. Non-metallic mineral extraction use that meets the requirements of Section 11.05(c). [lettered & amended 3/13/12, Ord. 2011-28]

h. Public recreational use. [lettered & amended 3/13/12, Ord. 2011-28]
[am. 12/21/82, Ord. No. 11; 10/09/01, Ord. No. 2001-16; 2/8/00, Ord. No. 99-28; 11/12/02, Ord. No. 2002-25; 01/10/06, Ord. No. 2005-40; 09/11/06, Ord. 2006-15; am. & re-lettered 3/13/12, Ord. 2011-28]

These conditional uses are associated with adaptive reuse of barns as defined in the ordinance. Existing pre-1970 barns with a limitation for additions of no more than 25 percent of the existing footprint and no more than 25 percent replacement, modification or repair of existing structural members. However, as part of the conditional use process the Planning and Zoning Committee may consider replacement, modification or repair of the existing barn that exceeds this limitation if it meets the purpose and intent of this section. In addition, the limitations of Section 11.09 still apply. As a condition of approval, the barn conversion shall meet all applicable Federal, State and Local Codes for the conversion to a public building and place of employment. Notice of approval from the State of Wisconsin shall be submitted to the Zoning Department prior to issuance of the Zoning and Land Use permit which is required for conversion of use. [Ord. No. 2013-30, 03-11-2014]

i. Winery, tasting room, store
j. Antiques store
k. Farm store
l. Repair shop, machinery repair, auto repair, equipment repair, small engine repair
m. Garden center with store
n. Recreation facility
o. Office space
p. Recycling facility
q. Conference center, banquet hall, event facility
r. Storage – mini storage, personal storage
s. Classroom, educational facility, art studio
t. Tourist rooming house – would count as a residence under the A-3 regulations
u. Butcher shop, food processor
v. Eating and drinking place
[Ord. No. 2013-30, 03-11-2014]

Minimum Lot Area. Thirty-five (35) acres with the following exceptions:

(1) A one (1) acre to five (5) acre lot for farm consolidation for an existing residence and associated accessory structures is permitted if the residence in question was constructed prior to the enactment of the January 15, 1975 Zoning Ordinance and existed on or after this date even if subsequently replaced with a newer home and the parcel remaining contains a minimum of thirty-five (35) contiguous acres. Between three (3) and five (5) acres shall be considered by the Planning and Zoning Committee, at a regularly scheduled Committee meeting, if necessary to accommodate existing driveways and/or existing structures, and if the town board approved the preliminary certified survey map. All provisions of the A-3 Agricultural/Rural Residential District are applicable to the farm consolidation parcel created.
(2) Parcels of less than thirty-five (35) acres which existed prior to January 15, 1975.
(3) Parcels of less than thirty-five (35) acres which are a result of a zoning district amendment to the official Zoning Map of Jefferson County. A-T zoned lands transferred from a parcel of record after February 8, 2000, shall not be used to create A-3 lots or in the calculation of the number of A-3 lots available.

[Resolution No. 80-126 adopted 2/10/81, effective 3/10/81; am. 2/8/00, Ord. No. 99-28; 10/14/08, Ord. 2008-20; re-lettered & amended 3/13/12, Ord. 2011-28]

Minimum Width. Two hundred (200) feet.

Minimum Depth. Two hundred (200) feet.

Minimum Frontage. All lots shall front on a public road for a minimum distance of at least sixty-six (66) feet. Access to the lot shall be provided within this frontage. [cr. 3/13/12, Ord. 2011-28]

Minimum Yards. Front - Section 11.07(d)2. Rear - 20 feet. [Amended 09-11-06, Ord. 2006-15] Side (9-9-81, Res. No. 81-87.) - 20 feet each, providing that agricultural structures do not exceed in height twice their distance from the nearest lot line. [am. 9/8/81, Res. 81-87; 9/11/06, Ord. 2006-15; am. 3/13/12, Ord. 2011-28]

Maximum Building Height. Thirty-five (35) feet, except see Section 11.07(a)2 for height standards for agricultural structures. [am. 3/13/12, Ord. 2011-28]

6. A-1 EXCLUSIVE AGRICULTURAL [cr. 3/13/12, Ord. 2011-28]

Purpose. The long range goal for agricultural land use within Jefferson County is to preserve the most valuable of all resources—fertile land for agricultural pursuits—and to protect the land best suited for farming from premature urbanization. The A-1 Exclusive Agricultural district is intended to promote continued agricultural uses on the best quality agricultural land; protect and encourage long-term investments in food, fiber, and other resource-related production; be a state-certified farmland preservation zoning district to maintain property owner eligibility in the State's farmland preservation tax credit program in conjunction with the Agricultural Preservation and Land Use Plan; preserve rural character and manage nonfarm development; and provide reasonable opportunities for agriculturally-related businesses and home occupations. The Exclusive Agricultural zoning district may be utilized only in areas designated as Agricultural Preservation Areas within the Jefferson County Agricultural Preservation and Land Use Plan. Rezoning out of the A-1 district may occur only after the County Planning and Zoning Committee conducts a public hearing and makes findings as specified in §91.48(1) of the Wisconsin Statutes, as articulated in Section 11.11(c) of this Ordinance. Rezoning to the A-3 district under the associated policies of that district and the Agricultural Preservation and Land Use Plan is the only way that new housing may be built on lands currently zoned A-1, except for replacement of certain farm residences as authorized by this section.

Permitted Principal Uses.

a. Agricultural use, subject to the following limitations:
    1. Each feedlot may not exceed 150 livestock units [see Section 11.05d(1) non ATCP-regulated facility].
    2. Each foul or poultry farm shall house 10,000 birds or less [see Section 11.05d(1) non ATCP-regulated facility].
    3. Each ATCP 51 regulated livestock facility shall have 150 animal units or less [see Section 11.05d(2)].
b. Undeveloped natural resource or open space area.
c. Transportation, utility, communication, or other use that is required under state or federal law to be located in a specific place, or that is authorized to be located in a specific place under a state or federal law that preempts the requirement for a conditional use permit.

Permitted Accessory Uses.

a. Existing farm residence built before January 15, 1975 or its replacement, as long as the replacement farm residence is placed within 100 feet of the residence built before January 15, 1975, unless otherwise approved by the Planning and Zoning Committee.
b. Accessory residential structure to a farm residence listed under sub. a above.
c. Agricultural accessory structure.
d. Stable, agricultural.
e. Home occupation, accessory.

Conditional Uses.

a. Agricultural use that exceeds one or more of the limitations under the Agricultural Use listing in the Principal Uses section above, including:
    1. A feedlot for more than 150 livestock units [see Section 11.05d(1) non ATCP-regulated facility].

2. The housing of fowl for more than 10,000 birds [see Section 11.05(d)1 Non-ATCP 51 regulated facilities].
3. An ATCP 51 regulated livestock facility for more than 150 animal units or a poultry farm housing more than 10,000 birds [see Section 11.05(d)2].

b. Fur farm.
c. Commercial raising of fish.
d. Agriculture-related use.
e. Bed and breakfast establishment.
f. Home occupation, conditional.
g. Kennel.
h. Stable, commercial.
i. Non-metallic mineral extraction use that meets the requirements of Section 11.05(c).
j. Transportation, communication, pipeline, electrical transmission, utility, or drainage use that qualifies under §91.46(4) of the Wisconsin Statutes.
k. Greater than three (3) semi-trailers or truck boxes used for the storage of agricultural equipment, supplies, or products on A-1 zoned property of thirty-five (35) or more contiguous acres in the same ownership (for the purposes of this provision, a road shall not be considered a divider of contiguity). Normal setbacks and permits shall be required for trailers and truck boxes used for storage of agricultural equipment.

Minimum Lot Area. Thirty-five (35) acres, with the following exceptions and qualifiers:

a. A-1 lots created around a residence constructed before January 15, 1975 as a result of a farm consolidation certified survey map recorded between January 15, 1975 and March 13, 2012, with such lots instead having a minimum lot area of one acre. (Farm consolidation lots for certified survey maps recorded after March 13, 2012 are still allowed, but require rezoning to the A-3 district.)
b. Parcels of less than thirty-five (35) acres which existed prior to January 15, 1975, with such parcels instead having a minimum lot area equal to their lot area on January 15, 1975.
c. On parcels with less than thirty-five (35) acres of contiguous land under common ownership, only one animal unit is allowed per acre, with a minimum of 2 acres required to house animal units.
d. A-1 zoned lands transferred from a parcel of record to another after February 8, 2000 shall not be used to create A-3 lots or in the calculation of the number of A-3 lots available under the policies expressed in this Ordinance or the Agricultural Preservation and Land Use Plan.
e. Parcels of less than thirty-five (35) acres which are a result of a zoning district amendment to the official Zoning Maps of Jefferson County.

[am. 12-11-12, Ord. 2012-19]

Minimum Width. Two hundred (200) feet.

Minimum Depth. Two hundred (200) feet.

Minimum Frontage. All lots shall front on a public road for a minimum distance of at least sixty-six (66) feet. Access to the lot shall be provided within this frontage.

Minimum Yards. Front – See Section 11.07(d)2. Rear – 20 feet. Side – 20 feet each, providing that agricultural structures do not exceed in height twice their distance from the nearest lot line. (ATCP 51 setbacks may differ.)

Maximum Building Height. Thirty-five (35) feet, except see Section 11.07(a)2 for height standards for agricultural structures.
[created 3/13/12, Ord. 2011-28]

7. <u>A-2 AGRICULTURAL AND RURAL BUSINESS</u> [title – 2/14/84, Ord. No. 83-20; am. 2/8/00, Ord. No. 99-28; amended & renumbered 3/13/12, Ord. 2011-28]

Purpose. To provide for the proper location and regulation of manufacturing, storage warehousing and related marketing or industrial activities that are related to the agricultural industry and otherwise suited to a relatively isolated, rural location. This district may be considered within the Agricultural Preservation Areas, Rural Hamlet areas, Urban Service Areas, and Limited Service Areas as described in the Jefferson County Agricultural Preservation and Land Use Plan. Uses listed for the A-2 district involve fixed locations, year-round or seasonal. A listed use that is mobile, moving from farm to farm, is not regulated. A site may have a conditional use without the primary use being established. [Ord. No. 11, 12/21/82; am. 2/8/00, Ord. No. 99-28; am. 3/13/12, Ord. 2011-28]

Principal Uses.

a. Agriculture.
b. Horticulture.
c. Dairying.
d. Beekeeping.
e. Livestock raising.
f. Hatching of fowl.
g. Nursery.
h. Greenhouse.
i. Stable, agricultural. [am. 3/13/12, Ord. 2011-28]
j. Truck farm.
k. Forest management.
l. Game farm.
m. Hunt club.
n. Roadside stand for the sale of products grown or produced on the premises.
o. Existing dwelling built before January 15, 1975, and its replacement, as long as the replacement dwelling is placed within 100 feet of the existing dwelling, unless otherwise reviewed and approved by the Planning and Zoning Committee. [am. 3/13/12, Ord. 2011-28]
p. On parcels with less than 35 acres of contiguous land, only one animal unit is allowed per acre, with a minimum of 2 acres required.

[2/8/00, Ord. No. 99-28; 11/10/09, Ord. 2009-19; lettered 3/13/12, Ord. 2011-28]

Accessory Uses. [12/21/82, Ord. No. 11]

a. Residential (R-2) uses for Residence in this district.
b. Local utilities.

Conditional Uses.

a. Residences will be occupied by a person who, or a family of which one adult member, earns a majority of his/her gross income from conducting the farm operations on the parcel or parcels in close proximity. Substantial evidence shall be provided to the Committee documenting the intended agricultural use. A-2 Agricultural and Rural Business District rezonings for farm labor housing would count against the total number of A-3 lots available for the parent parcel. Multi-family housing for farm labor is considered as a conditional use under this provision. [2/8/00, Ord. No. 99-28; am. 3/13/12, Ord. 2011-28]
b. Contract sorting, grading and packaging services for fruits and vegetables.
c. Grist mill services.
d. Horticultural services.
e. Poultry hatchery services.
f. Canning of vegetables, fruits and specialty foods.
g. Production of cheese.
h. Production of condensed and evaporated milk.
i. Wet milling of corn (custom).
j. Preparation of feeds for animals and/or fowl. Conditional use approval is required if the operation occurs on a non-farm parcel or if it is conducted on a commercial/custom basis for export to farms other than the one on which it is located.
k. Production of flour and other grain mill products.

l. Blending and preparing of flour
m. Fluid milk processing.
n. Production of frozen fruits, vegetables, other specialties.
o. Meat packing.
p. Poultry, fish and small game dressing and packing, providing that all operations are conducted within an enclosed building.
q. Livestock sales facilities.
r. Grain elevators and bulk storage of feed grains.
s. Fertilizer production, sales, storage, mixing and blending.
t. Sale of farm implements and related equipment.
u. Grain drying where capacity exceeds 200,000 bushels per year.
v. Trap and skeet shoot, rifle range, motocross course, race track and festival grounds, and clubhouse for such operation.
w. Waste storage, treatment and/or disposal.
x. Kennel, veterinarian facility, animal hospital.
y. Mineral extraction and processing.
z. Storage of non-farm equipment.
aa. Non-local utilities.
bb. Campgrounds
cc. Golf Courses.
dd. Public and semi-public uses.
ee. Home occupation, conditional. [4/16/85, Ord. No. 85-4, am. 3/13/12, Ord. 2011-28]
ff. Fur farm.
gg. Salvage yard. [am. 11/12/02, Ord. 2002-25]
hh. Retail sales of agricultural related items not grown on the premises. [11/10/09, Ord. 2009-19]
ii. Storage of contractor's equipment and materials. [11/10/09, Ord. 2009-19]
jj. Mini warehousing/personal storage warehousing. [11/10/09, Ord. 2009-19]
kk. Bed and breakfast in an existing A-2 zone and an existing dwelling (as defined in Chapter DHS 197 in the Wisconsin Administrative Code) [11/10/09, Ord. 2009-19]
ll. Tourist rooming house in an existing A-2 zone and an existing dwelling (as defined in Chapter DHS 195 in the Wisconsin Administrative Code) [11/1/09, Ord. 2009-19]
mm. Food stand – privately owned, associated with recreational use. [07/13/10, Ord. 2010-110]
nn. Stable, commercial. [cr. 3/13/12, Ord. 2011-28]
oo. Agricultural tourism [Ord. No. 2012-04, 05-07-2012]
pp. Huntclub/Game farm resort [Ord. No. 2012-04, 05-07-2012]
qq. Winery, tasting room, store [Ord. No. 2013-30, 03-11-2014]
rr. Farm store [Ord. No. 2013-30, 03-11-2014]
ss. Garden center with retail store [Ord. No. 2013-30, 03-11-2014]
tt. Recreational facility directly related to open space uses and the necessity for a rural location [Ord. No. 2013-30, 03-11-2014]
uu. Recycling operation (stand alone or add to salvage yard) [Ord. No. 2013-30, 03-11-2014]
vv. Landscaping business (Ord. No. 2013-30, 03-11-2014]

These conditional uses are associated with adaptive reuse of barns as defined in the ordinance. Existing pre-1970 barns with a limitation for additions of no more than 25 percent of the existing footprint and no more than 25 percent replacement, modification or repair of existing structural members. However, as part of the conditional use process the Planning and Zoning Committee may consider replacement, modification or repair of the existing barn that exceeds this limitation if it meets the purpose and intent of this section. In addition, the limitations of Section 11.09 still apply. As a condition of approval the barn conversion shall meet all applicable Federal, State and Local Codes for the conversion to a public building and place of employment. Notice of approval from the State of Wisconsin shall be submitted to the Zoning Department prior to issuance of the Zoning and Land Use permit which is required for conversion of use. [Ord. No. 2013-30, 03-11-2014]

ww. Winery, tasting room, store
xx. Antiques store
yy. Farm store
zz. Repair shop, machinery repair, auto repair, equipment repair, small engine repair
aaa. Garden center with store
bbb. Recreation facility
ccc. Office space
ddd. Recycling facility
eee. Conference center, banquet hall, event facility
fff. Storage – mini storage, personal storage
ggg. Classroom, educational facility, art studio
hhh. Tourist rooming house – would count as a residence under the A-3 regulations
iii. Butcher shop, food processor
[Ord. No. 2013-30, 03-11-2014]

Maximum Building Height. Thirty-five (35) feet, except see Section 11.07(a)2 for height standards for agricultural structures. [cr. 3/13/12, Ord. 2011-28]

Minimum Lot Area. Minimum sufficient areas for the principal structures and accessory buildings. [Amended 2/8/00, Ord. No. 99-28]

Minimum Yards. Same as A-3 yard requirements, with the option for greater setbacks set by the Planning and Zoning Committee, dependent upon use. [2/8/00, Ord. No. 99-28]

8. <u>A-3 AGRICULTURAL/RURAL RESIDENTIAL</u> [title – 2/8/00, Ord. No. 99-28; renumbered 3/13/12, Ord. 2011-28]

Purpose. The purpose of the A-3 Agricultural/Rural Residential District is to allow limited rural residential development on lands in predominantly agricultural areas that are not suited for agricultural production or, due to the proposed location, would have limited impact on agricultural production. Lots are limited in number, size and location to minimize the impacts associated with rural residential development. Residents of this district may experience conditions associated with farming that are not necessarily compatible with rural residential use. This district may be considered within the Agricultural Preservation Areas, Rural Hamlet areas, Environmental Corridor overlay, Urban Service~~s~~ Areas, and Limited Service Areas, as described in the Jefferson County Agricultural Preservation and Land Use Plan. Within planned Agricultural Preservation Areas, the number of A-3 lots created from a parcel of record shall be limited per the associated policies within that Plan. [Amended 2/8/00, Ord. 99-28; 3/13/12, Ord. 2011-28]

Principal Uses. [12/21/82, Ord. No. 11]
a. Single family dwelling.
b. Mobile homes on foundations.
c. Group home in single family dwellings, 8 or fewer occupants.
d. Stable, agricultural. [cr. 3/13/12, Ord. 2011-28]

Accessory Uses. [12/21/82, Ord. No. 11]
a. Garage, residential.
b. On-site parking and storage.
c. Residential accessory uses.
d. Home occupation, accessory. [4/16/85, Ord. No. 85-4; am. 3/13/12, Ord. 2011-28]
e. Professional home office. [cr. 3/13/12, Ord. 2011-28]
f. Home child care.
g. Household pets.
h. Raising/keeping of farm animals provided that parcel is 2.0 acres or larger and number of animals will not exceed one animal unit per 1.0 acre. [am. 2/8/00, Ord. No. 99-28]

i. Growing of field crops.
j. Roadside stands.
k. Local utilities.
[re-lettered 3/13/12, Ord. 2011-28]

Conditional Uses. [12/21/82, Ord. No. 11]
a. Duplex.
b. Non-local utilities.
c. Kennels.
d. Home occupations, conditional.
e. Public and semi-public uses.
f. Bed and breakfast (as defined in Chapter DHS 197 in the Wisconsin Administrative Code) [11/10/09, Ord. 2009-19]
g. Tourist rooming house (as defined in Chapter DHS 195 in the Wisconsin Administrative Code) [11/10/09, Ord. 2009-19]
h. Stable, commercial. [cr. 3/13/12, Ord. 2011-28]

Minimum Lot Area. One (1) acre. [Amended 2/8/00, Ord. No. 99-28]

Minimum Width. One hundred fifty (150) feet.

Minimum Depth. Two hundred (200) feet.

Minimum Yards. Front - Section 11.07(d)2. Rear - 20 feet. Side - 20 feet each. [am. 4/21/87, Ord. No. 87-03]

Maximum Building Height. Thirty-five (35) feet, except see Section 11.07(a)2 for height standards for agricultural structures. [cr. 3/13/12, Ord. 2011-28]

Maximum Lot Area. Two (2) acres, with the following possible exceptions and qualifiers:
a. Possible lot combinations under the policies for creation of A-3 lots within this Ordinance and the Agricultural Preservation and Land Use Plan, which may allow for larger area in non-prime and prime agricultural land lots (i.e., e.g., one six-acre lot may be substituted for three two-acre lots in non-prime agricultural land or one four-acre lot may be substituted for two two-acre lots in prime agricultural land upon Planning and Zoning Committee and County Board approval). A lot combination may be considered by the Committee in an environmental corridor if enough non-prime agricultural land is available, even though the maximum number of lots may have been reduced due to environmental corridor density provisions described in A-3 Maximum Number of Lots section. [am. 3/13/12, Ord. 2011-28]
b. A lot of greater than two (2) acres in area shall be considered by the Planning and Zoning Committee if necessary to accommodate a dwelling built before February 8, 2000 and its driveway and accessory structures, if the town board first approves the preliminary certified survey map. In such cases, lot area around the dwelling and accessory structures shall not exceed the maximum acreage allowed by this section. [am. 3/13/12, Ord. 2011-28]
c. A lot of up to five (5) acres in area may be considered by the Planning and Zoning Committee in association with a farm consolidation for an existing residence and associated accessory structures, if the residence in question was constructed prior to January 15, 1975 (or was subsequently replaced with a newer home) and the parcel remaining contains a minimum of thirty-five (35) contiguous acres and continues to be zoned A-1. [cr. 3/13/12, Ord. 2011-28]

[2/8/00, Ord. No. 99-28; lettered 3/13/12, Ord. 2011-28]

Maximum Lot Coverage By Buildings. Maximum lot coverage by principal and accessory structures not to exceed thirty (30) percent of existing lot area. [4/16/85, Ord. No. 85-4]

Maximum Number of Lots. Three (3) non-prime agricultural land A-3 lots or one (1) or two (2) prime agricultural land A-3 lot(s) with clustering recommended. The number of possible prime agricultural land lots is based on the amount and configuration of land owned (see the lot chart below). With less than fifty (50) acres, one (1) prime agricultural land lot is possible. With fifty (50) acres or more, two (2) prime agricultural land lots are possible. The minimum amount of prime agricultural land shall be utilized when approving the prime lot option. If an option is utilized to mix non-prime and prime agricultural land lots, the prime agricultural land maximum lot numbers shall apply. A-3 lots created since the 1977 adoption of the A-3 zoning district shall also be taken into account when determining how many A-3 lots may be available. All parcels of record may propose the maximum number of lots described in this section unless the number of lots has been reduced due to A-3 lots being created from the parent parcel predating the parcel of record. Each parcel of record would have the possibility of at least one A-3 lot upon Committee review and County Board approval. Existing A-3 lots created since 1977 shall not be further redivided so as to create additional lots. A-3 lots proposed for dwellings constructed prior to December 13, 1977 do not count as having utilized an A-3 lot division. [2/8/00, Ord. No. 99-28]

Environmental corridor overlays described in the plan may also impact the maximum number of possible A-3 lots available as described in the following lot chart by utilizing the development density of no greater than one dwelling unit per 10 acres. Clear cutting upland wooded environmental corridor areas in existence at the time of the enactment of this ordinance provision shall not increase the number of A-3 lots available (see the environmental corridor detailed policies in the Jefferson County Agricultural Preservation and Land Use Plan). Also, A-2 lots for an agricultural residence shall reduce the number of lots available. [2/8/00, Ord. No. 99-28]

A-3
AGRICULTURAL/RURAL RESIDENTIAL DISTRICT
LOT CHART

PARCEL OF RECORD SIZE AT TIME OF ORDINANCE AMENDMENT	PRIOR A-3 SPLITS FROM PARENT PARCEL	(MAY USE ONE OR THE OTHER) NON-PRIME LOTS AVAILABLE	PRIME LOTS AVAILABLE
Less Than 50	3	1	1
"	2	1	1
"	1	2	1
"	0	3	1
50 or Greater	3	1	1
"	2	1	1
"	1	2	1
"	0	3	2

[2/8/00, Ord. No. 99-28]

In order to achieve safer access, more effective clustering or protection of land resources, the Committee may consider the consolidation of multiple parcels of record that are contiguous or divided only by a public road and under the same ownership. In reviewing the consolidation for the purpose of a proposed A-3 lot(s) relocation, the Committee must determine that they would have otherwise approved the number of lots on each separate parcel of record. Any proposed lots relocated in this manner would constitute use of all the lots from that separate parcel of record regardless of the number actually relocated. Proposed lots that would have been approved in a non-prime agricultural soil location cannot be relocated into prime agricultural soils unless the number of proposed lots is reduced to the prime soil numbers as described in the “Maximum Number of Lots” section. Conversely, the number of lots would not be increased if relocated from a prime soil location on the separate parcel of record to a non-prime agricultural soil

location on the consolidated parcel of record. Town approval is required for any request for consolidation of parcels of record. [Created 09/11/06, Ord. 2006-15]

9. <u>C – COMMUNITY</u> [renumbered 3/13/12, Ord. 2011-28]

Purpose. To identify those areas which have traditionally serviced the nearby farms and residences, but were not legally incorporated into villages or cities. To recognize that these older communities have mixed their residential, commercial and farming uses. The Community zoning district shall be utilized in Rural Hamlet areas and Limited Service Areas as described in the Jefferson County Agricultural Preservation and Land Use Plan. [am. 2/8/00, Ord. 99-28; 3/13/12, Ord. 2011-28]

Principal Uses. [12/21/82, Ord. No. 11]

a. Single family detached home.
b. Parks, conservancy areas.
c. Group homes in single family dwellings, 8 or fewer occupants.

Accessory Uses. [12/21/82, Ord. No. 11]

a. Garage, residential.
b. Residential accessory uses.
c. Home occupations, accessory. [am. 3/13/12, Ord. 2011-28]
d. Child care provided in a residence.
e. Local utilities.
f. Household pets (kennels separately defined, not included here).
g. Growing of field crops.

Conditional Uses. [12/21/82, Ord. No. 11]

a. Church.
b. School.
c. Mobile home on foundation.
d. Mobile home park (including sales of mobile homes associated with park operation).
e. Multiple dwelling unit structures, established as a planned development, with overall density not exceeding five dwelling units per acre.
f. Duplex.
g. Rest home; nursing home.
h. Day care centers.
i. Group homes, 9 or more occupants.
j. Extensive on-site parking or storage.
k. Home occupation, conditional. [am. 3/13/12, Ord. 2011-28]
l. Non-local utilities.
m. Public and semi-public uses.
n. Keeping of dogs as household pets on a non-commercial basis in excess of two per premises.
o. Raising/keeping of farm animals provided that parcels are at least 2.0 acres and provided that the number of animals will not exceed one animal unit per 1.0 acre. [am. 2/8/00, Ord. No. 99-28]
p. Private airstrips when lands are adjacent to an FAA-approved airport.
q. General merchandise stores.
r. Food stores.
s. Building materials, hardware, garden supplies.
t. Automotive dealers, mobile home dealers.
u. Fuel dealers.
v. Service stations and repair shops.
w. Apparel and accessory stores.
x. Furniture, home furnishings and equipment.
y. General retail establishments.
z. Finance, insurance and legal services.
aa. Real estate offices.

bb. Personal services establishments.
cc. Business services.
dd. Repair services.
ee. Business association offices.
ff. Civic, social and fraternal associations.
gg. Churches.
hh. Other professional services.
ii. Community buildings (local government owned).
jj. Community garages and storage facilities (local government owned).
kk. Communication services.
ll. Eating and drinking places.
mm. Hotels, motels.
nn. Movie theaters.
oo. Amusement and recreation facilities and services.
pp. Construction contractors.
qq. Transportation services.
rr. Wholesale trades.
ss. Residences.
tt. Public and semi-public uses.

Minimum Lot Area. Sewered - 8,000 square feet except Shoreland area, which shall be 10,000 square feet. Unsewered - Appendix A.

Minimum Width. Sewered - 80 feet. Unsewered - 100 feet.

Minimum Depth. Sewered - 80 feet. Unsewered - 150 feet.

Minimum Yards. Front - Section 11.07(d)2. Rear - 25 feet. Side - 10 feet each.

Maximum Building Height. Three (3) stories or thirty-five (35) feet.

10. W – WATERFRONT [renumbered 3/13/12, Ord. 2011-28]

Purpose. To identify residential and commercial areas adjacent to the County's waterways.

Principal Uses.
a. Single-family dwelling, existing only, if located in floodway. Permitted in floodplain if all provisions of the Floodplain Zoning and Private Sewage System Ordinances are complied with. [6/12/84, Ord. No. 84-5]
b. Park, conservancy areas. [12/21/82, Ord. No. 11]
c. Non-structural open space and recreational uses. [12/21/82, Ord. No. 11]

Accessory Uses.
a. Residential garage, existing structures, only if in floodway. [6/12/84, Ord. No. 84-5]
b. Residential parking, storage, accessory structures, existing only, if located in floodway. [6/12/84, Ord. No. 84-5]
c. Other R-2 accessory uses, providing that no new structures are established to accommodate the use. [12/21/82, Ord. No. 11]
d. Boathouses, provided that standards of 11.10(c)4 are met. [12/2/-82, Ord. No. 11]
e. Boat docks and piers for private residential usage only. [12/21/82, Ord. No. 11]

f. Camping occupancy of camping trailers or similar vehicles, provided that the vehicle is of a type recognized by HFS 178 of the Wisconsin Administrative Code and is under 400 square feet in area, that length of occupancy shall not exceed 14 days in any one continuous period nor more than 30 days cumulatively over any 12-month period and provided that the unit is neither skirted nor connected to any porch except for essential steps or ramps. [12/21/82, Ord. No. 11]

g. Local utilities. [12/21/82, Ord. No. 11]

No accessory structure may be used for human occupancy. All sanitary requirements shall be complied with and, during flood stage periods, all such units shall be removed from designated hazard areas. [12/21/82, Ord. No. 11]

Conditional Uses.

a. Water related business (marinas, boat, bait, gift shops, taverns, restaurants). Newly-established, or abandoned, uses, described above, shall meet all applicable sections of the Floodplain Zoning, Private Sewage System and Zoning Ordinances. [6/12/84, Ord. No. 84-5]

b. General retail, existing use only. [6/12/84, Ord. No. 84-5]

c. Expansion, alteration of parking areas for existing uses. [(12/21/82, Ord. No. 11]

d. Non-local utilities. [12/21/82, Ord. No. 11]

e. Kennel - see definition. [12/21/82, Ord. No. 11]

f. Boathouses on vacant lots. [12/21/82, Ord. No. 11]

g. Public and commercial access ramps to navigable waters. [am. 12/12/06, Ord. 2006-20]

Minimum Lot Area. Sewered - 12,000 feet. Unsewered - Appendix A.

Minimum Width. Sewered - 80 feet. Unsewered - 100 feet.

Minimum Depth. One hundred fifty (150) feet.

Minimum Yards. Front - Section 11.07(d)2. Rear - 20 feet. Side - 10 feet.

Maximum Building Height. Three (3) stories or thirty-five (35) feet.

11. <u>S - SHORELAND-WETLAND (Overlay Zone)</u> Refer to Section 11.10(c) for description and provisions applicable to this district. The Shoreland-Wetland District takes precedence over any underlying zone. [4/16/85, Ord. 85-4; renumbered 3/13/12, Ord. 2011-28]

Purpose. An overlay district, to delineate the floodplain and to prevent unsuitable uses from locating in such floodplain.

Principal Uses. Any principal use allowed in the underlying district, provided the conditions of Section 11.10(b)6 are met.

Accessory Uses. Essential services.

Conditional Uses. Any conditional use allowed in the underlying district, provided the conditions of Section 11.10(b)6 are met.

Minimum Lot Area. As in underlying district.

Minimum Width. As in underlying district.

Minimum Depth. As in underlying district.

Minimum Yards. Front - As in underlying district. Rear - As in underlying district. Side - As in underlying district.

Maximum Building Height. As in underlying district.

12. <u>N - NATURAL RESOURCE</u> [renumbered 3/13/12, Ord. 2011-28]

Purpose. To identify those areas where development is prohibited due to ground water, the presence of significant wildlife habitat and natural vegetation or the need to protect water quality. To allow for low impact agricultural uses, generally those which predated zoning to the N district, To be a state-certified farmland preservation zoning district to maintain property owner eligibility in the State's farmland preservation tax credit program in conjunction with the Agricultural Preservation and Land Use Plan. All applicable sections of the Agricultural Preservation and Land Use Plan shall be evaluated in determining a rezoning to this district. Rezoning out of the N district may occur only following the County Planning and Zoning Committee conducts a public hearing and makes findings as specified in §91.48(1) of the Wisconsin Statutes, as articulated in Section 11.11(c) of this Ordinance. [am. 2/8/00, Ord. No. 99-28; 3/13/12, Ord. 2011-28]

Permitted Principal Uses.

a. Undeveloped natural resource and open space area, including public lands recreational use such as hunting, fishing, hiking, and bridle path. [am. & lettered 3/13/12, Ord. 2011-28]
b. Raising of waterfowl, fish, or other wildlife, including necessary non-residential buildings serving the use and meeting the requirements for accessory uses under §91.01(1) of the Wisconsin Statutes. [am. & lettered 3/13/12, Ord. 2011-28]
c. The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops. [cr. 3/13/12, Ord. 2011-28]
d. The practice of silviculture, including the planting, thinning and harvesting of timber. [am. 3/13/12, Ord. 2011-28]
e. Other activities and uses which do not require the issuance of a zoning permit and which must be carried out without filling, flooding, draining, dredging, ditching, tiling or excavating. [cr. 3/13/12, Ord. 2011-28]

[am. 2/8/00, Ord. No. 99-28]

Permitted Accessory Uses.

a. Essential services. [lettered 3/13/12, Ord. 2011-28]
b. Agricultural accessory structure. [cr. 3/13/12, Ord. 2011-28]

Conditional Uses.

a. An agricultural use not listed as a Principal Use in the N district, except for: [am. 3/13/12, Ord. 2011-28]
    1. A feedlot for more than 150 livestock units. [cr. 3/13/12, Ord. 2011-28]
    2. The housing of fowl for more than 10,000 birds [see Section 11.05(d)1 Non-ATCP 51 regulated facilities]. [cr. 3/13/12, Ord. 2011-28]
    3. ATCP 51 regulated livestock facilities for more than 150 animal units and poultry farm housing more than 10,000 birds [see Section 11.05(d)2]. [cr. 3/13/12, Ord. 2011-28]
b. Watercourse relocation, filling, draining, dredging that qualifies under §91.46(4) of the Wisconsin Statutes. [am. 3/13/12, Ord. 2011-28]
c. Dam, hydroelectric plant that qualifies under §91.46(4) of the Wisconsin Statutes. [am. 3/13/12, Ord. 2011-28]

Minimum Lot Area. Two (2) acres.

Minimum Width. One hundred (100) feet.

Minimum Depth. One hundred (100) feet.

Minimum Yards. Front - Section 11.07(d)2. Rear - 75 feet. Side - 75 feet each.

Maximum Building Height. Thirty-five (35) feet, except see Section 11.07(a)2 for height standards for agricultural structures. [am. 3/13/12, Ord. 2011-28]

13. R/R - RESIDENTIAL/RECREATIONAL [4/20/82, Res. No. 82-16; renumbered 3/13/12, Ord. 2011-28]

Purpose. To identify those areas where predominantly recreational development has occurred or will be likely to occur, generally in 15 Year Growth Areas, Urban Service Areas, Limited Service Areas, and Rural Hamlet Areas as described within the Agricultural Preservation and Land Use Plan. Due to soils types, agricultural productivity class, topographic conditions, and adjacent uses, the area would be best suited to sparse residential and recreational development rather than intensive agricultural development. [am. 2/8/00, Ord. No. 99-28; 3/13/12, Ord. 2011-28]

Principal Use. One-family dwellings. Mixture of recreational use such as lake resort area, golf course, bridle path, and residential use.

Accessory Use. Essential services. Home occupation, accessory, Professional home office. Private garage or parking areas. [am. 4/16/85, Ord. 85-4; 3/13/12, Ord. 2011-28]

Conditional Use. Two-family and multi-family dwellings. Cluster developments. Condominium developments. Single-family attached developments. Public and semi-public uses [Section 11.05(b)]. Raising/keeping of farm animals provided that parcels are at least 2.0 acres or more with one animal unit permitted for each 1.0 acre. Taxiing and parking of airplanes on land adjacent to an FAA-approved airport. Rest and nursing homes, club, fraternity. Bed and breakfast (as defined in Chapter DHS 197 in the Wisconsin Administrative Code). Tourist rooming house (as defined in Chapter DHS 195 in the Wisconsin Administrative Code). [am. 2/8/00, Ord. No. 99-28; 11/10/09, Ord. 2009-19]

NOTE: NO USE SHALL BE ALLOWED UNTIL ALL REQUIREMENTS OF THE COUNTY PRIVATE SEWAGE SYSTEMS ORDINANCE ARE MET.

Minimum Lot Area. Sewered lots: 10,000 square feet. Unsewered lots: 20,000 square feet. [am. 3/13/12, Ord. 2011-28]

Minimum Lot Width. One hundred (100) feet*.

Minimum Lot Depth. One hundred fifty (150) feet*.

Minimum Yards. Front - Section 11.07(d)2*. Rear - Forty (40) feet*. Side - Fifteen (15) feet*.

(*) Lot area, width, depth, and minimum yards for multi-family type developments, as listed, will be determined as part of the Conditional Use Permit.

(g) Storage of Major Recreational Equipment. Recreational vehicles and equipment shall not be placed in the driveway or in any portion of the front yard of a residence for any period of time exceeding 72 hours, except in the Agricultural District.

(h) Camping. Camping is prohibited in all areas except in campgrounds and parks where camping is permitted.

(i) Minimum Building Area. All dwelling units shall contain the following area:

	Bedrooms	Square Feet Floor Area
Single Family	2	850
Dwellings	3	930
	4	1100
Two-Family and	1	500
Multi-Family	2	650
Dwellings (per unit)	3	800

(j) Public Utility. Public utility gas and oil pipelines, transmission and distribution lines, poles and other accessories shall be permitted in all districts, provided that when a utility proposes a major inter-city transmission line or pipeline, it shall give notice to the Committee of such intention and of the time and place of hearing before the Public Service Commission. At the request of the Committee the utility shall meet with it to discuss the routing of said transmission line or pipeline and before actual construction shall file a mapped description of the route of such transmission line with the Committee.

(k) First Amendment Protected Adult-Oriented Establishments. [Created 06/21/05, Ord. No. 2005-10]

(1) Definitions: For the purposes of this section the following terms have the meanings indicated.

Adult Arcade: means any place to which the public is permitted or invited wherein coin, slug, electronically, or mechanically controlled or operated still or in motion picture machines, projectors, computers or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by depicting or describing "Specified Sexual Activities" or "Specified Anatomical Areas."

Adult Bathhouse: means a commercial establishment which provides a bath as a service and which provides to its patrons an opportunity for engaging in "Specified Sexual Activities."

Adult Body Painting Studio: means a commercial establishment wherein patrons are afforded an opportunity to be painted or to paint images on "Specified Anatomical Areas." An Adult Body Painting Studio does not include a tattoo parlor.

Adult Bookstore: means any commercial establishment having as its stock-in-trade the sale, rental or lease for any form of consideration, any one or more of the following:

1. Books, magazines, periodicals or other printed matter, photographs, films, motion pictures, video cassettes, video reproductions, slides, or other visual representations which are distinguished or characterized by their emphasis on "Specified Anatomical Areas" or "Specified Sexual Activities."

2. Instruments, devices, or paraphernalia which are designed for use in connection with "Specified Sexual Activities."

3. Facilities for the presentation of "Adult Entertainment" as defined herein, including Adult-Oriented films, motion pictures, video cassettes, video reproductions, slides or other visual representations for observation by patrons therein.

Adult Cabaret: means a nightclub, bar, restaurant, or similar commercial establishment which features:

1. Live performances which are characterized or distinguished by the exposure of "Specified Anatomical Areas" or "Specified Sexual Activities," or,
2. Films, motion pictures, video cassettes, video reproductions, slides or other visual representations which are distinguished or characterized by depicting or describing "Specified Sexual Activities" or "Specified Anatomical Areas."

Adult Entertainment: means any exhibition of any motion picture, live performance, display or dance of any type, which has as its dominant theme, or is distinguished or characterized by any one or more of the following:

1. "Specified Sexual Activities,"

2. "Specified Anatomical Areas"

Adult Massage Parlor: means a commercial establishment with or without sleeping accommodations which provides the service of massage or body manipulation, including exercise, heat and light treatment of the body, and any form or method of physiotherapy, which also provides its patrons with the opportunity to engage in "Specified Sexual Activities."

Adult Motel: means a hotel, motel or other similar commercial establishment which: offers accommodations to the public for any form of consideration; provides patrons with closed circuit television transmissions, film, motion pictures, video cassettes, video reproductions, slides, or other visual reproductions characterized by depicting or describing "Specified Sexual Activities" or "Specified Anatomical Areas," and has a sign visible from the public right of way which advertises the availability of this type of adult entertainment; or

1. offers a sleeping room for rent for a period of time that is less than ten hours; or

2. allows a tenant or occupant of a sleeping room to sublet the room for a period of time that is less than ten hours.

Adult-Oriented Establishment: includes: Adult Arcade, Adult Bathhouse, Adult Body Painting Studio, Adult Bookstore, Adult Cabaret, Adult Massage Parlor, Adult Motel, Adult Theater, and any commercial establishment presenting Adult Entertainment, whether or not such establishment is operated or maintained for a profit and where alcohol is not served or consumed.

Adult Theater: means an enclosed building such as theater, concert hall, auditorium or other similar commercial establishment which is used for presenting "Adult Entertainment".

Board: means the Jefferson County Board of Supervisors.

Specified Anatomical Areas: means:

1. less than completely and opaquely covered human genitals, pubic region, vulva, anus, or the nipple and areola of the human female breast; or

2. human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities: means and includes any of the following, simulated or actual.

1. the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts.

2. acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sado-masochistic abuse, fellatio, cunnilingus, anilingus.

3. showing of human genitals in a state of sexual stimulation or arousal.

4. excretory functions during a live performance, display or dance of any type.

Youth-facility: means any facility where minors gather for education or recreational activities including but not limited to playgrounds, swimming pools, libraries, licensed child-care facilities, youth clubs and youth camps.

(2) FIRST AMENDMENT PROTECTED ADULT-ORIENTED ESTABLISHMENTS

PURPOSE AND FINDINGS OF FACT.

Purpose: It is the purpose of this ordinance to regulate sexually oriented businesses in order to promote the health, safety, and general welfare of citizens of Jefferson County, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within Jefferson County. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this Ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution of obscene material.

Findings:

a. The Board finds that Adult-Oriented Establishments, as defined in this ordinance, require special zoning in order to protect and preserve the health, safety, and welfare of the County.

b. Based on its review of studies conducted in Phoenix, AZ; Garden Grove, CA; Los Angeles, CA; Whittier, CA; Indianapolis, IN; Minneapolis, MN; St. Paul MN; Cleveland, OH; Oklahoma City, OK; Amarillo, TX; Austin, TX; Beaumont, TX; Dallas, TX; Houston, TX; Newport News, VA; Bellevue, WA; New York, NY; Seattle, WA; and St. Croix County, WI; and the Report of the Attorney General's Working Group of Sexually Oriented Businesses (June 6, 1989, State of Minnesota), and statistics obtained from the U.S. Department of Health and Human Services, Centers for Disease Control and Preventions, and the findings incorporated in *City of Renton v. Playtime Theaters, Inc*., 475 U.S. 41 (1986), *Colman A. Young v. American Mini-Theaters, Inc.* , 427 U.S. 50 (1976), *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215 (1990), *Barnes v. Glen Theatre, Inc*. 501 U.S. 560 (1991), *City of Erie v. Pap's A.M.*, 120 S. Ct. 1382 (2000), *East of the River Enterprises II v. City of Hudson*, 2000 Wisc. App. Lexis 734 (Ct. App. Aug.1, 2000); *Ben's Bar, Inc. v. Village of Somerset*, __ F.3d____, 2003 WL 132541 (7th Cir. 2003), the Board finds that there is convincing evidence that the secondary effects of Adult-Oriented Establishments include an increased risk of prostitution, high-risk sexual behavior, crime, and other deleterious effects upon existing businesses and surrounding residential area, and decreased property values.

c. The Board intends to control the impact of these secondary effects in order to protect the health, safety, and welfare of the citizenry; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods and areas.

d. It is not the intent of the Board to suppress any speech activities protected by the First Amendment, but to enact a content-neutral ordinance which addresses the secondary

e. effects of Adult-Oriented Establishments while providing an outlet for First Amendment protected activities.

f. In order to minimize and control the secondary effects of Adult-Oriented Establishments upon the County, it is the intent of the Board to prevent the concentration of Adult-Oriented Establishments within a certain distance of each other and within certain distance of other specified locations which are incompatible with and would suffer from the secondary effects of Adult-Oriented Establishments.

g. Based upon its review of materials linking alcohol consumption and high-risk sexual behavior and materials linking alcohol consumption and crimes such as sexual assault, the Board finds that a geographic separation of Adult-Oriented Establishments from alcohol beverage licensed premises is warranted.

(3) LOCATION OF FIRST AMENDMENT PROTECTED ADULT-ORIENTED ESTABLISHMENTS

a. The First Amendment and other provisions of the United States Constitution, as interpreted by the United States Supreme Court and other courts, require that Adult-Oriented Establishments, as defined by this ordinance, are entitled to certain protections. Therefore, an Adult-Oriented Establishment shall be a permitted use in the B-Business zoning district and shall be a prohibited use in any other zoning district. The Adult-Oriented Establishment may locate in the specified district only if an Adult-Oriented Establishment License has been granted by a town or municipality requiring such license within the County which is subject to this ordinance, and all the requirements of this section and the applicable zoning district regulations are met.

b. Adult-Oriented Establishments shall be located at least 1,000 feet from:

1. any residential district line where a single-family residence is a principal use, playground lot line, public park lot line, or publicly owned recreation area;

2. any structure used as a residence, place of religious worship, public or private school, or "Youth-Facility" as defined in this ordinance;

3. any other structure housing an Adult-Oriented Establishment;

4. any structure housing an establishment which holds an alcohol beverage license.

c. Distance requirements are to be measured in a straight line in any direction regardless of intervening structures, from the structure housing the Adult-Oriented Establishment to the residential district boundary lines, to the lot line of any lot used for park, playground, or any structure listed in 11.04(k)(3)b.1-4 above.

d. The measurements from a structure shall be taken from the farthest point a structure extends in the direction of the measurement, including overhanging roofs or similar projections.

e. For Adult-Oriented Establishments located in conjunction with other buildings such as in a shopping center, and clearly separate from other establishments, measurements shall be taken from the boundaries of the space occupied by the Adult-Oriented Establishment.

f. For any Adult-Oriented Establishment located above ground level in a multi-story structure and clearly separate from other establishments within the structure, the distance measurements shall be taken from the ground floor public entrance/exit nearest the Adult-Oriented Establishment (excluding emergency exits).

g. Subsequent location of any establishments described in 11.04(k)(3)b.1-4 within 1000 feet of an existing Adult-Oriented Establishment does not constitute a violation of this Ordinance by the Adult-Oriented Establishment.

11.05 <u>CONDITIONAL USES</u>

(a) Procedure.

1. Application and Hearing. Any conditional uses listed in this Ordinance shall be permitted only when authorized by the Planning and Zoning Committee. Application for a conditional use permit shall be made to the Zoning Administrator who shall refer it to the Committee. The Committee shall then schedule a public hearing on the application, publish a Class 2 Notice according to Chapter 985, Wisconsin Statutes, and notify by certified mail the clerks of any towns within 1000 feet of the proposed use and all persons listed in the Jefferson County Land Information Office as of the date of the petition as owning property within one-quarter mile of the exterior boundary of the parcel for which the conditional use is requested at least ten (10) days prior to the hearing date. [Ord. No. 2018-13, 08/13/2018]

2. Review. The 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. Conditional uses shall be reviewed to be consistent with the Agricultural Preservation and Land Use Plan. [Amended 2/8/00, Ord. No. 99-28; Ord. No. 2018-13, 08/13/2018]

3. Approval or Denial. [Ord. No. 2018-13, 08/13/2018]

a. If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions imposed by the County Planning and Zoning Committee, the County shall grant the conditional use permit. Any condition imposed must be related to the purpose of the ordinance and be based on substantial evidence. [Ord. No. 2018-13, 08/13/2018]

b. The requirements and conditions described under 3.a. above must be reasonable and, to the extent practicable, measurable and may include conditions such as the permits duration, transfer or renewal. The applicant must demonstrate that the application and all requirements and conditions established by the county relating to the conditional use permit are or shall be satisfied, both of which must be supported by substantial evidence. [Ord. No. 2018-13, 08/13/2018]

c. Once granted, a conditional use permit shall remain in effect as long as the conditions upon which the permit was issued are followed, but the County may impose conditions such as the permit's duration, transfer, or renewal, in addition to any other conditions specified in the Zoning Ordinance or by the Committee. [Ord. No. 2018-13, 08/13/2018]

d. If a Conditional Use Permit application is denied, the applicant may appeal the decision to the circuit court under the procedures contained in s. 59.694(10). [Ord. No. 2018-13, 08/13/2018]

4. The Committee shall request an opinion and recommendation from the Jefferson County Highway Commissioner for any proposed conditional use within five hundred (500) feet of an existing county or state highway center line or within one-half (1/2) mile of a proposed interchange or turning lane at least twenty (20) days before taking final action. If the Highway Commissioner does not provide an opinion and recommendation as requested, the Committee may approve or deny the conditional use based on the evidence available. [Ord. No. 2018-13, 08/13/2018]

5. The Planning and Zoning Committee shall impose conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, screening, operation control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or parking requirements. Additional conditions may be imposed, by the Committee upon its finding that they are necessary to fulfill the purpose and intent of this Ordinance. [Ord. No. 2018-13, 08/13/2018]

6. Compliance with all other provisions of this Ordinance, such as lot width and area, yards, height, parking, loading traffic, highway access, and performance standards, shall be required of all conditional uses. [Ord. No. 2018-13, 08/13/2018]

7. Violation. Any permitted conditional use which does not continue in conformity with the conditions of the permit shall be considered in violation of this Ordinance. [Ord. No. 2018-13, 08/13/2018]

8. Revocation of Conditional Use Permits. Any conditional use permit granted by the Planning and Zoning Committee may be revoked if it is found that the conditional use is not being conducted in compliance with the plans and specifications submitted with the application and subsequently approved, or is being operated in violation of the conditions of the conditional use permit. [Ord. No. 2013-30, 03-11-2014; Ord. No. 2018-13, 08/13/2018]

a. Revocation Process. The Planning and Zoning Committee will hold a public hearing following procedures set forth in paragraph 1. of this section, after providing written notice to the permittee of the conditional use permit citing the violation or compliance issues with the permit. [Ord. No. 2013-30, 03-11-2014; Ord. No. 2018-13, 08/13/2018]

b. Once notified in writing by the County, the permittee shall be allowed to present evidence on his/her behalf in writing and shall attend the public hearing. [Ord. No. 2013-30, 03-11-2014; Ord. No. 2018-13, 08/13/2018]

c. After public hearing, the Planning and Zoning Committee may revoke or modify the conditional use permit. [Ord. No. 2013-30, 03-11-2014; Ord. No. 2018-13, 08/13/2018]

(b) Public and Semi-public Uses. Except where such uses are not allowed by conditional use within the A-1 and N districts (per secs. 11.04(f)(6) and 11.04(f)(12) respectively), the following public and semi-public uses shall be conditional uses. Wherever allowed, such uses shall also be subject to the included standards below. [am. 3/13/12, Ord. 2011-28

1. Airports, airstrips, landing field, and helicopter landing areas, providing that these facilities meet the regulations contained in Chapter 114 of the Wisconsin Statutes.

2. Governmental and cultural uses, such as administrative offices, fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, and museums.

3. Utilities and all towers such as radio and television (except in R-1, R-2, W, S districts) with associated buildings, but not including studios, or telecommunication towers. Telecommunication towers and facilities shall be regulated as set forth in sec. 11.05(h).

4. Public passenger transportation terminals such as heliports, bus and rail depots, provided that all principal structures and uses are not less than one hundred (100) feet from any residential lot line.

5. Public, private and parochial preschool, elementary and secondary schools, and churches, provided the lot area is not less than one acre and all principal structures and uses are not less than fifty (50) feet from any lot line.

6. Institutions. Colleges, universities, hospitals, sanitaria, religious, charitable, penal, and correctional institutions; cemeteries and crematoria; provided that all principal structures and uses are not less than fifty (50) feet from any lot line.

(c) Mineral Extraction and Processing. Mineral extraction and processing operations are conditional uses in the following zoning districts: I, A-1, A-2, A-T. Such operations include mining, quarrying, borrow pits, crushing, washing, or other removal or processing of mineral resources, the erection of buildings and the installation of necessary machinery used in said extraction or processing, and the preparation of hot blacktop mix and ready-mixed concrete. Mineral extraction and processing uses shall be subject to the following standards where allowed: [am. 3/13/12, Ord. 2011-28]

1. Where in the A-1 district only, the operation and its location shall be consistent with the purposes of the A-1 district and are reasonable and appropriate, considering alternative locations outside the A-1 district, or are specifically approved under state or federal law. [cr. 3/13/12, Ord. 2011-28]

2. The operation shall be designed to minimize the conversion of land around the extraction site from agricultural use or open space use. [cr. 3/13/12, Ord. 2011-28]

4. The operation shall not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use. [cr. 3/13/12, Ord. 2011-28]

4. No such operation shall commence, no such operation shall be expanded onto land under separate ownership on the effective date of this Ordinance, and no operation which has been abandoned for a period of twelve (12) months or longer shall be renewed, except in compliance with the provisions of this section and after a conditional use permit has been obtained. [renumbered 3/13/12, Ord. 2011-28]

5. The operation shall comply with subchapter I of §295 of the Wisconsin Statutes and rules promulgated under that subchapter, with applicable provisions of the local ordinance under §295.13 of the Wisconsin Statutes. [cr. 3/13/12, Ord. 2011-28]

6. Application for the conditional use permit shall include an adequate description of the proposed operation; a list of equipment, machinery, and structures to be used; the source, quantity, and disposition of any water which will be used; a topographic map of the site showing existing contours with minimum vertical contour intervals of two (2) feet, trees and other ground cover, proposed and existing roads, and all buildings and property owners' names within five hundred (500) feet of the site boundaries; the depth of all existing and proposed excavations; and a restoration plan. [renumbered 3/13/12, Ord. 2011-28]

7. The restoration plan shall contain adequate provision that all final slopes within the site do not exceed a thirty-five (35) percent slope in a pit operation, or in a safe angle of repose in a quarrying operation. All final slopes shall be covered with topsoil, with seeding and erosion control practices as indicated in the Jefferson County Soil and Water Conservation District Technical Manual. After completion of the operation, the area shall be cleared of all debris and left in a sanitary condition. The plan shall indicate the proposed future use of the site and meet all applicable requirements of the Department of Transportation. If located in the A-1 district, the site shall be restored to agricultural use once extraction is completed. [renumbered and am. 3/13/12, Ord. 2011-28]

The applicant shall furnish the sureties which will enable the County to perform the planned restoration of the site in the event of default by the applicant. The amount of such sureties shall be based upon reasonable cost estimates, and the form and type of such sureties shall be approved by the County's legal counsel.

8. The conditional use permit shall be in effect for a specified period of time, but not less than one (1) year nor more than ten (10) years. It may be renewed upon application, at which time additional conditions or modifications may be imposed. [renumbered 3/13/12, Ord. 2011-28]

9. The Committee shall consider the effect of the proposed operation upon existing streets, neighboring development, proposed land use, drainage, water supply, soil erosion, natural beauty, character, and land value of the locality, and shall also consider the practicality of the proposed restoration plan for the site. [renumbered 3/13/12, Ord. 2011-28]

10. Excavating and other operations and activities producing noise, smoke, or dust shall not take place within three hundred (300) feet of a residence, or within five hundred (500) feet of a school or institution. [renumbered 3/13/12, Ord. 2011-28]

11. No excavation shall take place within fifty (50) feet of a lot line. [renumbered 3/13/12, Ord. 2011-28]

12. Screening in accordance with 11.07(c) shall be required. [renumbered 3/13/12, Ord. 2011-28]

(d) Fowl and Feedlot Facilities (Non-ATCP51 Livestock Facilities), Wisconsin Administrative Rule ATCP51 Livestock Facilities. Pursuant to the provisions of §93.90 of the Wisconsin Statutes, Jefferson County does hereby adopt and incorporate into this section the provisions of §93.90 of the Wisconsin Statutes and ATCP 51 of the Wisconsin Administrative Rules inclusive of all future amendments to any provisions of these sections of Wisconsin Statutes and Administrative Rules. [Created 09/11/06, Ord. 2006-15; am. 3/13/12, Ord. 2011-28]

1. Fowl and Feedlot Facilities (Non-ATCP51 Livestock Facilities).

a. Location. The proposed operation should not conflict with existing land uses or planned future uses of the residences. The site should not negatively impact environmental corridor areas.

b. Water Contamination. The necessary structures of facilities should be provided to prevent wastes from entering surface and subsurface waters.

c. Waste Management. The necessary means should be available to properly manage or to recycle a volume of wastes greater than that which is anticipated from the operation.

2. Wisconsin Administrative Rule ATCP51 Livestock Facilities (Cattle, Swine, Poultry, Sheep or Goats).

a. ATCP51 Provisions. These provisions are applicable as well as are 11.05(a)1., 11.05(a)6. and 11.15 notice requirements.

b. Administration. The political subdivision for the purpose of these provisions is the Jefferson County Planning and Zoning Committee.

c. Fees. Fees include $250 for conditional use review payable to Jefferson County Planning and Zoning Department, and $300 for completeness review payable to Jefferson County Land and Water Conservation Department.

d. Certification of Construction Compliance. The permittee shall certify in writing by a professional engineer or a person with appropriate engineering job approval according to NRCS standards that the animal waste storage was installed or closed as planned. A copy of the signed certification sheet shall be given to the Land and Water Conservation Department within one month of completion of installation or closure. Any approved changes made to the Animal Waste Storage Facility Plan or closure design shall be specified in the certification. Land and Water Conservation Department personnel may conduct site inspections during and following construction to determine that the facility was installed or closed as planned and designed. This certification shall be filed at least ten days prior to population of the facilities by the animal unit count approved under the permit.

e. Inspections. The County may conduct periodic inspections as may be deemed appropriate. Written notice shall be sent by the Jefferson County Planning and Zoning Department to the livestock facility with consent from the owner or agent thereof prior to entering the premises for the purpose of determining compliance with the conditional use permit. If the facility owner refuses to give permission for the inspection, Jefferson County has the authority to seek inspection warrants under 66.0119 of the Wisconsin Statutes. The use of such inspection warrants would normally be a last resort.

f. Compliance and Enforcement. Failure to comply with subchapter II of ATCP51, representations made in the application for approval and subsequently the conditional use permit shall constitute a violation of this ordinance that may result in any or all actions stated below in (1) through (3).

Annually, the owner shall provide statements from the agricultural consultant that the operation remains in compliance with the standards in Subchapter II of ATCP51 and the conditional use permit.

(1) Citations as prescribed in the Jefferson County Citation Ordinance.

(2) Other legal remedies as prescribed in 11.03(i) and (j) of this ordinance.

(3) Withdrawal of approval by the Committee as prescribed in ATCP51. Use of this process would require a public hearing to gather testimony utilizing procedures prescribed in 11.05(a)1. and notice as prescribed in 11.15 for conditional uses.

g. Appeals. Appeals of the Committee decisions on such matters would be made to the Livestock Facility Review Board as described in ATCP51 and Sec. 93.90(5) of the Wisconsin Statutes.

h. Authorization for Changes. Authorization for changes to an approved conditional use under this section may be made upon request by the owner or agent to the Committee at a regularly scheduled committee meeting if it is determined that such changes are only for the purpose of modifying the type of practices necessary to comply with state standards identified in subchapter II of ATCP51 and does not impact the number of animals proposed or negatively change the odor index score. If the proposed change does not comply with the above statements, then the normal conditional use process would be applicable. [Created 09-11-06, Ord. 2006-15]

(e) Mobile Home Parks. All mobile home parks shall be conditional uses and shall conform to the following standards:

1. Minimum size - 20 acres.

2. Minimum lot size per mobile home - 5000 square feet.

3. Minimum lot width - 50 feet.

4. Minimum distance between mobile home and lot line - 10 feet; service road - 10 feet.

5. Water and sewer. Each mobile home lot shall be connected to either public or private water supply and sewage disposal systems, in accordance with ADM 65, Wisconsin Administrative Code, approved by the appropriate State agency.

6. Solid Waste. Each mobile home lot shall have adequate garbage and refuse disposal service.

7. Recreation area. At least five (5) percent of the total area of each park shall be designated as a recreation area with play equipment furnished and maintained by the park owner.

8. Roads and Parking. All roadways, parking areas, and walkways shall be hard-surfaced. Roadways shall be a minimum of 66 feet in width and adequately lighted. There shall be one (1) off-street parking space for each mobile home and additional parking spaces for automobiles within the park, totaling not less than two (2) parking spaces for each mobile home lot.

9. No mobile home sales office or other business or commercial use shall be located on the mobile home park site. However, laundries, washrooms, recreation rooms, maintenance equipment storage, and one office are permitted.

10. Pad. Each mobile home shall be placed upon a washed rock or hard-surfaced pad or foundation with six (6) tie-down anchors.

11. All mobile homes shall meet the construction standards of the Mobile Home Manufacturing Assn., and all state, federal and local codes.

(f) Campgrounds. All campgrounds shall be conditional uses, and shall conform to the following standards:

1. The minimum size of any campground shall be forty (40) acres in gross area.

2. The maximum number of travel trailers or campsites shall be twenty (20) per acre as computed from the gross area of the park or campgrounds, and in no case shall the square feet of each site be less than 2000 square feet.

3. Before beginning operation of any camp, fifty (50) percent of the sites and one hundred (100) percent of the facilities shall be completed.

4. In addition to the setback from the right of way of any state, county, or town road, all campgrounds shall have a boundary zone of forty (40) feet between any campsite and any side or rear lot line.

5. The minimum width of roads within campgrounds shall be two (2) rods or thirty-three (33) feet.

6. All access roads to and from the campgrounds shall be well-lighted and hard-surfaced with asphalt or better materials.

7. Every campground shall conform to all applicable state laws and HFS178, Wisconsin Administrative Code, as amended from time to time.

8. All wiring within a camp must conform to state electrical codes.

9. Designated spots on each site will be marked or constructed for outside cooking or the building of campfires, and no fires will be allowed outside of these designated areas.

10. The perimeter of the camping area or perimeter of the parcel must be fenced.

(g) Solid Waste Disposal Operations; Junk or Salvage Yards. A solid waste disposal operation is the site, facility, operating practices, and maintenance thereof for the utilization, processing, storage, or final disposal of solid waste including, but not limited to, land disposal, incineration, reduction, shredding, compression, junking, or salvage of any materials, or the sale of any such materials. Storage of three (3) or more unlicensed vehicles on the same premises shall be prima facie evidence of operation of a salvage yard.

1. License Required. It shall be unlawful for any person, firm, or corporation to establish, maintain, conduct, or operate a solid waste disposal operation without first obtaining an annual license from the Committee.

2. Application shall be in writing to the Zoning Administrator and shall include:

a. Location and description of the premises to be licensed.

b. Nature of the operation to be conducted.

c. Type of solid waste material to be disposed of, and the detailed method of disposal of the material.

d. Construction details of any buildings to be used in connection with the operation.

e. Description of all land uses within 1000 feet of the premises.

f. Name and address of the owner and of all persons who will directly participate in the management of the site.

g. Any additional information deemed necessary by the Zoning Administrator for full evaluation of the proposed operation.

3. Procedure. The review and approval procedure in 11.05(a) shall apply for the initial issuance of a license. All licenses shall expire on July 31, and may be renewed by the Committee upon satisfactory evidence that the license and the operation remain in compliance with this section.

4. Requirements. All solid waste disposal operations shall in all respects comply with the solid waste disposal standards of the Department of Natural Resources (DNR), and the standards of any other state agency having control over the type of operation involved.

5. Location. No solid waste disposal operation shall be located within 500 feet of any residence other than the owner of the premises or any residential, business, community, or waterfront district; 300 feet from a lake, river or stream unless otherwise out of view of the public; or 150 feet from any highway right of way.

6. Screening requirements of 11.07(c) shall apply.

7. Revocation. Upon the complaint of the Zoning Administrator or one or more interested persons, the Committee may, after notice and public hearing, revoke a license issued hereunder for violation of this ordinance or the solid waste disposal standards referred to herein.

[Note: 11.05(h) Wireless Telecommunications Facilities was repealed by Ord. No. 2013-31, 03-11-2014 and recreated as 11.055 Mobile Tower Siting Permit]. [History: 4/20/99, Ord. No. 99-01; title—2/8/00, Ord. No. 99-28; Ord. No. 2011-28, 03-13-2012; Ord. No. 2004-03, 06-08-2004; Ord. No. 2013-31, 03-11-2014]

11.055 <u>MOBILE TOWER SITING PERMIT.</u>

(1) PURPOSE. The purpose of this ordinance is to regulate by zoning permit (1) the siting and construction of any new mobile service support structure and facilities; (2) with regard to a class 1 collocation, the substantial modification of an existing support structure and mobile service facilities; and (3) with regard to a class 2 collocation, collocation on an existing support structure which does not require the substantial modification of an existing support structure and mobile service facilities. It is the intent of Jefferson County to regulate Mobile Service Support Structures and Facilities as permitted by Wisconsin State Statutes Chapter 66.0404.

(2) AUTHORITY. The Jefferson County Board has the specific authority under ss. 59.69 and 66.0404, Wis. Stats., to adopt and enforce this section.

(3) ADOPTION OF ORDINANCE SECTION. This section provides for the regulation by zoning permit (1) the siting and construction of any new mobile service support structure and facilities; (2) with regard to a class 1 collocation, the substantial modification of an existing support structure and mobile service facilities; and (3) with regard to a class 2 collocation, collocation on an existing support structure which does not require the substantial modification of an existing support structure and mobile service facilities.

(4) DEFINITIONS.

a. All definitions contained in s. 66.0404(1) are hereby incorporated by reference.

(5) EXEMPT FROM PERMITTING. The following shall be exempt from the requirement to obtain a land use permit, unless otherwise noted.

a. The use of all receive-only television antenna and satellite dishes.
b. Amateur Radio and/or Receive-Only Antennas. This ordinance shall not govern the installation of any antenna that is owned and/or operated by a federally licensed amateur radio operator and is used for amateur radio purposes or is used exclusively for receive-only purposes.
c. Mobile services providing public information coverage of news events of a temporary or emergency nature.

(6) SITING AND CONSTRUCTION OF ANY NEW MOBILE SERVICE SUPPORT STRUCTURE AND FACILITIES AND CLASS I COLLOCATION.

a. Application Process
   1. A County zoning permit is required for the siting and construction of any new mobile service support structure and facilities.
   2. A written permit application must be completed by any applicant and submitted to the County Planning and Zoning Department. The application must contain the following information:
      A. The name and business address of, and the contact individual for, the applicant.
      B. The location of the proposed or affected support structure.
      C. The location of the proposed mobile service facility.
      D. If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.
      E. If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.
      F. If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.
   3. A permit application will be provided by the County upon request to any applicant.
   4. If an applicant submits to the County an application for a permit to engage in an activity described in this ordinance, which contains all of the information required under this ordinance, the County shall consider the application complete. If the County does not believe that the application is complete, the County shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
   5. Within 90 days of its receipt of a complete application, the County shall complete all of the following or the applicant may consider the application approved, except that the applicant and the County may agree in writing to an extension of the 90 day period:
      A. Review the application to determine whether it complies with all applicable aspects of the political subdivision's building code and, subject to the limitations in this section, zoning ordinances.
      B. Make a final decision whether to approve or disapprove the application.
      C. Notify the applicant, in writing, of its final decision.

D. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

6. The County may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under paragraph 2.f.
7. If an applicant provides the County with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the set back or fall zone area required in a zoning ordinance, that zoning ordinance does not apply to such a structure unless the county provides the applicant with substantial evidence that the engineering certification is flawed.
8. The fee for the permit is $3,000 per s. 66.0404(4)(d).
9. Limitations. Land Use Permits for siting and construction of any new mobile service support structure and facilities and land use permits for class 1 collocations shall only be granted provided the following conditions exist:
   A. If the location of the proposed mobile service support structure or mobile service facility is on leased land, the lease agreement does not preclude the lessee from entering into leases on the site with other provider(s) and there is no other lease provision operating as a bar to collocation of other providers.
   B. The applicant has obtained Federal Communications Commission (FCC) license numbers and registration numbers if applicable.
   C. The applicant and/or agent have copies of Findings of No Significant Impacts (FONI) statement from the Federal Communications Commission (FCC) or Environmental Assessment or Environmental Impact Study (EIS), if applicable.
   D. The applicant and/or agent have copies of the determination of no hazard from the Federal Aviation Administration (FAA) including any aeronautical study determination or other findings, if applicable.
   E. The applicant and/or agent have plans indicating security measures (i.e. access, fencing, lighting, etc.).
   F. For new mobile service support structures, the applicant has obtained a report prepared by an engineer licensed by the State of Wisconsin certifying the structural design of the tower and its ability to accommodate additional antennas.
   G. The applicant and/or agent have proof of liability coverage.
   H. The applicant and/or agent have copies of an Affidavit of Notification indicating that all operators and owners of airports located within five (5) miles of the proposed site have been notified via certified mail.
   I. The facility or collocation is designed to promote site sharing, such that space is reasonably available to collocators and such that telecommunication towers and necessary appurtenances, including but not limited to parking areas, access road, and utilities, are shared by site users whenever possible.

(7) CLASS 2 COLLOCATION.

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

4. A class 2 collocation is subject to the same requirements for the issuance of a zoning permit to which any other type of commercial development or land use development is subject, except that the maximum fee for a zoning permit shall be $500.
5. If an applicant submits to the County an application for a zoning permit to engage in an activity described in this ordinance, which contains all of the information required under this ordinance, the County shall consider the application complete. If any of the required information is not in the application, the county shall notify the applicant in writing, within 5 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
6. Within 45 days of its receipt of a complete application, the County shall complete all of the following or the applicant may consider the application approved, except that the applicant and the County may agree in writing to an extension of the 45 day period:
   A. Make a final decision whether to approve or disapprove the application.
   B. Notify the applicant, in writing, of its final decision.
   C. If the application is approved, issue the applicant the relevant permit.
   D. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
7. The fee for the permit is $500 per s. 66.0404(4) (d).

(8) INFORMATION REPORT. The purpose of the report under this subsection is to provide the County with accurate and current information concerning the telecommunications facility owners and providers who offer or provide telecommunications services within the county, or that own or operate telecommunications facilities within the county, to assist the County in enforcement of this subsection, and to assist the County in monitoring compliance with local, state and federal laws.

a. Information Report. All telecommunications tower owners of any new telecommunications tower shall submit to the Planning and Zoning Department a Telecommunications Facility Information Report (the "Report") within 45 days:
   1. Following conditional use approval;
   2. Of receipt of a written request from the Jefferson County Department of Planning and Zoning; and
   3. Of any change in occupancy of the tower.

   The Report shall include the tower owner name(s), address(es), phone number(s), contact person(s), and proof of bond as security for removal. The tower owner shall supply the tower height or current occupancy, if applicable, the number of collocation positions designated, occupied or vacant. This information shall be submitted on the county form provided and designated for such use, and shall become evidence of compliance.

(9) REMOVAL/SECURITY FOR REMOVAL.

a. It is the express policy of Jefferson County and this ordinance that telecommunications towers be removed once they are no longer in use and not a functional part of providing telecommunications service, and that it is the telecommunications provider's responsibility to remove such telecommunications tower and restore the site to its original condition or a condition approved by the Jefferson County Planning and Zoning Department. This restoration shall include removal of any subsurface structure or foundation, including concrete, used to support the telecommunications tower down to 5 feet below the surface. After a telecommunications tower is no longer in operation, the provider shall have 180 days to effect removal and restoration unless

weather prohibits such efforts. Permittee shall record a document with the Jefferson County Register of Deeds showing the existence of any subsurface structure remaining below grade. Such recording shall accurately set forth the location and describe the remaining structure.

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

(10) STRUCTURAL, DESIGN AND ENVIRONMENTAL STANDARDS.

a. Mobile Service Support Structure, Antenna and Facilities Requirements. All mobile service facilities and mobile service support structures, except exempt facilities as defined in subsection (c), shall be designed to reduce the negative impact on the surrounding environment by implementing the measures set forth below:

1. Mobile service support structures shall be constructed of metal or other nonflammable material, unless specifically permitted by the County to be otherwise.
2. Satellite dish and parabolic antennas shall be situated as close to the ground as possible to reduce visual impact without compromising their functions.
3. Equipment compounds shall be constructed of nonreflective materials (visible exterior surfaces only). Equipment compounds shall be designed to blend with existing architecture in the area or shall be screened from sight by mature landscaping, and shall be located or designed to minimize their visibility.
4. Mobile service facilities, support structures and antennas shall be designed and constructed in accordance with the State of Wisconsin Uniform Building Code, National Electrical Code, Uniform Plumbing Code, Uniform Mechanical Code, and Uniform Fire Code, Jefferson County Subdivision Ordinance, Jefferson County Sanitation Ordinance, Electronic Industries Association (EIA), American National Steel Institute Standards (ANSI), and American National Standards Institute (ANSI) in effect at the time of manufacture. Mobile service facilities and support structures shall not interfere with or obstruct existing or proposed public safety, fire protection or Supervisory Controlled Automated Data Acquisition (SCADA) operation telecommunication facilities. Any actual interference and/or obstruction shall be corrected by the applicant at no cost to the County.

b. Site Development. A leased parcel intended for the location of new mobile service facilities, mobile service support structures, and equipment compounds shall be located so as to permit expansion for mobile service facilities to serve all potential collocators.

c. Vegetation protection and facility screening.

1. Except exempt facilities as defined in subsection (c), all mobile service facilities shall be installed in a manner as to minimize disturbance to existing native vegetation and shall include suitable mature landscaping to screen the facility, where necessary. For purposes of this section, “mature landscaping” shall mean trees, shrubs or other vegetation of a minimum initial height of five (5) feet that will provide the appropriate level of visual screening immediately upon installation.
2. Upon project completion, the owner(s)/operator(s) of the facility shall be responsible for maintenance and replacement of all required landscaping as long as a telecommunication facility is maintained on the site

d. Fire prevention. All mobile service facilities shall be designed and operated in accordance with all applicable codes regarding fire prevention.

e. Noise and Traffic. All mobile service facilities shall be constructed and operated in such a manner as to minimize the amount of disruption caused to nearby properties. To that end the following measures shall be implemented for all mobile service facilities, except exempt facilities as defined in subsection (c):

1. Noise producing construction activities shall take place only on weekdays (Monday through Saturday, non-holiday) between the hours of 6:00 a.m. and 6:00 p.m., except in times of emergency repair, and
2. Backup generators, if present, shall be operated only during power outages and for testing and maintenance purposes.

f. Separation Requirements. Mobile service support structures shall be separated by a minimum of 2640 feet, except that:

1. Two (2) mobile service support structures may be permitted to be located within 100 feet of each other subject to approval of the Jefferson County Planning and Zoning Committee.
2. Camouflaged mobile service support structures are exempt from the separation between mobile service support structures requirement listed above.

(11) ABANDONMENT.

a. Abandonment. Any antenna, mobile service facility, or mobile service support structure that is not operated for a continuous period of twelve (12) months shall be considered abandoned. Upon application, the Committee may extend the time limit to abandon once for an additional twelve-month period. Such extension shall be based on the finding that the owner or permit holder is actively seeking tenants for the site. After the expiration of the time periods established above, the following shall apply:

1. The owner of such antenna, mobile service facility or mobile service support structure shall remove said antenna, mobile service facility or mobile service support structure, including all supporting equipment, building(s) and foundations to the depth as otherwise herein required within ninety (90) days of receipt of notice from the Planning and Zoning Department notifying the owner of such abandonment. If removal to the satisfaction of the Planning and Zoning Department does not occur within said ninety (90) days, the Jefferson County Zoning Director may order removal utilizing the established bond as provided under subsection (g) and salvage said antenna, mobile service facility or mobile service support structure, including all supporting equipment and building(s). If there are two or more users of a single mobile service support structure, then this provision shall not become effective until all operations of the mobile service support structure cease.
2. The recipient of a zoning permit allowing a mobile service support structure and facility under this section, or the current owner or operator, shall notify the Jefferson County Planning and Zoning Department within 45 days of the date when the mobile service facility is no longer in operation.

[Ord. No. 2013-31, 03-11-2014]

11.06 TRAFFIC, LOADING, PARKING, AND ACCESS

(a) Traffic Visibility.

1. In each quadrant of every public street intersection and street-railroad intersection, there shall be a visual clearance triangle bounded by the street centerline and a line connecting points on them 300 feet from a Class A or B highway intersection, 200 feet from a Class C highway intersection, 150 feet from a Class D highway intersection, and 100 feet from a Class E highway intersection.

2. Within this triangle, no object over two and one-half (2-1/2) feet in height above the roadbeds shall be allowed if it obstructs the view across the triangle.

3. The following objects and activities are permitted within visual clearance triangles: open fences; telephone, telegraph, and power transmission poles, lines, and portable equipment; the planting and harvesting of field crops; the growing of shrubbery and trees providing that vision is not obstructed.

(b) Loading Requirements. In all districts, loading areas shall be provided so that all vehicles loading, maneuvering, or unloading are completely off the public ways and so that all vehicles need not back onto any public way.

(c) Parking Requirements. 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 stalls for all vehicles in accordance with the following:

1. Adequate access to a public street shall be provided for each parking space, and driveways shall be at least ten (10) feet wide for one- and two-family dwellings and a minimum of twenty-four (24) feet for all other uses.

2. Size of each parking space shall be not less than two hundred (200) square feet exclusive of the space required for ingress and egress. A single stall garage or one (1) stall in a multiple-stall garage may replace a single required parking space. [11/10/09, Ord. 2009-19]

3. Location to be on the same lot as the principal use or not over four hundred (400) feet from the principal use. No parking stall or driveway except in residential, community, or waterfront districts shall be closer than twenty-five (25) feet from the Residential, Community, or Waterfront District lot line or a street line opposite such a district.

4. Surfacing. All off-street parking areas shall be graded and surfaced so as to be dust-free and properly drained. Any parking area for more than five (5) vehicles shall have the aisles and spaces clearly marked.

5. Curbs or barriers shall be installed so as to prevent the parked vehicles from extending over any lot lines.

6. Number of parking stalls required is shown in the following table:

USE	MINIMUM PARKING REQUIRED
Single-family dwellings and mobile homes	Two (2) stalls for each dwelling unit
Multi-family dwellings	1.5 stalls for each dwelling unit
Hotels, Motels	One (1) stall for each guest room plus one (1) stall for each three (3) employees
Hospitals, clubs, lodges dormitories, lodging and boarding houses	One (1) stall for each two (2) beds plus one (1) stall for each three (3) employees
Sanitarium, institutions, rest and nursing homes	One (1) stall for each five (5) beds plus one (1) stall for each three (3) employees
Medical and Dental Clinics	Three (3) stalls for each doctor

Churches, theaters auditoriums, community centers, vocational and night schools, and other places of public assembly	One (1) stall for each five (5) seats
Colleges, secondary and elementary schools	One (1) stall for each two (2) employees plus one (1) stall for each ten (10) students of sixteen (16) years of age or more
Restaurants, bars and places of entertainment	One (1) stall for each fifty (50) square feet of floor area used by patrons
Repair shops, retail and service stores	One (1) stall for each one hundred fifty (150) square feet of floor area
Manufacturing and processing plants, laboratories and warehouses	One (1) stall for each two (2) employees
Financial institutions, business, government and professional offices	One (1) stall for each three hundred (300) square feet of floor area
Funeral Homes	One (1) stall for each four (4) seats
Bowling alleys	Five (5) stalls for each alley

7. Uses not listed. In the case of structures or uses not mentioned, the provision for a use which is similar shall apply.

8. Combinations of any of the above uses shall provide the total of the number of stalls required for each individual use.

(d) Interchange Area Overlay Zone.

NOTE: This section is offered for the effective control of land use and traffic around highway interchange areas. It is extracted from an outline prepared by Urban & Advance Planning Section of the Wisconsin State Highway Commission. Definitions of terms used in this section are found in Section 11.02.

1. Purpose. To supplement the controls of the zoning districts by providing special regulations as required by the unique characteristics of land development and traffic generation and movement in interchange areas.

2. Application. The general standards set forth hereunder will apply to all lands within the delineated areas surrounding any existing or planned highway interchange, and shall be overlaid upon the primary zoning districts already applied to the same lands. In the event of conflicting standards between the underlying zoning and interchange overlay regulations, the more restrictive shall apply.

The following rules shall apply for an area of one-half (1/2) mile outside the interchange right of way or for a distance of one-half (1/2) mile along and either side of an intersecting highway from the most remote end of interchange ramp taper, whichever is greater.

3. Access Control on Intersecting Highway.

a. On a dual-lane highway, there shall be no access within 1000 feet of the most remote end of any ramp taper.

b. On other intersecting highways, there shall be no access within 700 feet of the most remote end of taper.

c. There shall be no access point closer than 700 feet to another access point.

d. Access points on opposite sides of the highway shall be directly opposite each other or opposite a median crossover, or separated by at least 300 feet of lateral distance.

e. Frontage roads or interior access roads shall be utilized to minimize the number of direct access points to the intersecting highway.

4. Setbacks. From an intersecting highway - 160 feet from the centerline or 100 feet from the right of way line, whichever is greater, or 50 feet from the right of way of the frontage road.

5. Dedication. Every property shall dedicate land for either a frontage road or an interior street in the amounts of sixty-six (66) feet.

11.07 MODIFICATIONS.

(a) Height.

1. Communication structures, and utilities, except transmission lines, which shall have no height limitation, shall not exceed in height twice their distance from the nearest lot line.

2. Agricultural structures, such as barns, silos, and windmills, shall not exceed in height twice their distance from the nearest lot line.

3. Public or semi-public facilities, such as schools, churches, hospitals, monuments, sanitaria, libraries, governmental offices, and stations, may be erected to a height of sixty (60) feet, provided that all required yards are increased not less than one (1) foot for each foot the structure exceeds the district's maximum height requirement.

4. Essential services are exempt from the height requirements of this Ordinance.

(b) Yards. The yard requirements stipulated elsewhere in this Ordinance may be modified as follows:

1. In any R, B, C or W District, accessory uses and detached accessory structures shall not exceed fifteen (15) feet in height, shall not occupy more than fifteen (15) percent of the yard area, and shall not be closer than three (3) feet to any lot line. The fifteen (15) feet height limitation for detached garages may be modified through conditional use permit approval under Extensive On-site Parking and Storage. [Am. 4/21/87, Ord. 87-03]

2. Essential services are exempt from the yard and distance requirements of this Ordinance.

3. Landscaping and vegetation are exempt from the yard requirements of this Ordinance.

4. Additions in the street yard of existing structures shall not project beyond the average of the existing street yards on the abutting lots or parcels.

(c) Screening Regulations. Any use required by this Ordinance to be screened in accordance with this section shall be contained within an opaque fence or wall eight (8) feet high, or a visual screen consisting of evergreen, or evergreen-type hedges or shrubs, spaced at intervals of not more than six (6) feet, located and maintained in good condition within fifteen (15) feet of the property line, or in any way out of view of the public.

(d)) Highway Setback Requirements.

1. Classification. For the purposes of this Ordinance, the highway classifications as set forth in the Jefferson County Jurisdictional Highway Planning Study (see Appendix B) are divided into functional classifications as follows:

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

2. Setbacks. Except as otherwise provided, all structures shall conform to the following minimum setbacks. The more restrictive distance shall apply.

FUNCTIONAL CLASSIFICATION	SETBACK FROM RIGHT OF WAY	SETBACK FROM CENTERLINE
Class A	100'	200'
Class B	70'	140'
Class C	50'	110'
Class D	50'	85'
Class E	30'	63'

3. Where more restrictive setbacks are established by state law or by administrative rules, such laws or rules shall apply.

4. Reduced Setbacks. A setback of less than the required setback is permitted where there are at least five (5) existing main buildings which are within the required setback within 500 feet of the proposed building site. In such cases, the setback shall be the average of the nearest main building on each side of the proposed site, or if there is no building on one side, the average of the setback for the main building on one side and the required setback.

11.08 SIGNS.

(a) Purpose. To provide the minimum regulations, provisions and requirements to insure the public safety, general welfare and preserve the scenic beauty by regulating and controlling the installation of signs and other advertising structures within Jefferson County.

(b) Advertising, Billboards and Posterboard Signs.

1. Size. Sign area shall not exceed 300 square feet. Trim area shall not exceed twenty-five percent (25%) of sign area.

2. Location of signs.

a. Signs may be placed at the right of way line of any highway except that signs shall not be permitted between the points of tangency on a curve to the right of any highway.

b. Signs shall not be permitted within 300 feet of any intersection. The beginning of a curve on a highway interchange ramp or the beginning of a curved access to an intersection shall be considered as the intersection for the purpose of sign location.

3. Distance between signs.

a. Two sign faces shall be permitted at any location and the distance between signs shall be 300 feet.

b. Back to back signs shall be permitted except that each sign face shall require a separate permit.

4. Height of Sign. Signs shall not exceed thirty-five (35) feet in height above the mean centerline grade of the adjacent highway.

5. Permitted Zoning Districts: B, Business; I, Industrial. [Amended 10/14/03; Ord. No. 2003-19]

(c) Directory Signs.

1. Size.

a. Sign area shall not exceed ninety-six (96) square feet. Trim area shall not exceed twenty (20) percent of the sign area.

b. No more than fifty (50) percent of the sign area shall be devoted to advertising a product or service not exclusively available at the premises or location to which the sign directs attention.

2. Location.

a. Signs may be placed at the right of way line of any highway except that signs shall not be permitted between the points of tangency on a curve to the right of any highway.

b. Signs shall not be permitted within 300 feet of any intersection. The beginning of a curved access to an intersection shall be considered as the intersection for the purpose of sign location.

c. When located on the same highway as the business, service or entertainment to which it directs attention, a directory sign shall be located not more than three (3) miles from such place. When more than one Class A, B, or C highway must be traveled to reach a business, service or entertainment, a directory sign may be placed in each approaching direction to the intersection and such a sign shall not be more than five (5) air miles from the business, service or entertainment advertised. When the business, service or entertainment advertised is located within the corporate limits of any village or city, the distance requirements shall be measured from the corporate limits at its intersection of the highway on which the sign is to be located.

3. Distance Between Signs.

a. One sign shall be permitted at any location and the distance between signs shall be 1320 feet.

b. Back to back signs shall be permitted except however a separate permit shall be required for each sign face.

4. Permitted Zoning Districts: B, Business; I, Industrial; A, Agricultural.

(d) On-Premises Signs.

1. Location.

a. On-premises signs may be attached to the building they are intended to serve.

b. Freestanding on-premises signs shall be located within the required yard of the building it is intended to serve.

c. If the business, service or entertainment is located at a highway intersection an on-premises sign shall not be located within the vision clearance triangle.

2. Height.

a. On-premises signs shall not exceed the height of any building permitted in the zoning district in which the sign is located.

b. The gross size of the on-premises signs for each business establishment shall be 150 square feet or less. This area may be divided into not more than four (4) panels.

3. Permitted Zoning Districts: B, Business; I, Industrial; A, Agricultural; F, Floodplain.

(e) Home Occupation Signs.

1. Size. Home occupation signs shall not exceed six (6) square feet in area. [Am. 10/14/03; Ord. No. 2003-19]

2. Location. Home occupation signs shall be attached to the residential building in which a home occupation is permitted. Home occupation signs shall not be lighted at night.

3. Permitted Zoning Districts: R-1, Residential; R-2 Residential; A, Agricultural; C, Community; W, Waterfront; F, Floodplain.

(f) Real Estate Signs.

1. Size. Real estate signs shall not exceed twelve (12) square feet in area.

2. Location. Real estate signs shall be located on the premises offered for sale, rent, lease or trade.

3. Removal. Real estate signs shall be removed immediately upon the signing of sales, rent, lease or trade contract.

(g) Development Signs.

1. Size. Development signs shall not exceed thirty-two (32) square feet in area.

2. Location.

a. For buildings under construction, the sign shall be on the same premises as the building under construction.

b. For subdivisions in which lots are offered for sale, one sign may be located on each outer boundary of the subdivision.

3. Removal.

a. Building construction signs shall have been removed before a certificate of compliance shall be issued by the Zoning Administrator.

b. Subdivision signs shall be removed when more than seventy-five (75) percent of the lots have been sold.

4. Permitted Zoning Districts: All zoning districts.

(h) Temporary Signs.

1. Size. Temporary signs shall not exceed eight (8) square feet in area.

2. Location. Temporary signs shall not be located within the right of way lines of any road or highway and shall not be attached to any official highway marker, emblem or traffic control sign or device.

3. Removal. Temporary signs shall be removed not later than seven (7) days after the last day on which an event occurred. [Amended 10/14/03, Ord. No. 2003-19]

4. Permitted Zoning Districts: All zoning districts.

(i) Crop Demonstration Signs.

1. Size. Crop demonstration signs shall not exceed eight (8) square feet in area.

2. Location. Crop demonstration signs shall be located on the same premises as the crop used. A separate sign for each seed or plant variety being grown is permitted. A separate sign for each fertilizer, herbicide, pesticide or insecticide being used is permitted. Signs may designate a variety or brand name and shall not direct attention to a dealer or place where such products are sold.

3. Removal. Crop demonstration signs shall be removed not later than ten (10) days following crop harvest.

4. Permitted Zoning Districts: A, Agricultural.

(j) Political Signs. [Adopted 10/14/03, Ord. No. 2003-19]

1. Location.

a. Political signs shall not be located within the right of way lines of any road or highway and shall not be attached to any official highway marker, emblem or traffic control sign or device. [Adopted 10/14/03, Ord. No. 2003-19]

b. Political signs that exceed four (4) square feet in area shall not be located within the vision clearance triangle. [Adopted 10/14/03, Ord. No. 2003-19]

2. Date of Placement. Political signs may not be erected prior to: [Adopted 10/14/03, Ord. No. 2003-19]

a. The first day that nomination papers may be circulated for the general election for which they are posted. [Adopted 10/14/03, Ord. No. 2003-19]

b. The first day that a referendum is scheduled for the general and/or special election for which they are posted. [Adopted 10/14/03, Ord. 2003-19]

c. The first day that a re-call election is scheduled for which they are posted. [Adopted 10/14/03, Ord. No. 2003-19]

3. Height of Sign. Political signs located within the vision clearance triangle shall not exceed three (3) feet in height above the mean centerline grade of the adjacent roadway. [Adopted 10/14/03, Ord. No. 2003-19]

4. Removal. Political signs shall be removed not later than fifteen (15) days following the election for which they were posted. [Adopted 10/14/03, Ord. No. 2003-19]

5. **Permitted Zoning Districts:** All zoning districts. [Adopted 10/14/03, Ord. No. 2003-19]

(k) Definitions, General Provisions and Permits. [Amended 10/14/03, Ord. No. 2003-19]

1. Definitions. For the purpose of this section, certain terms are defined as follows:

a. Sign means any outdoor sign, structure, display, device, painting, figure, drawing, message, placard, poster, billboard, or other thing that is designed, intended or used to advertise or inform. [Adopted 10/14/03, Ord. No. 2003-19]

b. Erect means to construct, build, raise, assemble, place, fix, attach, create, paint, draw, or in any other way bring into being or establish.

c. Political sign means any sign that is designed, intended or used to advertise or inform the public about an issue scheduled for a referendum, a candidate for a local, state or federal office or advocate a position on an issue. [Amended 10/14/03, Ord. No. 2003-19]

2. General Provisions.

a. Signs shall not be designed and installed to imitate or simulate any highway marker, signal or traffic control sign.

b. Signs shall not have any flashing or rotating lights.

c. Signs shall not be placed to obscure the vision of any official highway marker, signal or traffic control sign.

d. A railroad crossing shall be considered the same as a highway intersection.

e. Signs shall not be attached to trees, fence posts or fences or utility structures and shall not be painted on rocks or other natural objects.

f. Signs shall be kept in good state of repair.

g. The provisions of this Ordinance which define permitted locations of signs along the public roads and highways are held to be the minimum standards to insure safety on the public roads and highways.

3. Permits.

a. Permits are required for the installation or erection of all signs, except for political, real estate, development, temporary and crop demonstration signs. [Amended 10/14/03, Ord. No. 2003-19]

b. The application for a permit to install or erect a sign shall contain such information as required by the Zoning Administrator.

c. **Fees:** The minimum fee for a sign permit in Jefferson County shall be Twenty-Five Dollars ($25.00) or fifty cents ($.50) per square foot, whichever is greater. A double fee shall be charged if the construction of a sign or media of advertising is started prior to obtaining a permit. [Amended 10/14/03, Ord. No. 2003-19]

d. The permit fee for signs along the Interstate system and the federal aid primary system shall be Twenty-five Dollars ($25.00) or fifty cents ($.50) per square foot, whichever is greater. [Amended 10/14/03, Ord. No. 2003-19]

e. On state and federal highways which are controlled by these agencies, their permit must be presented as evidence before a County permit can be issued. [Amended 10/14/03, Ord. No. 2003-19]

f. For the purpose of this Ordinance, the responsibility of securing a permit to erect or repair a sign in Jefferson County falls not only with the owner of such sign, but to the mechanic who erects or repairs and to the owner of the property on which said sign is erected. All are held equally responsible. In any violation, action shall be taken against the above individually and every day the violation exists constitutes a separate offense as set forth in Section 11.03(j) of this Ordinance.

4. Removal of Certain Signs.

a. Any sign now or hereafter existing which no longer advertises a bona fide business or a product available shall be removed within thirty (30) days after notification by certified mail by the Zoning Administrator to the owner of the sign.

b. Any sign for which the permit fee is not paid by the Tenth day of January shall be removed within thirty (30) days after notification by certified mail by the Zoning Administrator to the owner of the sign.

c. If the order for removal of a sign sent to the sign owner is not deliverable by certified mail, the notice shall be sent by certified mail to the owner of the land on which the sign is located.

d. Any political sign in violation of the political sign location requirements will be removed by the order of the Jefferson County Zoning Administrator. The sign owner may reclaim political signs for a period up to ten (10) days after removal. Political signs that are unclaimed after the ten (10) day period may be disposed of. [Adopted 10/14/03, Ord. No. 2003-19]

5. Amortization of Nonconforming Signs.

a. Any sign now in existence which was installed or erected before August 1, 1973, shall be made to conform to the provisions of this Ordinance within one (1) year of the effective date of this Ordinance, or at the end of one (1) year shall be ordered removed by the Zoning Administrator under procedures outlined in (4) above

b. Any sign in existence which was installed or erected since August 1, 1973, and for which a permit has been issued by the Zoning Administrator, shall be made to conform to the provisions of this Ordinance within three (3) years of the effective date of this amendment or at the end of three (3) years shall be ordered removed by the Zoning Administrator under procedures outlined in (4) above.

c. Any sign in existence which was installed or erected since August 1, 1973, and for which a permit has never been issued by the Zoning Administrator, shall be made to conform to the provisions of this Ordinance within ninety (90) days of the effective date of this amendment or at the end of ninety (90) days shall be ordered removed by the Zoning Administrator under procedures in (4) above.

6. Signs Located in the Area Covered by Section 84.30 of the Wisconsin Statutes.

a. Along the Interstate system and federal primary system defined by the State of Wisconsin Department of Transportation, a Jefferson County permit will be made available upon submission of the Department of Transportation sign permit and the payment of the proper fee required in this Ordinance.

b. Where the State Department of Transportation's regulations apply they supersede this Ordinance with the exception of Section 11.08(k)3. of this Ordinance. [renumbered 10/14/2003, Ord. 2003-19]

11.09 NONCONFORMING USES, STRUCTURES, AND LOTS

(a) Existing Nonconforming Uses. The lawful nonconforming uses of a structure, land or water existing at the time of the adoption or amendment of this Ordinance may be continued, some for specific periods of time, although the use does not conform with the provisions of this Ordinance; however:

1. Only that portion of the land or water in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, moved or structurally altered except when authorized by state law or required to do so by law or order so as to comply with the provisions of this Ordinance. [Ord. No. 2018-13, 08/13/2018]

2. Total lifetime structural repairs or alterations shall not exceed fifty (50) percent of the structural members of the existing structure with additions not exceeding fifty (50) percent of existing foundation footprint whether vertical or horizontal, and the addition shall meet all setbacks; at the time of its becoming a nonconforming use unless it is permanently changed to conform to the use provisions of this Ordinance. Any alteration, structural member replacement or repair or addition to a structure with an existing nonconforming use shall also meet all the requirements of Section 11.10 of the Jefferson County Zoning Ordinance, Jefferson County Floodplain Ordinance and Wisconsin State Statute Chapter 87.30. [Amended 11/13/84, Ord. No. 84-15; Ord. No. 2013-30, 03-11-2014; Ord. No. 2018-13, 08/13/2018]

3. Substitution of new equipment may be permitted by the Board of Adjustment if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.

4. One new structure may be constructed on the premises if all yard requirements of the district can be met. This structure cannot increase the gross cubage of the buildings by more than 40 percent. [Ord. No. 2018-13, 08/13/2018]

5. Land area upon which use is located may be expanded not more than 30 percent of the square feet of land area existing on the adoption date of this subsection. [Ord. No. 2018-13, 08/13/2018]

(b) Abolishment or Replacement. If such nonconforming use is discontinued or terminated for a period of twelve (12) months, any future use of the structure, land, or water shall conform to the provisions of this Ordinance. Replacement or reconstruction of a nonconforming structure or use shall meet Wisconsin Statutes Chapter 59.69(10m) which states, "Restrictions that are applicable to damaged or destroyed nonconforming structures and that are contained in an ordinance enacted under this section may not: 1. prohibit the restoration of a nonconforming structure if the structure will be restored to the size, subject to par. (b), location, and use that it had immediately before the damage or destruction occurred, or 2. impose any limits on the costs of the repair, reconstruction, or improvement if all of the following apply:

Wis. Stats. s. 59.69(10m)(a)1. The nonconforming structure was damaged or destroyed on or after March 2, 2006.

Wis. Stats. s. 59.69(10m)(a)2. The damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation.

Wis. Stats. s. 59.69(10m)(b). An ordinance enacted under this section to which par. (a) applies shall allow for the size of a structure to be larger than the size it was immediately before the damage or destruction if necessary for the structure to comply with applicable state or federal requirements." This section does not apply to floodplain structures or uses. See Jefferson County Floodplain Ordinance and Wisconsin Statutes Chapter 87.30 for applicable floodplain restrictions regarding damaged by flood.
[Amended 4/16/85, Ord. No. 85-4; Ord. No. 2013-30, 03-11-2014; Ord. No. 2018-13, 08/13/2018]

A current file of all nonconforming uses shall be maintained by the Zoning Administrator listing the following: owner's name and address; use of the structure, land or water; and assessed value at the time of its becoming a nonconforming use.

(c) Existing Nonconforming Structures. The lawful nonconforming structure existing at the time of the adoption or amendment of this Ordinance may be continued although its size or location does not conform with the lot width, lot area, yard, height, parking and loading, and access provisions of this Ordinance; however, it shall not be extended, enlarged, moved, or structurally altered in excess of fifty (50) percent of the structural members of the existing structure with additions not exceeding 50% of existing foundation footprint whether vertical or horizontal and the addition shall meet all setbacks or go no closer to any side, rear or road setback. For an existing nonconforming structure located within any road right-of-way or existing over a lot line, no additions or alteration of structural members, not including ordinary maintenance, shall be permitted. Any alteration, or addition to any nonconforming structure shall also meet all the requirements of Section 11.10 of the Jefferson County Zoning Ordinance, Jefferson County Floodplain Ordinance and Wisconsin State Statutes Chapter 87.30. The repair, maintenance, renovation, rebuilding or remodeling of a nonconforming structure or any part of a nonconforming structure is not prohibited and does not require a variance if done so in accordance with this section. [Amended 4/16/85, Ord. No. 85-4; Ord. No. 2013-30, 03-11-2014; Ord. No. 2018-13, 08/13/2018]

Note: For this section, a structural member includes the number of existing walls, foundation walls, floor and roof. Any alteration to a structural member qualifies for inclusion in the calculation of the 50% provisions. [R3706T-14 – Jefferson County; Ord. No. 2013-30, 03-11-2014]

(d) Changes and Substitutions. Once a nonconforming use or structure has been changed to conform to the requirements of the Zoning Ordinance, it shall not revert back to a nonconforming use or structure. Once the Zoning Board of Adjustment has granted a variance to a more restrictive use from an existing nonconforming use, the substituted use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Zoning Board of Adjustment. [Ord. No. 2018-13, 08/13/2018]

(e) Substandard Lots. In any Residential, Waterfront or Community District, a one-family detached dwelling and its accessory structures may be erected on any legal lot or parcel of record in the County Register of Deeds Office. All current sections and subsequent amendments of this Ordinance, the Jefferson County Private Sewage System Ordinance and the Jefferson County Floodplain Ordinance shall apply. [Amended 2/8/00, Ord. No. 99-28; Ord. No. 2018-13, 08/13/2018]

In any zoning district, the substandard lot shall not be used without full compliance with the provisions of all current sections and subsequent amendments of this Ordinance, the Jefferson County Private Sewage System Ordinance and the Jefferson County Floodplain Ordinance. For a substandard parcel in any district, all of the district requirements shall be complied with insofar as practicable, but shall not be less than the following, and shall meet all requirements of the County's Private Sewage System Ordinance, Floodplain Ordinance and Section 11.10 Shoreland Provisions: [Amended 2/8/00, Ord. No. 99-28; Ord. No. 2018-13, 08/13/2018]

1. Lot Width - Minimum forty (40) feet (served by public sewer).
   Minimum fifty (50) feet (served by private sewer).
   Lot Area - Minimum five thousand (5,000) square feet (served by public sewer).
   Minimum ten thousand (10,000) square feet (served by private sewer).

2. Yard Setbacks
   Street: Minimum twenty-five (25) feet from lot line; the second street yard on corner lots shall be not less than ten (10) feet from the lot line.
   Rear: Minimum fifteen (15) feet from lot line.
   Side: Minimum five (5) feet from lot line.
   Shore: Minimum seventy-five (75) feet.

Accessory Structures: A minimum yard for detached accessory structures is three (3) feet if located in rear yard area of principal structure.

[Resolution No. 85, 08/14/1979; Ord. No. 2018-13, 08/13/2018]

(f) Non-farm residences within the A-1 District. Residences within the A-1 district legally constructed before January 15, 1975, but not defined as a farm residence under Section 11.02, may continue as prior nonconforming uses, and shall not be subject to any standard or limitation under Section 11.09, except for the following: [Ord. No. 2018-13, 08/13/2018]

1. If such a nonconforming use is discontinued, vacated, or otherwise terminated for a period of twelve (12) months, any future use of the structure shall conform to the provisions of this Ordinance.

2. Where such a nonconforming use is damaged by fire, explosion, flood, the public enemy, or other calamity, or is dismantled for the purpose of reconstruction, it may be restored or replaced, as long as the replacement residence is placed within 100 feet of the residence built before January 15, 1975, and in compliance with all other county ordinances and state laws. [cr. 3/13/12, Ord. 2011-28; Ord. No. 2018-13, 08/13/2018]

11.10 SHORELAND PROVISIONS

(a) STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE AND TITLE.

1. STATUTORY AUTHORIZATION. This ordinance is adopted pursuant to the authorization in s. 59.692, Wis. Stats., to implement s. 59.692, and s. 281.31.

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

3. PURPOSE AND INTENT. [NR115.01] For the purpose of promoting the public health, safety, convenience and welfare, and to promote and protect the public trust in navigable waters, this ordinance has been established to:

a. FURTHER THE MAINTENANCE OF SAFE AND HEALTHFUL CONDITIONS AND PREVENT AND CONTROL WATER POLLUTION THROUGH:

1. Limiting structures to those areas where soil and geological conditions will provide a safe foundation.
2. Establishing minimum lot sizes to provide adequate area for private on-site waste treatment systems.
3. Controlling filling and grading to prevent soil erosion problems.
4. Limiting impervious surfaces to control runoff which carries pollutants.

b. PROTECT SPAWNING GROUNDS, FISH AND AQUATIC LIFE THROUGH:

1. Preserving wetlands and other fish and aquatic habitat.
2. Regulating pollution sources.

3. Controlling shoreline alterations, dredging and lagooning.

c. CONTROL BUILDING SITES, PLACEMENT OF STRUCTURES AND LAND USES THROUGH:

1. Prohibiting certain uses detrimental to the shoreland-wetlands.
2. Setting minimum lot sizes and widths.
3. Setting minimum building setbacks from waterways.
4. Setting the maximum height of near shore structures.

d. PRESERVE AND RESTORE SHORELAND VEGETATION AND NATURAL SCENIC BEAUTY THROUGH:

1. Restricting the removal of natural shoreland cover.
2. Preventing shoreline encroachment by structures.
3. Controlling shoreland excavation and other earth moving activities.
4. Regulating the use and placement of boathouses and other structures.

4. TITLE. Shoreland Protection Ordinance for Jefferson County, Wisconsin.

(b) GENERAL PROVISIONS.

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

a. Within one thousand (1,000) feet of the ordinary high-water mark of navigable lakes, ponds or flowages. [NR 115.03(8)]

Lakes, ponds or flowages in Jefferson County shall be presumed to be navigable if they are listed in the Wisconsin Department of Natural Resources publication FH-800 2009 "Wisconsin Lakes" book available electronically at the following web site: http://dnr.wi.gov/lakes/lakebook/wilakes2009bma.pdf or are shown on United States Geological Survey quadrangle maps (1:24,000 scale), or other zoning base maps.

b. Within three hundred (300) feet of the ordinary high-water mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater. [NR 115.03(8)]

Rivers and streams in Jefferson County shall be presumed to be navigable if they are designated as perennial waterways or intermittent waterways on United States Geological Survey quadrangle maps (1:24,000). Flood hazard boundary maps, flood insurance rate maps, flood boundary-floodway maps, county soil survey maps or other existing county floodplain zoning maps shall be used to delineate floodplain areas.

c. The provisions of this chapter apply to regulation of the use and development of unincorporated shoreland areas. Unless specifically exempted by law, all cities, villages, towns, counties and, when s. 13.48 (13), Stats., applies, state agencies are required to comply with, and obtain all necessary permits under, local shoreland ordinances. The construction, reconstruction, maintenance or repair of state highways and bridges carried out under the direction and supervision of the Wisconsin Department of Transportation is not subject to local shoreland zoning ordinances if s. 30.2022 (1), Stats., applies (NR 115.02). Shoreland zoning requirements in annexed or incorporated areas are provided in s. 61.353 and s. 62.233, Stats.[Ord. No. 2017-09, 08-08-2017]

d. Lands under s. 281.31(2m), Wis. Stats., notwithstanding any other provision of law or administrative rule promulgated thereunder, shall not be affected by this shoreland zoning ordinance and shall not apply to:

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

2. DETERMINATIONS OF NAVIGABILITY AND ORDINARY HIGH-WATER MARK. Determinations of navigability and ordinary high-water mark location shall initially be made by the zoning administrator. When questions arise, the zoning administrator shall contact the appropriate office of the Department for a final determination of navigability or ordinary high-water mark. The County may work with surveyors with regard to s. 59.692(1h). [Ord. No. 2017-09, 08-08-2017]

3. SHORELAND-WETLAND MAPS. The most recent version of the Wisconsin Wetland Inventory as depicted on the Department of Natural Resources Surface Water Data Viewer is made part of this ordinance. The maps can be viewed at http://dnrmaps.wi.gov/SL/Viewer.html?Viewer=SWDV&runWorkflow=Wetland .

4. COMPLIANCE. [NR 115.04] The use of any land; the size, shape and placement of lots; the use, size, type and location of structures on lots; the installation and maintenance of water supply and waste disposal facilities; the filling, grading, lagooning, or dredging of any lands; the cutting of shoreland vegetation; and the subdivision of lots shall be in full compliance with the terms of this ordinance and other applicable local, state or federal regulations. Buildings and other structures shall require a permit unless otherwise expressly excluded by a provision of this ordinance. Property owners, builders and contractors are responsible for compliance with the terms of this ordinance.

5. MUNICIPALITIES AND STATE AGENCIES REGULATED. Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply when s. 13.48(13), Wis. Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when s. 30.2022(1), Wis. Stats., applies.

6. ABROGATION AND GREATER RESTRICTIONS. [s. 59.692(5), Wis. Stats.] The provisions of this ordinance supersede any provisions in a county zoning ordinance that solely relate to shorelands. If a zoning standard only applies to lands that lie within the shoreland and applies because the lands are within the shoreland, then this ordinance supersedes those provisions. However, where an ordinance adopted under a statute other than s. 59.692, Wis. Stats., does not solely relate to shorelands and is more restrictive than this ordinance, for example a floodplain ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions. Additional abrogation and restrictions include:

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

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

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

d. Provisions of the Jefferson County Zoning Ordinance shall only apply to the shoreland area when they impose greater restrictions than this ordinance otherwise imposes and are hereby incorporated by reference.

e. [s. 59.692(1d)(b), Wis. Stats.] This ordinance may establish standards to regulate matters that are not regulated in ch. NR 115, Wis. Adm. Code, but that further the purposes of shoreland zoning as described in section 11.10(a)3 of this ordinance.

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

1. Approval to install or maintain outdoor lighting in shorelands, imposition of any fee or mitigation requirement to install or maintain outdoor lighting in shorelands, or other prohibition or regulation of outdoor lighting in shorelands if the lighting is designed or intended for residential use.
2. Inspection or upgrade of a structure before the sale or other transfer of the structure may be made.

g. [s. 59.692(7), Stats.] The construction and maintenance of a facility is considered to satisfy the requirements of a shoreland zoning ordinance if:

1. The department has issued all required permits or approvals authorizing the construction or maintenance under ch. 30, 31, 281 or 283.

A "facility" means any property or equipment of a public utility, as defined in s. 196.01(5), or a cooperative association organized under ch. 185 for the purpose of producing or furnishing heat, light or power to its membes only, that is used for the transmission, delivery or furnishing of natural gas, heat, light or power. [Ord. No. 2017-09, 08-08-2017]

7. INTERPRETATION. [s. 59.69(13), Wis. Stats.] In their interpretation and application, the provisions of this ordinance shall be liberally construed in favor of Jefferson County and shall not be deemed a limitation or repeal of any other powers granted by Wisconsin Statutes. Where a provision of this ordinance is required by statute and a standard in ch. NR 115, Wis. Adm. Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the statute and ch. NR 115 standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.

8. SEVERABILITY. If any portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

(c) SHORELAND-WETLAND DISTRICT. [NR 115.04]

1. DESIGNATION. This district shall include all shorelands within the jurisdiction of this ordinance which are designated as wetlands on the most recent version of the Wisconsin Wetland Inventory as depicted on the Department of Natural Resources Surface Water Data Viewer.

a. LOCATING SHORELAND-WETLAND BOUNDARIES. [NR 115.04(b)2. Note] Where an apparent discrepancy exists between the shoreland-wetland district boundary shown on the Wisconsin Wetland Inventory and actual field conditions, the county shall contact the Department to determine if the map is in error. If the Department determines that a particular area was incorrectly mapped as wetland or meets the wetland definition but was not shown as wetland on the map, the county shall have the authority to immediately grant or deny a shoreland zoning permit in accordance with the applicable regulations based on the Department determination as to

whether the area is wetland. In order to correct wetland mapping errors on the official zoning map, an official zoning map amendment must be initiated within a reasonable period of time after discovery of the wetland mapping error.

2. PURPOSE. This district is created to maintain safe and healthful conditions, to prevent water pollution, to protect fish spawning grounds and wildlife habitat, to preserve shore cover and natural beauty and to control building and development in wetlands whenever possible. When development is permitted in a wetland, the development should occur in a manner that minimizes adverse impacts upon the wetland.

3. PERMITTED USES. [NR 115.04(3)] The following uses shall be allowed, subject to general shoreland zoning regulations contained in this ordinance, the provisions of chs. 30, 31 and 281.36, Wis. Stats. and the provisions of other applicable local, state and federal laws:

a. Activities and uses which do not require the issuance of a zoning permit, but which must be carried out without any filling, flooding, draining, dredging, ditching, tiling or excavating except as allowed under sections 11.10(c)3.a. or 11.10(c)3.b.

1. Hiking, fishing, trapping, hunting, swimming, and boating;
2. The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;
3. The pasturing of livestock;
4. The cultivation of agricultural crops;
5. The practice of silviculture, including the planting, thinning, and harvesting of timber; and
6. The construction or maintenance of duck blinds.

b. Uses which do not require the issuance of a zoning permit and which may include limited filling, flooding, draining, dredging, ditching, tiling, or excavating but only to the extent specifically provided below:

1. Temporary water level stabilization measures necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on silvicultural activities if not corrected;
2. The cultivation of cranberries including flooding, dike and dam construction or ditching necessary for the growing and harvesting of cranberries;
3. The maintenance and repair of existing agricultural drainage systems including ditching, tiling, dredging, excavating and filling necessary to maintain the level of drainage required to continue the existing agricultural use. This includes the minimum filling necessary for disposal of dredged spoil adjacent to the drainage system provided that dredged spoil is placed on existing spoil banks where possible;
4. The construction or maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance;
5. The construction or maintenance of piers, docks or walkways built on pilings, including limited excavating and filling necessary for such construction and maintenance; and
6. The maintenance, repair, replacement or reconstruction of existing town and county highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.

c. Uses which require the issuance of a zoning permit and which may include limited filling, flooding, draining, dredging, ditching, tiling or excavating, but only to the extent specifically provided below:

1. The construction and maintenance of roads which are necessary to conduct silvicultural activities or agricultural cultivation, provided that:
   a. The road cannot as a practical matter be located outside the wetland;
   b. The road is designed and constructed to minimize adverse impact upon the natural functions of the wetland enumerated in section 11.10(c)5.b.;

c. The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use;
d. Road construction activities are carried out in the immediate area of the roadbed only.

2. The construction or maintenance of nonresidential buildings, provided that:
   a. The building is essential for and used solely in conjunction with the raising of waterfowl, minnows or other wetland or aquatic animals; or some other use permitted in the shoreland-wetland district;
   b. The building cannot, as a practical matter, be located outside the wetland;
   c. Such building is not designed for human habitation and does not exceed 500 sq. ft. in floor area; and
   d. Only limited filling or excavating necessary to provide structural support for the building is authorized.

3. The establishment of public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, fish hatcheries, and public boat launching ramps and attendant access roads, provided that:
   a. Any private development is used exclusively for the permitted use and the applicant has received a permit or license under ch. 29, Wis. Stats., where applicable;
   b. Filling or excavating necessary for the construction or maintenance of public boat launching ramps or attendant access roads is allowed only where such construction or maintenance meets the criteria in section 11.10(c)3.c.1.a-d and;
   c. Ditching, excavating, dredging, or dike and dam construction in public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, and fish hatcheries is allowed only for the purpose of improving wildlife habitat and to otherwise enhance wetland values.
4. The construction or maintenance of electric, gas, telephone, water and sewer transmission and distribution facilities, by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power or water to their members and the construction or maintenance of railroad lines provided that:
   a. The transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland;
   b. Such construction or maintenance is done in a manner designed to minimize adverse impact upon the natural functions of the wetland enumerated in section 11.10(c)5.b.

4. PROHIBITED USES. [NR 115.04(4)] Any use not listed in sections 11.10(c)3.a., 11.10(c)3.b. or 11.10(c)3.c. is prohibited unless the wetland or portion of the wetland has been rezoned by amendment of this ordinance in accordance with section 11.10(c)5. of this ordinance and s. 59.69(5)(e), Wis. Stats.

5. REZONING OF LANDS IN THE SHORELAND-WETLAND DISTRICT. [NR 115.04(2)]

a. For all proposed text and map amendments to the shoreland-wetland provisions of this ordinance, the appropriate office with the Department shall be provided with the following:

1. A copy of every petition for a text or map amendment to the shoreland-wetland provisions of this ordinance, within 5 days of the filing of such petition with the county clerk. Such petition shall include a copy of the Wisconsin Wetland Inventory map adopted as part of this ordinance describing any proposed rezoning of a shoreland-wetland;
2. Written notice of the public hearing to be held on a proposed amendment at least 10 days

prior to such hearing;

3. A copy of the Jefferson County Zoning Department's findings and recommendations on each proposed amendment within 10 days after the submission of those findings and recommendations to the county board; and
4. Written notice of the county board's decision on the proposed amendment within 10 days after it is issued.

b. A wetland, or a portion thereof, in the shoreland-wetland district shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:

1. Storm and flood water storage capacity;
2. Maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland;
3. Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
4. Shoreline protection against soil erosion;
5. Fish spawning, breeding, nursery or feeding grounds;
6. Wildlife habitat; or
7. Wetlands both within the boundary of designated areas of special natural resource interest and those wetlands which are in proximity to or have a direct hydrologic connection to such designated areas as defined in NR 103.04 which can be accessed at the following web site: http://docs.legis.wisconsin.gov/code/admin_code/nr/100/103.pdf.

c. If the Department notifies the county zoning agency that a proposed text or map amendment to the shoreland-wetland provisions of this ordinance may have a significant adverse impact upon any of the criteria listed in section 11.10(c)5.b. of this ordinance, that amendment, if approved by the county board, shall contain the following provision:

"This amendment shall not take effect until more than 30 days have elapsed after written notice of the county board's approval of this amendment is mailed to the Department of Natural Resources. During that 30-day period the Department of Natural Resources may notify the county board that it will adopt a superseding shoreland ordinance for the county under s. 59.692(6), Wis. Stats. If the Department does so notify the county board, the effect of this amendment shall be stayed until the s. 59.692(6) adoption procedure is completed or otherwise terminated."

(d) LAND DIVISION REVIEW AND SANITARY REGULATIONS. [NR 115.05(2)]

1. LAND DIVISION REVIEW. [NR 115.05(2)] The county shall review, pursuant to s. 236.45, Wis. Stats., all land divisions in shoreland areas which create 3 or more parcels or building sites of 5 acres each or less within a 5-year period. In such review all of the following factors shall be considered:

a. Hazards to the health, safety or welfare of future residents.

b. Proper relationship to adjoining areas.

c. Public access to navigable waters, as required by law.

d. Adequate stormwater drainage facilities.

e. Conformity to state law and administrative code provisions.

2. PLANNED UNIT DEVELOPMENT (PUD) (MULTI-FAMILY DWELLING UNITS CUP). [NR 115.05(1)(a)4.]

a. PURPOSE. The Planned Unit Development is intended to permit smaller non-riparian lots where the physical layout of the lots is so arranged as to better assure the control of pollution and preservation of ground cover than would be expected if the lots were developed with the normal lot sizes and setbacks and without special conditions placed upon the Planned Unit Development at the time of its approval. A condition of all Planned Residential Unit Development is the preservation of certain open space, preferably on the shoreland, in perpetuity.

b. REQUIREMENTS FOR PLANNED UNIT DEVELOPMENT. The county board may at its discretion, upon its own motion or upon petition, approve a Planned Unit Development Overlay District upon finding, after a public hearing, that all of the following facts exist:

1. Area. The area proposed for the Planned Unit Development shall be at least 2 acres in size or have a minimum of 200 feet of frontage on a navigable water.
2. Lots. Any proposed lot in the Planned Unit Development that does not meet the minimum size standards of Section 11.10(e)2. and 11.10(e)3. shall be a non-riparian lot.
3. Lot sizes, widths, setbacks, and vegetation removal. When considering approval of a Planned Unit Development the governing body shall consider whether proposed lot sizes, widths, and setbacks are of adequate size and distance to prevent pollution or erosion along streets or other public ways and waterways. Increased shoreland setbacks shall be a condition of approval as a way of minimizing adverse impacts of development. Shore cover provisions in Section 11.10(g)2. shall apply except that maximum width of a lake frontage opening shall be 100 feet and minimum vegetative buffer depth shall be increased to offset the impact of the proposed development.

3. SANITARY REGULATIONS. [NR 115.05(3) & Jefferson County Private Sewage System Ordinance #12] Each county shall adopt sanitary regulations for the protection of health and the preservation and enhancement of water quality.

a. Where public water supply systems are not available, private well construction shall be required to conform to ch. NR 812, Wis. Adm. Code.

b. Where a public sewage collection and treatment system is not available, design and construction of private on-site waste treatment system shall, prior to July 1, 1980, be required to comply with ch. SPS Comm 383, and after June 30, 1980 be governed by a private sewage system ordinance adopted by the county under s. 59.70(5), Wis. Stats.

(e) MINIMUM LOT SIZE. [NR 115.05(1)]

1. PURPOSE . [NR115.05(1)(a)] Minimum lot sizes in the shoreland area shall be established to afford protection against danger to health, safety and welfare, and protection against pollution of the adjacent body of water. In calculating the minimum area or width of a lot, the beds of navigable waters shall not be included.

2. 'SEWERED LOTS' . [NR 115.05(1)(a)1.] MINIMUM AREA AND WIDTH FOR EACH LOT. The minimum lot area shall be 10,000 sq. ft. and the minimum average lot width shall be 65 feet. Minimum lot width will be measured by having a building envelope for at the placement of all structures that meets the minimum lot width and depth for that zoning district.

3. 'UNSEWERED LOTS.' [NR 115.05(1)(a)2.] MINIMUM AREA AND WIDTH FOR EACH LOT. The minimum lot area shall be 20,000 sq. ft. and the minimum average lot width shall be 100 feet. Minimum lot width will be measured by having a building envelope for at the placement of all structures that meets the minimum lot width and depth for that zoning district.

4. SUBSTANDARD LOTS [NR115.05(1)(A)3]. A legally created lot or parcel that met minimum area and minimum average width requirements when created, but does not meet current lot size requirements, may be used as a building site if all of the following apply:

a. The substandard lot or parcel was never reconfigured or combined with another lot or parcel by plat, survey or consolidation by the owner into one property tax parcel.

b. The substandard lot or parcel has never been developed with one or more of its structures placed partly upon an adjacent lot or parcel.

c. The substandard lot or parcel is developed to comply with all other ordinance requirements.

Note: The intent of this provision is to allow lots that were legally created that currently do not meet the minimum lot width and area requirements to be considered a building site provided all ordinance requirements can be met. Substandard lots that have been reconfigured by a certified survey map or consolidated into one legal description with the Register of Deeds, which result in a larger (closer to conforming) lot should be allowed to be utilized as a building site. Additionally, lots that have a legal description for each substandard lot on record with the Register of Deeds, but have one tax parcel number assigned by the Real Property Lister or Assessor for taxing assessing purposes, should be considered separate building sites and should not be considered consolidated. Lots that have had development over the lot lines should be combined with a legal description and recorded with a new deed prior to new development occurring. [Ord. No. 2017-09, 08-08-2017]

5. OTHER SUBSTANDARD LOTS. Except for lots which meet the requirements of section 11.10(e)4., a building permit for the improvement of a lot having lesser dimensions than those stated in sections 11.10(e)2. and 11.10(e)3. shall be issued only if a variance is granted by the board of adjustment.

(f) BUILDING SETBACKS. [NR 115.05(1)(b)] Permitted building setbacks shall be established to conform to health, safety and welfare requirements, preserve natural beauty, reduce flood hazards and avoid water pollution.

1. SHORELAND SETBACKS. [NR115.05(1)(b)1.] Unless exempt under 11.10(f)1.a., or reduced under 11.10(f)2., a setback of 75 feet from the ordinary high-water mark of any navigable waters to the nearest part of a building or structure shall be required for all buildings and structures.

a. EXEMPT STRUCTURES [NR 115.05(1)(b)1m. and s. 59.692(lk)(a)6, Wis. Stats.]] All of the following structures are exempt from the shoreland setback standards in subd. 11.10(f)1 [Ord. 2017-09, 08-08-2017]:

1. Boathouses located entirely above the ordinary high-water mark and entirely within the access and viewing corridor that do not contain plumbing and are not used for human habitation and meet the following conditions:
   a. The construction or placing of a boathouse below the ordinary high-water mark of any navigable waters is prohibited.
   b. The use of a boathouse for human habitation is prohibited.
   c. Boathouses shall be designed solely for the storage of boats and related equipment and there shall be no more than one boathouse per lot.
   d. A boathouse shall not exceed four hundred (400) square feet in area.
   e. The roof of a boathouse may be used as a deck provided that:
      (1) The boathouse has a flat roof.
      (2) The roof has no side walls or screens.
      (3) The roof has a railing that meets the Department of Safety and Professional Services standards. [Ord. No. 2017-09, 08-08-2017]
   f. A boathouse must be located within the viewing and access corridor described in Section 11.10 (f)1.a.1.
   g. Earth tone colors shall be required for all exterior surfaces of a boathouse.

h. Must meet the provisions of Jefferson County Floodplain Ordinance No. 14. Boathouses are not permitted in the floodway.
i. One boathouse is permitted on a lot as an accessory structure.
j. The main door shall face the water.
k. Patio doors, fireplaces and other features inconsistent with the use of the structure exclusively as a boathouse are not permitted.

2. Open sided and screened structures such as gazebos, decks, patios and screen houses in the shoreland setback area that satisfy the requirements in s. 59.692(1v), Stats. and meet the following conditions:
   a. The part of the structure that is nearest to the water is located at least 35 feet landward from the ordinary-high water mark.
   b. The floor area of all the structures in the shoreland setback area will not exceed 200 square feet.
   c. The structure that is the subject of the request for special zoning permission has no sides or has open or screened sides.
   d. The county must approve a plan that will be implemented by the owner of the property to preserve or establish a vegetative buffer zone that covers at least 70% of the half of the shoreland setback area that is nearest to the water.
   e. An enforceable affidavit must be filed with the register of deeds prior to construction acknowledging the limitations on vegetation.

The statutory requirements under s. 59.692(1v) which require the establishment of a vegetative buffer for the construction of open sided structures is not superseded by s. 59.692(1f)(a).

3. Fishing rafts that are authorized on the Wolf River and Mississippi River under s. 30.126, Stats.

4. Broadcast signal receivers, including satellite dishes or antennas that are one meter or less in diameter and satellite earth station antennas that are 2 meters or less in diameter.

5. Utility transmission and distribution lines, poles, towers, water towers, pumping stations, well pumphouse covers, private on-site wastewater treatment systems that comply with ch. SPS Comm 383, and other utility structures that have no feasible alternative location outside of the minimum setback and that employ best management practices to infiltrate or otherwise control storm water runoff from the structure.

6. Walkways, stairways or rail systems that are necessary to provide pedestrian access to the shoreline and are a maximum of 60-inches in width. The stairway, walkway and lift must be located within the access and viewing corridor unless such location is not feasible or it is determined by Zoning Department staff that locations outside the access and viewing corridor better serve the intent of this ordinance.

7. Walkways, stairways, and lifts shall be designed in a matter that does not cause erosion and will minimize storm water runoff. Vegetation shall be established upon completion and shall be maintained, to stabilize all land disturbed during the construction or placement of the walkway, stairway, or lift.

8. Devices or systems used to treat runoff from impervious surfaces. [Ord. No. 2017-09, 08-08-2017]

b. EXISTING EXEMPT STRUCTURES. [s. 59.692(1k)(a)2m(bm), Stats.] Existing exempt structures may be maintained, repaired, replaced, restored, rebuilt and remodeled provided the activity does not expand the footprint and does not go beyond the three-dimensional building envelope of the existing structure.

Counties may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

Note: Section 59.692(1k)(a)2m, Stats., prohibits counties from requiring any approval or imposing any fee or mitigation requirement for the activities specified in section 11.10(f)(2). However, it is important to note that property owners may be required to obtain permits or approval and counties may impose fees under ordinances adopted pursuant to other statutory requirements, such as floodplain zoning, general zoning, sanitary codes, building codes or stormwater erosion control. [Ord. No. 2017-09, 08-08-2017]

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

a. Where there are existing principal structures in both directions, the setback shall equal the average of the distances the two existing principal structures are set back from the ordinary high water mark provided all of the following are met:

1. Both of the existing principal structures are located on an adjacent lot to the proposed principal structure.

2. Both of the existing principal structures are located within 250′ of the proposed principal structure and are the closest structure.

3. Both of the existing principal structures are located less than 75′ from the ordinary high water mark.

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

b. Where there is an existing principal structure in only one direction, the setback shall equal the average of 75 feet and the distance that the existing structure is set back from the ordinary high-water mark provided all of the following are met:

1. The existing principal structure is located on the adjacent lot to the proposed principal structure.

2. The existing principal structure is located within 250′ of the proposed principal structure and is the closest structure.

3. The existing principal structure is located less than 75′ from the ordinary high water mark.

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

[Ord. No. 2017-09, 08-08-2017]

3. FLOODPLAIN STRUCTURES . [NR 115.05(1)(b)2.] Buildings and structures to be constructed or placed in a floodplain shall be required to comply with the Jefferson County Floodplain Ordinance Chapter 14.

(g) VEGETATION. [NR 115.05(1)(c)]

1. PURPOSE. [NR 115.05(1)(c)1.] To protect natural scenic beauty, fish and wildlife habitat, and water quality, Jefferson County shall regulate removal of vegetation in shoreland areas, consistent with the following: The county shall establish ordinance standards that consider sound forestry and soil conservation practices and the effect of vegetation removal on water quality, including soil erosion, and the flow of effluents, sediments and nutrients.

2. ACTIVITIES ALLOWED WITHIN A VEGETATIVE BUFFER ZONE. [NR 115.05(1)(c)2.] To protect water quality, fish and wildlife habitat and natural scenic beauty, and to promote preservation and restoration of native vegetation, the county ordinance shall designate land that extends from the ordinary high water mark to a minimum of 35 feet inland as a vegetative buffer zone and prohibit removal of vegetation in the vegetative buffer zone except as follows:

a. The county may allow routine maintenance of vegetation.

b. The county may allow removal of trees and shrubs in the vegetative buffer zone to create access and viewing corridors. Pursuant to s. 59.692(1f)(b), Stats., the viewing corridor may be 35 feet wide for every 100 feet of shoreline frontage. The viewing corridor may run contiguously for the entire maximum width of shoreline frontage owned.

c. The county may allow removal of trees and shrubs in the vegetative buffer zone on a parcel with 10 or more acres of forested land consistent with "generally accepted forestry management practices" as defined in NR 1.25(2)(b), Wis. Adm. Code, and described in Department publication "Wisconsin Forest Management Guidelines" (publication FR-226), provided that vegetation removal be consistent with these practices.

d. The county may allow removal of vegetation within the vegetative buffer zone to manage exotic or invasive species, damaged vegetation, vegetation that must be removed to control disease or vegetation creating an imminent safety hazard, provided that any vegetation removed be replaced by replanting in the same area as soon as practicable.

e. The county may authorize by permit additional vegetation management activities in the vegetative buffer zone. The permit issued under this paragraph shall require that all management activities comply with detailed plans approved by the county and designed to control erosion by limiting sedimentation into the waterbody; improve the plant community by replanting in the same area; and maintain and monitor the newly restored area. The permit also shall require an enforceable restriction to preserve the newly restored area.
[Ord. No. 2017-09, 08-08-2017]

3. CUTTING MORE THAN 35 FEET INLAND. From the inland edge of the 35 foot area to the outer limits of the shoreland, the cutting of vegetation shall be allowed when accomplished using accepted forest management and soil conservation practices which protect water quality.

(h) FILLING, GRADING, LAGOONING. DREDGING, DITCHING AND EXCAVATING. [NR115.05(1)(d)] Filling, grading, lagooning, dredging, ditching and excavating may be permitted only in accordance with the provisions of s. NR 115.04, the requirements of ch. 30, Stats., and other state and federal laws where applicable, and only if done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat and natural scenic beauty.

1. GENERAL STANDARDS. Filling, grading, lagooning, dredging, ditching or excavating which does not require a permit under section 11.10(h)2. may be permitted in the shoreland area provided that:

a. It is done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat.

b. Filling, grading, lagooning, dredging, ditching or excavating in a shoreland wetland district meets the requirements of sections 11.10(c)3.b. and 11.10(c)3.c. of this ordinance.

c. All applicable federal, state and local authority is obtained in addition to a permit under this ordinance.

d. Any fill placed in the shoreland area is protected against erosion by the use of riprap, vegetative cover or a bulkhead.

2. PERMIT REQUIRED. A permit is required:

a. For any filling or grading of any area which is within 300 feet landward of the ordinary highwater mark of navigable water and which has surface drainage toward the water and on which there is either:

1. Any filling or grading on slopes of more than 20%.
2. Filling or grading of more than l,000 sq. ft. on slopes of 12% - 20%.
3. Filling or grading of more than 2,000 sq. ft. on slopes less than 12%.
4. Filling, grading or excavating within 35 ft. of the OHWM, on all slopes.

b. For any construction or dredging commenced on any artificial waterway, canal, ditch, lagoon, pond, lake or similar waterway which is within 300 feet landward of the ordinary highwater mark of a navigable body of water or where the purpose is the ultimate connection with a navigable body of water.

3. PERMIT CONDITIONS. In granting a permit under section 11.10(h)2., the County shall attach the following conditions, where appropriate, in addition to those provisions specified in sections 11.10(o)3.c. or 11.10(o)3.d.

a. The smallest amount of bare ground shall be exposed for as short a time as feasible.

b. Temporary ground cover (such as mulch or jute netting) shall be used and permanent vegetative cover shall be established.

c. Diversion berms or bales, silting basins, terraces, filter fabric fencing, and other methods shall be used to prevent erosion.

d. Lagoons shall be constructed to avoid fish trap conditions.

e. Fill shall be stabilized according to accepted engineering standards.

f. Filling shall comply with any local floodplain zoning ordinance and shall not restrict a floodway or destroy the flood storage capacity of a floodplain.

g. Channels or artificial watercourses shall be constructed with side slopes of two (2) units horizontal distance to one (1) unit vertical or flatter which shall be promptly vegetated, unless bulkheads or riprap are provided.

(i) IMPERVIOUS SURFACE STANDARDS. [NR 115.05(1)(e)]

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

2. CALCULATION OF PERCENTAGE OF IMPERVIOUS SURFACE. [NR 115.05(1)(e)1.] Percentage of impervious surfaces shall be calculated by dividing the surface area of the existing and proposed impervious surfaces on the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark by the total surface area of that lot or parcel, and multiplied by 100. Impervious surfaces described in 11.10(i)5 shall be excluded from the calculation of impervious surface on the lot or parcel. If an outlot lies between the ordinary high water mark and the developable lot or parcel and both are in common ownership, the lot or parcel and the outlot shall be considered one lot or parcel for the purposes of calculating the percentage of impervious surface.

Note: For properties that have been “condominiumized” the impervious surface calculations apply to the entire property. The property is still under one legal description and the proposed expansion to a unit is not the only impervious surface calculated since the regulation states lot or parcel and not a unit. It will be important to remember also that mitigation applies to the property as a whole and not just to the portion of the frontage that might be in front of the unit impacted.

3. GENERAL IMPERVIOUS SURFACE STANDARD. [NR 115.05(1)(e)2.] Except as allowed in sections 4 through 5 allow up to 15% impervious surface on the portion of a lot or parcel that is within 300 feet of

the ordinary high-water mark.

4. MAXIMUM IMPERVIOUS SURFACE. [NR 115.05(1)(e)3.] A property may exceed the impervious surface standard under 3 provided the following standards are met:

a. For properties where the general impervious surface standard applies under section 11.10(i)(3), a property owner may have more than 15% impervious surface but not more than 30% impervious surface on the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark.

b. For properties that exceed the standard under 11.10(i)3 but do not exceed the maximum standard under 11.10(i)4, a permit can be issued for development with a mitigation plan that meets the standards found in section 11.10(l).

5. TREATED IMPERVIOUS SURFACES. [NR115.05(1)(e)3m. and s. 59.692(1k)(a)1.e.), Wis. Stats.] Impervious surfaces that can be documented to show they meet either of the following standards shall be excluded from the impervious surface calculations under section 11.10(i)3:

a. The impervious surface is treated by devices such as stormwater ponds, constructed wetlands, infiltration basins, rain gardens, bio-swales or other engineered systems.

b. The runoff from the impervious surface discharges to an internally drained pervious area that retains the runoff on or off the parcel and allows infiltration into the soil.

c. To qualify for the statutory exemption, property owners shall submit a complete permit application, that is reviewed and approved by the county. The application shall include the following:

1. Calculations showing how much runoff is coming from the impervious surface areas.
2. Documentation that the runoff from the impervious surface is being treated by a proposed treatment system, treatment device or internally drained area.
3. An implementation schedule and enforceable obligation on the property owner to establish and maintain the treatment system, treatment devices or internally drained area. The enforceable obligations shall be evidenced by an instrument recorded in the office of the Register of Deeds prior to the issuance of the permit.

Note: The provisions in section 5 are an exemption from the impervious surface standards and as such should be read and construed narrowly. As such, a property owner is entitled to this exemption only when the runoff from the impervious surface is being treated by a sufficient (appropriately sized) treatment system, treatment device or internally drained. Property owners that can demonstrate that the runoff from an impervious surface is being treated consistent with section 11.10(i)5. will be considered pervious for the purposes of implementing the impervious surface standards in this ordinance. If a property owner or subsequent property owner fails to maintain the treatment system, treatment device or internally drained area, the impervious surface is no longer exempt under section 11.10(i)5.

6. EXISTING IMPERVIOUS SURFACES. [NR 115.05(1)(e)4.] For existing impervious surfaces that were lawfully placed when constructed but that do not comply with the impervious surface standard in section 3 or the maximum impervious surface standard in section 4, the property owner may do any of the following:

a. maintain and repair the existing impervious surfaces;

b. replace existing impervious surfaces with similar surfaces within the existing building envelope;

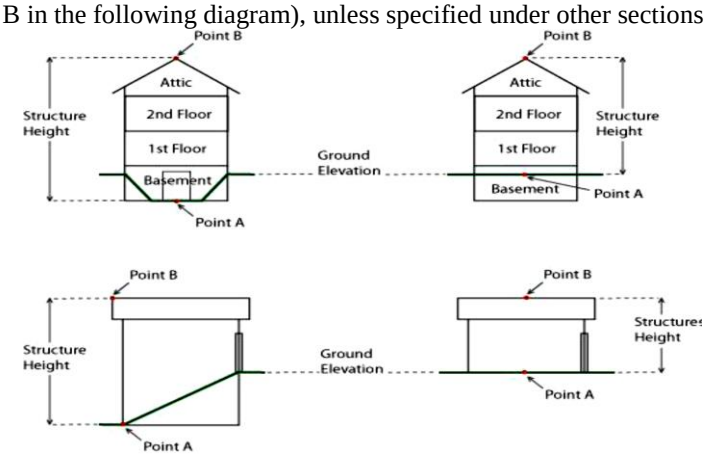
c. relocate or modify an existing impervious surface with similar or different impervious surface, provided that the relocation or modification does not result in an increase in the percentage of impervious surface

d. that existed on the effective date of the county shoreland ordinance, and the impervious surface meets the applicable setback requirements in s. Wis. Admin. Code NR 115.05 (1) (b).

Note: The impervious surface standards in this ordinance shall not be construed to supersede other provisions in the county shoreland ordinance. All of the provisions of the county shoreland ordinance still apply to new or existing development.

(j) HEIGHT. [NR 115.05(1)(f)] To protect and preserve wildlife habitat and natural scenic beauty, on or after February 1, 2010, Jefferson County does not permit any construction that results in a structure taller than 35 feet within 75 feet of the ordinary high-water mark of any navigable waters.

1. Structure height is the measurement of the vertical line segment starting at the lowest point of any exposed wall and it's intersect with the ground (Point A in the following diagram) to a line horizontal to the highest point of a structure (Point B in the following diagram), unless specified under other sections of this code.



(k) NONCONFORMING USES AND STRUCTURES. [NR 115.05(1)(g)]

1. DISCONTINUED NONCONFORMING USE. [NR 115.05(1)(g)3.] If a nonconforming use is discontinued for a period of 12 months, any future use of the building, structure or property shall conform to the ordinance.

2. MAINTENANCE, REPAIR, REPLACEMENT OR VERTICAL EXPANSION OF NONCONFORMING STRUCTURES. [s. 59.692(1k)(a)1.b. and d., Wis. Stats.] An existing structure that was lawfully placed when constructed but that does not comply with the required shoreland setback may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the nonconforming structure. Further, an existing structure that was lawfully placed when constructed but that does not comply with the required shoreland setback may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level. Counties may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements. [Ord. No. 2017-09, 08-08-2017]

Note: Section 59.692(1k)(a)2, 4 and (b) prohibits counties from requiring any approval or imposing any fee or mitigation requirement for the activities specified in section 11.10(k)2. However, it is important to note that property owners may be required to obtain permits or approvals and counties may impose fees under ordinances adopted pursuant to other statutory requirements, such as floodplain zoning, general zoning, sanitary codes, building codes, or stormwater erosion control. [Ord. No. 2017-09, 08-08-2017]

Note: NR115.05(1)(b)1m lists structures that are exempt from the shoreland setback. These structures are considered conforming structures and are not considered nonconforming structures. Structures that were granted

variances or illegally constructed structures are not considered nonconforming structures.

3. LATERAL EXPANSION OF NONCONFORMING PRINCIPAL STRUCTURE WITHIN THE SETBACK. [NR 115.05(1)(g)5.] An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback per sections 11.10(f)1. and 11.10(f)2. may be expanded laterally, provided that all of the following requirements are met:

a. The use of the structure has not been discontinued for a period of 12 months or more if a nonconforming use.

b. The existing principal structure is at least 35 feet from the ordinary high-water mark.

c. lateral expansions are limited to a maximum of 200 square feet over the life of the structure. No portion of the expansion may be any closer to the ordinary high-water mark than the closest point of the existing principal structure.

d. The county shall issue a permit that requires a mitigation plan that shall be approved by the county and implemented by the property owner by the date specified in the permit. The mitigation plan shall meet the standards found in section 11.10(l).

e. All other provisions of the shoreland ordinance shall be met.

4. EXPANSION OF A NONCONFORMING PRINCIPAL STRUCTURE BEYOND SETBACK. [NR 115.05(1)(g)5m.] An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback under sections 11.10(f)1., may be expanded horizontally, landward or vertically provided that the expanded area meets the building setback requirements per section 11.10(f)1. and that all other provisions of the shoreland ordinance are met. A mitigation plan is not required solely for expansion under this paragraph, but may be required per section 11.10(i).

5. RELOCATION OF NONCONFORMING PRINCIPAL STRUCTURE. [NR 115.05(1)(g)6.] An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback per sections 11.10(f)1. and 11.10(f)2. may be relocated on the property provided all of the following requirements are met:

a. The use of the structure has not been discontinued for a period of 12 months or more if a nonconforming use.

b. The existing principal structure is at least 35 feet from the ordinary high-water mark.

c. No portion of the relocated structure is located any closer to the ordinary high-water mark than the closest point of the existing principal structure.

d. The county determines that no other location is available on the property to build a principal structure of a comparable size to the structure proposed for relocation that will result in compliance with the shoreland setback requirement per section 11.10(f)1.

e. The county shall issue a permit that requires a mitigation plan that shall be approved by the county and implemented by the property owner by the date specified in the permit. The mitigation plan shall meet the standards found in section 11.10(l). include enforceable obligations of the property owner to establish or maintain measures that the county determines are adequate to offset the impacts of the permitted expansion on water quality, near-shore aquatic habitat, upland wildlife habitat and natural scenic beauty. The mitigation measures shall be proportional to the amount and impacts of the replaced or relocated structure being permitted. The obligations of the property owner under the mitigation plan shall be evidenced by an instrument recorded in the office of the County Register of Deeds.

f. All other provisions of the shoreland ordinance shall be met.

6. MAINTENANCE, REPAIR, REPLACEMENT OR VERTICAL EXPANSION OF STRUCTURES THAT WERE AUTHORIZED BY VARIANCE. [s. 59.692(1k)(a)2. and (a)4.] A structure of which any part has been authorized to be located within the shoreland setback area by a variance granted before July 13, 2015, may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the authorized structure. Additionally, the structure may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level. Counties may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

Note: Section 59.692(1k)(a)2. Prohibits counties from requiring any approval or imposing any fee or mitigation requirement for the activities specified in section 12. However, it is important to note that property owners may be required to obtain permits or approval sand counties may impose fees under ordinances adopted pursuant to other statutory requirements, such as floodplain zoning, general zoning, sanitary codes, building codes, or stormwater erosion control. [Ord. No. 2017-09, 08-08-2017]

7. MAINTENANCE, REPAIR, REPLACEMENT OF BUILDINGS OR STRUCTURES WHICH ARE IN VIOLATION OF A SHORELAND ZONING STANDARD OR THE JEFFERSON COUNTY ZONING ORDINANCE AND HAVE BEEN IN PLACE FOR MORE THAN 10 YEARS [S. 59.692(1k)(a)2.c., Wis. Stats.] A structure that is in violation of a shoreland zoning standard or the Jefferson County Zoning Ordinance and has been in place for more than ten years may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the structure vertically or laterally. [Ord. No. 2018-16, 10-09-2018]

(l) MITIGATION. [s. 59.692(1v), Stats, NR 115.05 (1)(e)3., (g)5., (g)6.] When the county issues a permit requiring mitigation under sections 11.10(f)1.a.2., 11.10(i)4., 11.10(k)5., 11.10(k)3., the property owner must submit a complete permit application, that is reviewed and approved by the county. The application shall include the following:

1. A site plan that describes the proposed mitigation measures.

a. The site plan shall be designed and implemented to restore natural functions lost through development and human activities.

b. The mitigation measures shall be proportional in scope to the impacts on water quality, near-shore aquatic habitat, upland wildlife habitat, natural scenic beauty and meet the purpose and intent as stated in Section 11.10(a)3.

2. An implementation schedule and enforceable obligation on the property owner to establish and maintain the mitigation measures.

a. The enforceable obligations shall be evidenced by an instrument recorded in the office of the Register of Deeds.

3. Mitigation Plan. Install stormwater control systems or shoreland mitigation practice that are designed to contain the 2 year 24 hour rainfall event for impervious areas, meet Section 11.10(i) Impervious Surface Standards and designed by an engineer or landscaper/landscape architect. Mitigation plan with recorded maintenance agreement shall include options such as:

a. Mitigation plan requirements: The application shall include a scaled plot plan of the lot, including the following information:

1. Location of all existing and proposed structures, including paths, stairways, retaining walls, decks, patios, vegetative cover, etc. with accurate distances shown between the structures and all property lines.
2. Location of any areas of existing and proposed land disturbance.
3. Location of septic and well facilities.
4. Location of the viewing and access corridor.
5. Location of parking areas and driveways.
6. Location of ordinary high-water mark and any wetland areas.
7. Maps showing the existing and proposed topography and slope of the property.
8. Impervious surface calculations.
9. A minimum of four photos of the property. These photos shall include a photo taken from the water, along the shoreline and from the principal structure. If necessary, the Planning and Zoning Department may require additional photos and/or a site inspection of the property.
10. Properties which include flood hazard areas shall be required to submit documentation

showing the base flood elevation and its location on the property. Note: This may require a licensed surveyor to provide elevation data on the plan.

b. Mitigation options:
   1. Shoreland Buffer Restoration of at least 35 feet landward side from the ordinary high water mark.

      a. A plan for the restoration of the shoreland buffer is required and shall include:
         1. All requirements as required by 11.10(l)a.
         2. Identification of the vegetation to be cut and the size and type of species to be removed.
         3. A list of desired native species appropriate for the site (or cultivars of native species) to include in the restoration area and a schedule for their planting.
         4. A scaled plot plan showing the placement, size and densities of each species to be planted within the buffer area.
         5. A narrative description of how the applicant intends to carry out the project including the erosion control measures that will be used during construction. Please include the name and phone number of the landscape architect or consultant, if applicable.
         6. The Restoration Plan will be reviewed according to United States Department of Agriculture, Natural Resources Conservation Service, Shoreland Habitat Standard and Wisconsin Biology Technical Note 1: Shoreland Habitat within the shoreland buffer area. The plan must also fulfill the intent and purpose of Section 11.10(g) of this ordinance. The above mentioned standards can be located at http://dnr.wi.gov/topic/ShorelandZoning/documents/NRCSBioTechNote.pdf and http://dnr.wi.gov/topic/ShorelandZoning/documents/NRCSshorehabstandard.pdf or the Jefferson County Planning and Zoning Department, 311 S. Center Ave. Rm. 201, Jefferson, WI 53549 (See Table 1 below).

Table 1 Shoreland Buffer Planting Standards

	Woodland Buffer		Prairie Buffer	
Layer	Minimum number of species	Density[3]	Minimum number of species	Density[3]
Tree Canopy[1]	2	0.5 - 5 per 100 ft.^{2}	1	0 - 0.2 per 100 ft.^{2}
Shrub Understory	3	1-4 per 100 ft. ^{2}	2	0.2 - 0.5 per 100 ft. ^{2}
Groundcover Plant plugs[2]	3	25-75 per 100 ft.^{2}	5	50-100 plants per 100 ft.^{2}
Groundcover seedlings[2]	3	4-8 oz. per 1000 sq.ft. Forbs: 2-4 oz per 1000 sq. ft.	5	4-8 oz per 1000 sq. ft. Forbs: 2-4 oz. per 1000 sq. ft.

[1]Trees must be greater than 2 feet in height about the root collar.
[2]The groundcover area shall comprise of a minimum of 30% native grasses.
[3] Density requirements will be based upon established existing vegetation and physical characteristics of the property.
Shoreland buffers plans must be approved by the Jefferson County Planning and Zoning Department.
The buffer shall consist of three (3) layers of vegetation: a tree canopy, a shrub understory, and a groundcover

layer.

b. Certification of Completion. Restoration is required to be completed within one (1) year of issuance of the zoning permit but may be extended upon approval of the Planning and Zoning Department, the property owner shall complete the required shoreland buffer and shall certify in writing to the Administrator the required shoreland buffer has been completed. As part of the certification, the property owner shall submit photos documenting the mitigation measures and the Jefferson County Planning and Zoning Department staff may conduct an on-site compliance inspection to ensure compliance with the plan.

2. Evaluation/replacement of Private On-Site Waste Treatment System performed by a Wisconsin licensed plumber.

3. Any proposed device(s) or system(s) designed by an engineer or landscape architect that mitigates surface water runoff or infiltrates runoff and furthers the purpose and intent of shoreland zoning.

4. Wetland restoration.

5. Elimination of non-conforming accessory structures such as garage, shed, boathouse, sidewalk, stairway, walkway, patio, deck retaining wall, porch, fire pit. (Note: This option may require the removal of several accessory structures to be considered proportional in scope with the proposed projects impact.)

6. Removal of other shoreland modifications/items such as seawalls, beaches, or impervious surfaces. Note: This option may require the removal of several modifications/items to be considered proportional in scope with the proposed project's impact.

7. Relocating a non-conforming principal structure to a conforming location.

8. Elimination of existing erosion and sedimentation on areas that have surface drainage towards the water.

(m) ADMINISTRATIVE PROVISIONS. [NR 11(e)23] The shoreland ordinance adopted by Jefferson County requires all of the following:

1. The appointment of an administrator and such additional staff as the workload may require.

2. The creation of a zoning agency as authorized by s. 59.69, Stats., a board of adjustment as authorized by s. 59.694, Stats., and a county planning agency as defined in s. 236.02(1), Stats., and required by s. 59.692(3), Stats.

3. A system of permits for all new construction, development, reconstruction, structural alteration or moving of buildings and structures. A copy of applications shall be required to be filed in the office of the county zoning administrator, unless prohibited by s. 59.692(1k), Stats.

4. Regular inspection of permitted work in progress to insure conformity of the finished structures with the terms of the ordinance.

5. A variance procedure which authorizes the board of adjustment to grant such variance from the terms of the ordinance as will not be contrary to the public interest where, owing to special conditions and the adoption of the shoreland zoning ordinance, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship as long as the granting of a variance does not have the effect of granting or increasing any use of property which is prohibited in that zoning district by the shoreland zoning ordinance.

6. A conditional use procedure for uses presenting special problems.

7. The county shall keep a complete record of all proceedings before the board of adjustment, zoning agency and planning agency.

8. Written notice to the appropriate office of the Department at least 10 days prior to any hearing on a proposed variance, special exception or conditional use permit; appeal for a map or text interpretation; map or text amendment; and copies of all proposed land divisions submitted to the county for review under section 11.10(d).

9. Submission to the appropriate office of the Department, within 10 days after grant or denial, copies of any decision on a variance, special exception or conditional use permit; or appeal for a map or text interpretation; and any decision to amend a map or text of an ordinance.

10. Mapped zoning districts and the recording, on an official copy of such map, of all district boundary amendments.

11. The establishment of appropriate penalties for violations of various provisions of the ordinance, including forfeitures. Compliance with the ordinance shall be enforceable by the use of injunctions to prevent or abate a violation, as provided in s. 59.69 (11), Stats.

12. The prosecution of violations of the shoreland ordinance.

(n) SHORELAND WETLAND MAP AMENDMENTS. [NR 115.04] Every petition for a shoreland-wetland map amendment filed with the county clerk shall be referred to the county zoning agency. A copy of each petition shall be provided to the appropriate office of the Department within 5 days of the filing of the petition with the county clerk. Written notice of the public hearing to be held on a proposed amendment shall be provided to the appropriate office of the Department at least 10 days prior to the hearing. A copy of the county board's decision on each proposed amendment shall be forwarded to the appropriate office of the Department within 10 days after the decision is issued.

(o) ZONING ADMINISTRATOR. [NR 115.05(4)]

1. The zoning administrator shall have the following duties and powers:

a. To establish a system for issuing permits for new construction, development, reconstruction, structural alteration or moving of buildings and structures. A copy of applications shall be required to be filed in the office of the county zoning administrator.

b. To conduct regular inspections of permitted work in progress to ensure conformity of the finished structures with the terms of the ordinance.

c. To establish a variance procedure which authorizes the board of adjustment to grant such variance from the terms of the ordinance as will not be contrary to the public interest where, owing to special conditions and the adoption of the shoreland zoning ordinance, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship.

d. To establish a special exception (conditional use) procedure.

e. To keep a complete record of all proceedings before the board of adjustment and the Planning and Zoning Committee.

f. To ensure that written notice is forwarded to the appropriate office of the Department at least 10 days prior to any hearing on a proposed variance, special exception or conditional use permit, appeal for a map or text interpretation, map or text amendment, and copies of all proposed land divisions submitted to the county for review under section 11.10(d).

g. To ensure submission to the appropriate office of the Department, within 10 days after grant or denial, any decision on a variance, special exception or conditional use permit; or appeal for a map or text interpretation; and any decision to amend a map or text of an ordinance.

h. To map zoning districts and record on an official copy of such map all district boundary amendments.

i. To enforce through appropriate penalties violations of various provisions of the ordinance, including forfeitures. Compliance with the ordinance shall be enforceable by the use of injunctions to prevent or abate a violation, as provided in s. 59.69 (11), Stats.

j. To prosecute violations of the shoreland ordinance.

2. PERMITS.

a. WHEN REQUIRED. Except where another section of this ordinance specifically exempts certain types of development from this requirement, a permit shall be obtained from the zoning administrator or board of adjustment/Planning & Zoning committee before any new development.

b. APPLICATION. An application for a permit shall be made to the zoning administrator upon forms furnished by the county and shall include for the purpose of proper enforcement of these regulations, the following information:

1. Name and address of applicant and property owner.
2. Legal description of the property and type of proposed use.
3. A "to scale" drawing of the dimensions of the lot and location of all existing and proposed structures and impervious surfaces relative to the lot lines, center line of abutting highways and the ordinary high-water mark of any abutting waterways.
4. Location and description of any existing private water supply or sewage system or notification of plans for any such installation.
5. Plans for appropriate mitigation when required.
6. Payment of the appropriate fee.
7. Additional information required by the zoning administrator.

c. EXPIRATION OF PERMIT. Zoning permits shall expire 24 months from date issued if no substantial work has commenced.

d. CERTIFICATES OF COMPLIANCE.

1. No land or building shall be occupied or used until a certificate of compliance is issued by the zoning administrator subject to the following conditions:
   a. The certificate of compliance shall certify that the building or premises or part thereof, and the proposed use thereof, conform to the provisions of this ordinance.
   b. Application for such certificate shall be concurrent with the application for a zoning permit.
   c. The certificate of compliance shall be issued within 10 days after notification of the completion of the work specified in the zoning permit, if the building or premises or proposed use thereof conforms with all the provisions of this ordinance.

e. The zoning administrator may issue a temporary certificate of compliance for part of a building, pursuant to rules and regulations established by the county board.

f. Upon written request from the owner, the zoning administrator shall issue a certificate of compliance for any building or premises existing at the time of the adoption of this ordinance, certifying after

inspection the extent and type of use made of the building or premises and whether or not such use conforms to the provisions of this ordinance.

3. CONDITIONAL USE PERMITS.

a. APPLICATION FOR A CONDITIONAL USE PERMIT. Any use listed as a conditional use in this ordinance shall be permitted only after an application has been submitted to the zoning administrator and a conditional use permit has been granted by the Jefferson County Planning and Zoning Committee. To secure information upon which to base its determination, the Jefferson County Planning and Zoning Committee requires the applicant to furnish, in addition to the information required for a zoning permit, the following information:

1. A plan of the area showing surface contours, soil types, ordinary high-water marks, ground water conditions, subsurface geology and vegetative cover.
2. Location of buildings, parking areas, traffic access, driveways, walkways, piers, open space and landscaping.
3. Plans of buildings, sewage disposal facilities, water supply systems and arrangement of operations.
4. Specifications for areas of proposed filling, grading, lagooning or dredging.
5. Other pertinent information necessary to determine if the proposed use meets the requirements of this ordinance.
6. Rationale for why the proposed conditional use meets all of the conditional criteria listed in the ordinance.

b. NOTICE, PUBLIC HEARING AND DECISION. Before deciding whether to grant or deny an application for a conditional use permit, the board of adjustment shall hold a public hearing. Notice of such public hearing, specifying the time, place and matters to come before the Jefferson County Planning and Zoning Committee, shall be given as a Class 2 notice under ch. 985, Wis. Stats. Such notice shall be provided to the appropriate office of the Department at least 10 days prior to the hearing. The Jefferson County Planning and Zoning Committee shall state in writing the grounds for granting or denying a conditional use permit.

c. STANDARDS APPLICABLE TO ALL CONDITIONAL USES. In deciding a conditional use application, the Jefferson County Planning and Zoning Committee shall evaluate the effect of the proposed use upon:

1. The maintenance of safe and healthful conditions.
2. The prevention and control of water pollution including sedimentation.
3. Compliance with local floodplain zoning ordinances and opportunity for damage to adjacent properties due to altered surface water drainage.
4. The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.
5. The location of the site with respect to existing or future access roads.
6. The need of the proposed use for a shoreland location.
7. Its compatibility with uses on adjacent land.
8. The amount of liquid and solid wastes to be generated and the adequacy of the proposed disposal systems.
9. Location factors under which:
   a. Domestic uses shall be generally preferred;
   b. Uses not inherently a source of pollution within an area shall be preferred over uses that are or may be a pollution source;
   c. Use locations within an area tending to minimize the possibility of pollution shall be preferred over use locations tending to increase that possibility.

d. CONDITIONS ATTACHED TO CONDITIONAL USES. Such conditions may include specifications for, without limitation because of specific enumeration: type of shore cover; specific sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational control; sureties; deed restrictions; location of piers, docks, parking and signs; and type of construction. Upon consideration of the factors listed above, the Jefferson County Planning and Zoning Committee shall attach such conditions, in addition to those required elsewhere in this ordinance, as are necessary to further the purposes of this ordinance. Violations of any of these conditions shall be deemed a violation of this ordinance.

In granting a conditional use permit, the Jefferson County Planning and Zoning Committee may not impose conditions which are more restrictive than any of the specific standards in the ordinance. Where the ordinance is silent as to the extent of restriction, the board may impose any reasonable permit conditions to affect the purpose of this ordinance.

e. RECORDING. When a conditional use permit is approved, an appropriate record shall be made of the land use and structures permitted. Such permit shall be applicable solely to the structures, use and property so described. A copy of any decision on a conditional use permit shall be provided to the appropriate office of the Department within 10 days after it is granted or denied.

f. REVOCATION. Where the conditions of a conditional use permit are violated, the special exception permit shall be revoked.

4. VARIANCES.

a. The board of adjustment may grant upon appeal a variance from the standards of this ordinance where an applicant convincingly demonstrates that:

1. literal enforcement of the provisions of the ordinance will result in unnecessary hardship on the applicant;
2. the hardship is due to special conditions unique to the property; and
3. is not contrary to the public interest.

b. NOTICE, HEARING AND DECISION. [s. 59.694(6), Wis. Stats.] Before deciding on an application for a variance, the board of adjustment shall hold a public hearing. Notice of such hearing specifying the time, place and matters of concern, shall be given a Class 2 notice under ch. 985, Wis. Stats. Such notice shall be provided to the appropriate office of the Department at least 10 days prior to the hearing. The board shall state in writing the reasons for granting or refusing a variance and shall provide a copy of such decision to the appropriate Department office within 10 days of the decision.

c. BOARD OF ADJUSTMENT. [s. 59.694 Wis. Stats.] The county executive, county administrator or chair of the county board shall appoint a board of adjustment consisting of 3 or 5 members under s. 59.694, Wis. Stats. The county board shall adopt such rules for the conduct of the business of the board of adjustment as required by s. 59.694(3), Wis. Stats.

1. POWERS AND DUTIES. [s. 59.694 Wis. Stats.]
   a. The board of adjustment shall adopt such additional rules as it deems necessary and may exercise all of the powers conferred on such boards by s. 59.694, Wis. Stats.
   b. It shall hear and decide appeals where it is alleged there is error in any order, requirements, decision or determination made by an administrative official in the enforcement or administration of this ordinance.
   c. It shall hear and decide applications for variances pursuant to section 11.10(m)5.
   d. It may grant a variance from the standards of this ordinance pursuant to section 11.10(m)5.

e. In granting a variance, the board may not impose conditions which are more restrictive than any of the specific standards in the ordinance. Where the ordinance is silent as to the extent of restriction, the board may impose any reasonable permit conditions to affect the purpose of this ordinance.

d. APPEALS TO THE BOARD. [s. 59.694 Wis. Stats.] Appeals to the board of adjustment may be made by any person aggrieved or by an officer, department, board or bureau of the county affected by any decision of the zoning administrator or other administrative officer. Such appeal shall be made within 30 days, as provided by the rules of the board, by filing with the officer whose decision is in question, and with the board of adjustment, a notice of appeal specifying the reasons for the appeal. The zoning administrator or other officer whose decision is in question shall promptly transmit to the board all the papers constituting the record concerning the matter appealed.

e. HEARING APPEALS AND APPLICATIONS FOR VARIANCES AND CONDITIONAL USE PERMITS. [s. 59.694(6), Wis. Stats.]

1. The board of adjustment shall fix a reasonable time for a hearing on the appeal or application. The board shall give public notice thereof by publishing a Class 2 notice under ch. 985, Wis. Stats, specifying the date, time and place of the hearing and the matters to come before the board. Notice shall be mailed to the parties in interest. Written notice shall be given to the appropriate office of the Department at least 10 days prior to hearings on proposed shoreland variances, conditional uses, and appeals for map or text interpretations.
2. A decision regarding the appeal or application shall be made as soon as practical. Copies of all decisions on shoreland variances, conditional uses, and appeals for map or text interpretations shall be submitted to the appropriate office of the Department within 10 days after they are granted or denied.
3. The final disposition of an appeal or application to the board of adjustment shall be in the form of a written resolution or order signed by the chairman and secretary of the board. Such resolution shall state the specific facts which are the basis of the board's determination and shall either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or prosecution or grant the application.
4. At the public hearing, any party may appear in person or by agent or by attorney.

f. FEES. [ss. 59.69, 59.694, 59.696, 59.697, Wis. Stats.] The county board may, by resolution, adopt fees for the following:

1. Zoning permits.
2. Certificates of compliance.
3. Planned Unit Development reviews.
4. Public hearings.
5. Legal notice publications.
6. Conditional use permits.
7. Variances.
8. Administrative appeals.
9. Other duties as determined by the county board.

(p) CHANGES AND AMENDMENTS. The county board may from time to time, alter, supplement or change the regulations contained in this ordinance in accordance with the requirements of s. 59.69(5)(e), Wis. Stats, ch. NR 115, Wis. Adm. Code and this ordinance where applicable.

1. AMENDMENTS. Amendments to this ordinance may be made on petition of any interested party as provided in s. 59.69(5), Wis. Stats.

2. SHORELAND WETLAND MAP AMENDMENTS. [NR 115.04] Every petition for a shoreland-wetland map amendment filed with the county clerk shall be referred to the county zoning agency. A copy of each petition shall be provided to the appropriate office of the Department within 5 days of the filing of the petition with the county clerk. Written notice of the public hearing to be held on a proposed amendment shall be provided to the appropriate office of the Department at least 10 days prior to the hearing.

a. A copy of the county board's decision on each proposed amendment shall be forwarded to the appropriate office of the Department within 10 days after the decision is issued.

(q) ENFORCEMENT AND PENALTIES. [NR 115.05(4)(j)] Any development, any building or structure constructed, moved or structurally altered, or any use established after the effective date of this ordinance in violation of the provisions of this ordinance, by any person, firm, association, corporation (including building contractors or their agents) shall be deemed a violation. The zoning administrator or the county zoning agency shall refer violations to the district attorney or corporation counsel who shall expeditiously prosecute violations.

1. Penalty: Any person, firm or corporation, including those doing work for others, who violates any of the provisions of this Ordinance shall be subject to a forfeiture of not less than $25.00 nor more than $5,000.00 for each violation plus the cost of prosecution. Each day a violation exists shall constitute a distinct and separate violation of this Ordinance and as such, forfeitures shall apply accordingly. The Zoning Administrator shall refer violations to the Corporation Counsel who shall prosecute violations.

2. Injunction: Any use or action which violates the provisions of this Ordinance shall be subject to a court injunction prohibiting such violation.

3. Responsibility for Compliance: It shall be the responsibility of the applicants as well as their agent or other persons acting on their behalf to comply with the provisions of this Ordinance. Any person, firm or corporation, causing a violation or refusing to comply with any provision of this Ordinance will be notified in writing of such violation by the County Zoning Administrator or their designee. Each day a violation exists shall constitute a distinct and separate violation of this ordinance and, as such, forfeitures shall apply accordingly. Every violation of this ordinance is a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be abated pursuant to Section 59.69(11),Wisconsin Statutes.

4. Suspension of Permit: Whenever the Zoning Administrator or their designee determines there are reasonable grounds for believing there is a violation of any provision of this Ordinance, the Zoning Administrator or their designee shall give notice to the owner of record as hereinafter provided. Such notice shall be in writing and shall include a statement of the reason for the suspension of the permit. It shall allow 30 days for the performance of any act it requires. If work cannot be completed in the 30 day period, an extension may be granted if reason of hardship prevail and can be verified. Such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been sent by registered mail to owner's last known address or when the owner has been served by such notice by any method authorized by the laws of Wisconsin. The owner of record has the right to appeal any decision by the Zoning Administrator or their designee or apply to the Jefferson County Board of Adjustment for a Variance from the strict rule of the Ordinance within 30 days of receipt of a notice or order.

5. Emergency Conditions: Whenever the Zoning Administrator finds that an emergency exists such as sudden, unexpected occurrences or combinations thereof, unforeseen conditions or circumstances at the time beyond one's control, adverse weather conditions, meeting a timetable which requires immediate action to protect the public health, safety and welfare, the Administrator may, without notice or hearing, issue an order citing the existence of such emergency and may require that such action be taken as may be deemed necessary to meet the emergency. The Administrator shall notify the Chairperson of the Zoning Committee within 24 hours of such situations. Notwithstanding any other provisions of this Ordinance such order shall become effective immediately. Any person to whom such order is directed shall comply therewith immediately. Appeals or challenges to emergency orders may be brought after emergency conditions have ceased, to the Board of Adjustment.

(r) DEFINITIONS.

1. For the purpose of administering and enforcing this ordinance, the terms or words used herein shall be interpreted as follows: Words used in the present tense include the future; words in the singular number include the plural number; and words in the plural number include the singular number. The word "shall" is mandatory, not permissive. All distances unless otherwise specified shall be measured horizontally.

2. In addition to the definitions in Section 11.02 the following terms used in this section mean:

a. "Access and viewing corridor" [NR 115.03(1d)] means a strip of vegetated land that allows safe pedestrian access to the shore through the vegetative buffer zone.

b. "Accessory Structure" A subordinate structure on the same property as the principal structure which is devoted to a use incidental to the principal use of the property. Accessory structures include, but are not limited to, detached garages, sheds, barns, gazebos, patios, decks, swimming pools, hot tubs, fences, retaining walls, driveways, parking lots, sidewalks, detached stairways and lifts. [NR 118.03] Means any facility, structure, building or use which is accessory or incidental to the principal use of the property, structure or building. [NR 116.03(1)(1)]

c. "Boathouse" [NR 115.03(1h)] means a permanent structure used for the storage of watercraft and associated materials and includes all structures which are totally enclosed, have roofs or walls or any combination of these structural parts.

d. "Building envelope" [NR 115.03(1p)] means the three dimensional space within which a structure is built.

e. "Conditional use" [NR 115.03(10)]means a use which is permitted by this ordinance provided that certain conditions specified in the ordinance are met and that a permit is granted by the board of adjustment or, where appropriate, the planning and zoning committee or county board.

f. "County zoning agency"[(NR 115.03(2)] means that committee or commission created or designated by the county board under s. 59.69(2)(a), Wis. Stats, to act in all matters pertaining to county planning and zoning.

g. "Department" [NR 115.03(3)] means the Department of Natural Resources.

h. "Development" Means any artificial change to improved or unimproved real estate, including but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or substantial improvements to buildings, structures or accessory structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation, or drilling operations; and the storage, deposition or extraction of materials. [NR 116.03(5)]

i. "Drainage System" means one or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.

j. "Existing development pattern" [NR 115.03(3m)] means that principal structures exist within 250 feet of a proposed principal structure in both directions along the shoreline.

k. "Floodplain" [NR 115.03(4)] means the land which has been or may be hereafter covered by flood water during the regional flood. The floodplain includes the floodway and the flood fringe as those terms are defined in ch. NR 116, Wis. Adm. Code.

l. "Footprint " The land area covered by a structure at ground level measured on a horizontal plane. The footprint of a residence or building includes the horizontal plane bounded by the furthest exterior wall and eave if present, projected to natural grade. For structures without walls (decks, stairways, patios, carports) – a

single horizontal plane bounded by the furthest portion of the structure projected to natural grade. Note: For the purposes of replacing or reconstructing a nonconforming building with walls, the footprint shall not be expanded by enclosing the area that is located within the horizontal plane from the exterior wall to the eaves projected to natural grade. This constitutes a lateral expansion under NR 115 and would need to follow NR 115.05 (1)(g)5.

m. "Generally accepted forestry management practices" [NR 1.25(2)(b)] means forestry management practices that promote sound management of a forest. Generally accepted forestry management practices include those practices contained in the most recent version of the department publication known as Wisconsin Forest Management Guidelines and identified as PUB FR-226.

n. "Impervious surface" [NR 115.03(4g)] means an area that releases as runoff all or a majority of the precipitation that falls on it. "Impervious surface" excludes frozen soil but includes rooftops, sidewalks, driveways, parking lots, and streets unless specifically designed, constructed, and maintained to be pervious. Roadways as defined in s. 340.01(54), Wis. Stats., or sidewalks as defined in s. 340.01(58), Wisconsin Stats., are not considered impervious surfaces. [Ord. No. 2017-09, 08-08-2017]

o. "Lot" means a continuous parcel of land, not divided by a public right-of-way, and sufficient in size to meet the lot width and lot area provisions of this ordinance.

p. "Lot area" means the area of a horizontal plane bounded by the front, side, and rear lot lines of a lot, but not including the area of any land below the ordinary high water mark of navigable waters.

q. "Lot of Record" means any lot, the description of which is properly recorded with the Register of Deeds, which at the time of its recordation complied with all applicable laws, ordinances, and regulations.

r. "Mitigation" [NR 115.03(4r)] means balancing measures that are designed, implemented and function to restore natural functions and values that are otherwise lost through development and human activities.

s. "Navigable waters" [NR 115.03(5)] means Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. Under s. 281.31(2)(d), Wis. Stats, notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under s. 59.692, Wis. Stats, and ch. NR 115, Wis. Adm. Code, do not apply to lands adjacent to:

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

t. "Ordinary high-water mark" [NR 115.03(6)] means 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.

u. "Regional Flood" [NR 115.03(7)] means a flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular stream because of like physical characteristics, once in every 100 years.

v. "Routine maintenance of vegetation" [NR 115.03(7m)] means normally accepted horticultural practices that do not result in the loss of any layer of existing vegetation and do not require earth disturbance.

w. "Shoreland" [NR 115.03(8)] means lands within the following distances from the ordinary highwater mark of navigable waters: 1,000 feet from a lake, pond or flowage; and 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

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

y. "Shoreland-wetland district" [NR 115.03(9)] means a zoning district, created as a part of a county zoning ordinance, comprised of shorelands that are designated as wetlands on the Wisconsin wetland inventory maps prepared by the department.

z. "Structure" [s. 59.692(1)(e), Stats.] means a principal structure or any accessory structure including a garage, shed, boathouse, sidewalk, walkway, patio, deck, retaining wall, porch or fire pit.

aa. "Substandard Lots" means a legally created lot or parcel that met minimum area and minimum average width requirements when created, but does not meet current lot size requirements for a new lot.

bb. "Unnecessary hardship" [NR 115.03(11)] means that circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with restrictions governing area, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of this ordinance.

cc. "Variance" means an authorization granted by the board of adjustment to construct, alter or use a building or structure in a manner that deviates from the dimensional standards of this ordinance.

dd. "Wetlands" [NR 115.03(13)] means those areas where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.

(Ord. No. 1984-15, 11-13-1984; Ord. No. 2004-38, 03-08-2005; Ord. No. 2006-20, 12-12-2006; Ord. No. 2010-24, 02-08-2010; Ord. No. 2011-28, 03-13-2012; Ord. No. 2015-34, 03-08-2016)

11.11 ADMINISTRATION AND ENFORCEMENT. [Ord. No. 11, 12/21/82]

(a) Agencies and Offices Involved in Ordinance Administration and Enforcement; Definitions of Responsibilities.

1. Jefferson County Board of Supervisors: The Jefferson County Board of Supervisors is responsible for the enactment, amendment and repeal of the Jefferson County land use ordinances. The Board of Supervisors appropriates funds in support of the Office of Zoning Administrator, the Planning and Zoning Committee and the Board of Adjustment.

2. Jefferson County Planning and Zoning Committee: The Jefferson County Planning and Zoning Committee is a committee of the County Board, created pursuant to Section 59.69 of the Wisconsin Statutes, and serves as the County planning agency pursuant to Section 236.02(1) of the Wisconsin Statutes. The Planning and Zoning Committee is responsible for overseeing the office of the Zoning Administrator and for other functions assigned to it by this Ordinance or by state law.

3. Jefferson County Zoning Adjustment Board: The Jefferson County Zoning Adjustment Board is a board created by action of the County Board of Supervisors pursuant to Section 59.694 of the Wisconsin Statutes. The Zoning Adjustment Board is responsible for hearing and deciding administrative appeals and variance applications as provided in this Ordinance.

4. County Zoning Agency: The County Zoning Agency is an administrative department of Jefferson County government, created by the Board of Supervisors. The office is headed by the Head of the County Zoning Agency pursuant to s. 59.69(10)(b)2, Wis. Stats. This position is a County Department Head position which is appointed by the County Administrator subject to confirmation by the County Board of Supervisors. The office shall also consist of such other personnel as shall be provided for the office. In addition to duties and responsibilities specified elsewhere in this Ordinance, the Head of the County Zoning Agency shall be responsible for directing the work of the office, for making periodic reports as required on the activities of the office, and for training and educational activities to assure that persons connected with the program are able to keep abreast of developments in the field of County land use ordinances. [Ord. No. 2018-04, 04-17-2018]

(b) Duties of the Zoning Administrator: Records, Inspections, Determinations, Permits, Fees.

In addition to the duties specified elsewhere in this Ordinance, the Zoning Administrator shall be responsible for the following administrative duties:

1. Advising Applicants: The Zoning Administrator shall advise applicants for permits and approvals as to the provisions of this Ordinance and shall assist them in preparing applications.

2. Keeping Records: The Zoning Administrator shall keep records of applications received, Committee or Board or office actions on such applications, permits issued, inspections made, enforcement actions undertaken and other similar activities.

3. Making Inspections: The Zoning Administrator shall make such inspections of premises as are required to determine compliance of land use activities with the terms of this Ordinance. Except in cases of emergency, such inspections shall be made only at a reasonable hour, with reasonable notice to the owner and/or occupant of the premises and with consent, unless it is made pursuant to an inspection warrant issued pursuant to Wisconsin Statutes.

4. Making Determinations: The Zoning Administrator shall make those administrative decisions and determinations as are assigned to the Administrator by terms of this Ordinance.

5. Permits, Approvals and Fees: The Zoning Administrator shall receive applications for the following permits and shall process the applications and the fees collected in the following manner:

a. Zoning Permit.

1) When required: See Sec. 11.13.

2) Zoning permits shall be issued only if the parcel is in compliance with the Jefferson County Land Division Ordinance.

3) Application and issuance: Applications for zoning permits shall be made on forms furnished by the Zoning Administrator. Issuance of a sanitary permit is a precondition to issuance of a land use permit whenever applicable. Permits shall be issued if the application and information obtained through field inspections, if any, causes the Administrator to conclude that the proposed use will comply with all applicable regulations.

4) Fees: A fee set pursuant to Section 11.13 shall be submitted to the Zoning Administrator when application is made for a land use permit.

5) Publication: The Zoning Administrator shall cause publication to be made in the official newspaper of Jefferson County of pertinent identifying information on each zoning permit issued. Such publications shall be made each month within the last ten days of the month.

6) Permits shall lapse and become void if operations described in the permit are not completed within two years of issuance of the permit, except that the Zoning Administrator may grant an extension for a period not to exceed one year upon showing of a valid cause.

b. Applications for Conditional Use Permits, Variances, Administration Appeals, and Applications for Rezoning.

1) Application and referral: Applications for variances and administrative appeals shall be made to the Zoning Administrator on forms prepared by the Administrator and approved as to form and content by the Zoning Board of Adjustment. Applications for rezoning requests shall be made to the Deputy County Clerk in the Zoning Office. Applications for conditional uses shall be made to the Zoning Administrator. Completed applications shall be referred by the Administrator to the appropriate board or committee for processing and disposition.

2) Fees: A fee set pursuant to Section 11.13 shall be submitted to the Zoning Administrator.

3) Sanitary and Zoning Permits for Conditional Uses and Variances: Issuance by the Planning and Zoning Committee for a conditional use approval or issuance by the Board of Adjustment of a variance shall not relieve the applicant of the obligation to obtain sanitary and zoning permits. [11/10/09, Ord. 2009-19]

4) Effect and Posting of Permits: Permits are issued on the basis of plans and applications authorize only the use, arrangement and construction set forth in such approved plans and applications, and no other use, arrangement or construction. Property owners, builders and contractors are primarily responsible for ordinance compliance and for reasonable care in construction. Issuance of permits and approvals under this Ordinance is not to be construed as establishing legal responsibility of the County for the design and construction of premises. Use, arrangement or construction not in full accord with that authorized shall be deemed a violation of this Ordinance.

5) Permits shall be placed in a prominent location on the premises during construction, alteration or moving.

6) Permits shall lapse and become void if operations described in the permit are not completed within two years of issuance of the permit, except that the Zoning Administrator may grant an extension for a period not to exceed one year upon showing of a valid cause.

(c) Amendment Procedures. Amendments: The Jefferson County land use ordinances are adopted by the County Board and may be amended by the County Board. State law prescribes how amendments are processed. Five major steps occur:

1. A hearing is held by the County Planning and Zoning Committee;

2. The Planning and Zoning Committee reviews the proposed amendment and makes recommendations to the County Board;

3. The County Board votes on the proposal;

4. In the case of amendments to general zoning outside shoreland and floodplain areas, the affected town board can veto an amendment adopted by the County Board;

5. The amendment is published and recorded.

In addition, persons owning lands proposed to be subject to zoning amendment or owners of abutting property can file a "protest" which requires a three-fourths vote of the County Board to approve the proposed amendment. All of these procedures are subject to detailed statutory rules of §59.69 Wisconsin Statutes, which are adopted herein by

reference. The Zoning Administrator shall create and maintain a current summary of the statutory procedures for interested persons.

6. **Standards for Rezoning from the A-1 Exclusive Agricultural and N Natural Resource Districts:** Land that is zoned A-1 Exclusive Agricultural or N Natural Resource may be rezoned to a zoning district that is not a certified farmland preservation zoning district if all of the following additional criteria are met (some of which are based on §91.48 of the Wisconsin Statutes): [am. 3/13/12, Ord. 2011-28]

(a) The land is better suited for a use not allowed in the A-1 or N district. [cr. 3/13/12, Ord. 2011-28]

(b) The rezoning is consistent with the County Comprehensive Plan. [cr. 3/13/12, Ord. 2011-28]

(c) The rezoning is substantially consistent with the Jefferson County Agricultural Preservation and Land Use Plan. [cr. 3/13/12, Ord. 2011-28]

(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. [cr. 3/13/12, Ord. 2011-28]

(e) There will be adequate public facilities to serve the proposed and potential land use changes that would be enabled by the rezoning. [re-lettered & am. 3/13/12, Ord. 2011-28]

(f) The burdens on local government for providing the needed services to the proposed and potential land use changes that would be enabled by the rezoning are reasonable. [re-lettered & am. 3/13/12, Ord. 2011-28]

(g) The development will not cause unreasonable air or water pollution, soil erosion, or adverse effects on valued natural areas. [re-lettered & am. 3/13/12, Ord. 2011-28]

(h) The soil productivity rating has been considered in the location of the area proposed for rezoning. [re-lettered & am. 3/13/12, Ord. 2011-28]

(i) The remaining A-1 parcel shall front on a public road for a minimum distance of at least sixty-six (66) feet. Access to the lot shall be provided within this frontage. [cr. 3/13/12, Ord. 2011-28]

(d) Board of Adjustment.

1. Appointment and Term: The Board shall consist of three members and two alternate members who shall be appointed for staggered three-year terms, commencing on July 1, by the County Administrator. Vacancies shall be filled in like manner for the unexpired term of any member whose term becomes vacant. Members shall all reside in the County and outside incorporated cities and villages and no two members shall reside in the same town. [Ord. No. 2018-13, 08/13/2018]

2. Operating Rules.

a. The Board shall choose its own chair, vice chair and secretary.

b. The Board shall meet at the call of the chair or at such other times as the board may determine.

c. The Board shall comply with all requirements of the Wisconsin Open Meetings Law in the conduct of the business before it. The nature of the Board's proceedings is quasi-judicial. The Board may, therefore, deliberate in closed session, after a hearing on the matter, provided legal requirements are complied with. To the extent practicable, Roberts Rules of Order and the Jefferson County Board of Supervisors Rules of Order shall be followed. [Ord. No. 2018-13, 08/13/2018]

d. The Board may conduct site inspections of premises and surrounding areas which are the subject of matters before the Board, provided that when the Board as a unit or individual members are engaged in such site inspections,

they shall not allow interested parties to present arguments or advocacy materials. Such arguments and materials shall be received only at hearings before the Board.

e. The Board shall conduct a public hearing on all appeals and variance matters before it and shall cause a class 2 notice under Chapter 985 of the Wisconsin Statutes to be published and shall give due notice of the hearing to parties in interest. Any party may appear in person or by attorney at such hearing. The chair may administer oaths to parties testifying and may compel attendance of witnesses.

1) Due notice to parties in interest shall mean that the Zoning Administrator will mail, by ordinary postage, reasonable advance notice of all hearings and meetings on any pending matter to the applicant, to owners of record of properties which are located outside cities and villages and adjacent to the parcel involved in the application, to the clerk of the town where the property is located, to the clerk of any other town or any other village located within 1.5 miles of the property involved in the application, and to other parties who have made known to the office their specific interest in the matter and their request to receive such notices. Failure of the office to accomplish such provision of notice shall not invalidate or prejudice the proceedings, provided the Board concludes that reasonable efforts were made or that the parties who subsequently complain of not having been sent or of not receiving notice did, in fact, know of the proceedings and had reasonable opportunity to attend or be represented, or to convey their views prior to the Board's decision. [11/1/09, Ord. 2009-19]

2) Failure to mail notices to all joint owners of a property shall not constitute noncompliance with these requirements so long as at least one joint owner was mailed a notice.

f. All testimony before the Board by persons other than Board members and written or documentary evidence or material pertaining to matters before the Board shall be received at the hearings conducted by the Board; provided, however, that the content of relevant ordinance or statutory materials shall be deemed to be before the Board in all cases and need not be entered into the record. All parties in interest shall be afforded reasonable opportunity to comment on all materials or information so received. Board members who are in possession of facts which may have a bearing on the matter before the Board shall enter same into the record of the hearing and opportunity shall be allowed for comment on such entries.

g. If, following the close of a hearing, the Board finds it necessary or desirable to receive additional information, evidence or arguments which may have a bearing upon the Board's decision, it shall reconvene a public hearing, with notice given in the same manner as for the initial hearing, for the purpose of so doing.

h. The Board shall deliberate on matters before it. The concurring vote of a majority of the Board shall be necessary to approve any appeal or variance before the Board. The vote of each member on each matter decided by the Board shall be recorded in the minutes. If a member is absent or if a member fails to vote, such fact shall similarly be recorded. The minutes of the Board shall show the Board's decisions and the votes of members thereon. Each decision of the Board shall be accompanied by written reasons in support of the decision, which written statement shall be signed or acknowledged by the members and entered into the minutes.

i. All decisions by the Board shall be made in accord with the standards of the ordinance. The Board shall decide all matters before it within a reasonable time.

j. The Board shall cause complete records to be kept of its examinations on matters before it, of public hearings, site inspections, decisions and other official actions, which shall be immediately filed in the County Zoning Office and shall be a public record. Written minutes of the Board shall constitute the official record of Board proceedings. Public hearings shall be tape recorded and the records shall be maintained for no less than ninety days. The appellant or applicant may request the services of a reporter and shall pay the costs of such services.

k. The Board may adopt procedural rules not in conflict with this ordinance or state law.

(e) Powers of the Zoning Board of Adjustment: Administrative Appeals.

1. Appealable matters.

a. Decisions by the Zoning Administrator which consist of interpretations of the terms of Jefferson County zoning ordinances and which are made in the course of determining whether a permit or approval will be issued by said Administrator or otherwise in the course of administering and enforcing this Ordinance are appealable to the Board of Adjustment as administrative appeals.

b. Decisions by the Planning and Zoning Committee which consist of interpretations of the terms of the Jefferson County land use ordinances and which are made in the course of determining whether a permit or approval will be issued by said committee are appealable to the Board of Adjustment as administrative appeals.

2. Procedures for Initiating an Administrative Appeal.

a. Eligible appellants: Administrative appeals may be initiated by any person aggrieved by the decision or interpretation being appealed, or by any officer, department, board or committee of the County government unless otherwise provided by law. [Ord. No. 2018-13, 08/13/2018]

b. Time for appeals: An appeal shall be commenced by an aggrieved party within 30 days of the date of publication of such action pursuant to Sec. 11.15, or if no publication is required, an appeal shall be commenced within 30 days after the making of the decision being appealed. [Ord. No. 2018-13, 08/13/2018]

c. Initiating an appeal: An appeal shall be commenced by filing with the office of the Zoning Administrator a notice of appeal specifying the decision being appealed and the grounds for the requested relief and payment of the fee specified by Section 11.13. Upon receipt of such a notice, the Zoning Administrator shall immediately notify the Board of Adjustment and the Planning and Zoning Committee and shall transmit to the Board all papers and files which constitute the record of the decision being appealed. [Ord. No. 2018-13, 08/13/2018]

d. Stays: An appeal of a decision to issue a permit or approval or to issue an enforcement demand or to commence other ordinance enforcement proceedings shall cause the permit or approval action to be suspended or shall stay further enforcement prosecution unless the Zoning Administrator or District Attorney shall file with the Board of Adjustment a certificate, supported by a statement of facts, alleging that suspension or stay will cause imminent peril to life or property. If such a certificate is filed, proceedings shall not be stayed except upon a restraining order issued by a court.

e. Decisions by the Board of Adjustment: Following a public hearing and other investigation, the Board shall decide the matter based upon whether the decision, determination or interpretation being appealed was in error. The Board may reverse or affirm, wholly or partly, or may modify the decision appealed from, and may make such decision as ought to have been made, and to that end shall have all powers of the officer from whom the appeal is taken. All decisions by the Board on administrative appeals shall be based upon the terms of the Ordinance and evidence as to legislative intent.

(f) Powers of the Zoning Board of Adjustment: Variances.

1. Nature of Variances: Variances are waivers in the terms of the zoning ordinances. In a variance case, the terms of the ordinance are not in dispute. An applicant for a variance acknowledges that the ordinance forbids the use or development for which approval is sought. In that case, an applicant may seek a variance which will be granted only in unique circumstances. Area variances and use variances are an available form of relief if the standards in section 3, below are met. [Ord. No. 2018-13, 08/13/2018]

2. Applications for Variances: Applications for variances in the applicable zoning regulations may be filed with the Zoning Administrator, along with payment of the application fee specified in Section 11.13. A completed application shall be submitted including, but not limited to, an application, plot plan, narrative of the request, fee and Town recommendation if the Town provides a recommendation after notification of the variance application. The Administrator shall transmit the application to the Board. [Ord. No. 2018-13, 08/13/2018]

3. Board of Adjustment Review and Decision: Following a public hearing and other investigations, the Board shall decide the matter based upon the following standards: [Ord. No. 2018-13, 08/13/2018]

a. No variance may be granted which would have the effect of allowing a use of land or property which would violate state laws or administrative rules. [Ord. No. 2018-13, 08/13/2018]

b. Subject to the above limitations, variances may be granted where strict enforcement of the terms of the ordinance results in an unnecessary hardship and where a variance in the standards will allow the spirit of the ordinance to be observed, substantial justice to be accomplished and the public interest not violated. [Ord. No. 2018-13, 08/13/2018]

c. A variance may be granted when a variance from the terms of this ordinance will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done. [Ord. No. 2018-13, 08/13/2018]

d. A property owner bears the burden of proving "unnecessary hardship," as that term is used in this paragraph, for an area variance, by demonstrating that strict compliance with a zoning ordinance would unreasonably prevent the property owner from using the property owner's property for a permitted purpose or would render conformity with the zoning ordinance unnecessarily burdensome or, for a use variance, by demonstrating that strict compliance with the zoning ordinance would leave the property owner with no reasonable use of the property in the absence of a variance. In all circumstances, a property owner bears the burden of proving that the unnecessary hardship is based on conditions unique to the property, rather than considerations personal to the property owner, and that the unnecessary hardship was not created by the property owner. [Ord. No. 2018-13, 08/13/2018]

4. Conditions: Conditions shall be attached in writing to all approved variances where such conditions will achieve compliance with the standards of this ordinance.

5. A variance granted under this section runs with the land. [Ord. No. 2018-13, 08/13/2018]

11.12 <u>AMENDMENTS.</u>

The County Board of Supervisors of Jefferson County, Wisconsin, may from time to time alter, supplement or change the boundaries and regulations contained in this Ordinance in the manner provided by Section 59.69, Wisconsin Statutes. Comprehensive revisions or ordinance amendments extending coverage to new towns must be certified by the Land and Water Conservation Board of the Department of Agriculture, Trade and Consumer Protection in order for land owners within the exclusive agricultural use district to qualify for tax credits under Chapter 91 of Wisconsin Statutes. (2391A-01 – Jefferson County) [Amended 10/09/01, Ord. No. 2001-16]

11.13 <u>FEES.</u>

An applicant, upon filing his application, shall pay a fee to the Zoning Administrator in accordance with the fee schedule adopted by the Jefferson County Board of Supervisors.

11.14 <u>PERFORMANCE STANDARDS.</u>

(a) Compliance. This ordinance permits specific uses in specific districts; and these performance standards are designed to limit, restrict, and prohibit the effects of those uses outside their premises or district. No structure, land, or water shall hereafter be used except in compliance with their district regulations and with the following performance standards.

(b) Sound. The volume of sound inherently and recurrently generated shall not exceed the following standards at any points along the boundaries of the zone in which the use is located:

1. Objectionable sounds of an intermittent nature shall be controlled so as not to become a nuisance to adjacent uses.

2. Maximum sound pressure levels shall be measured with a sound level meter and associated octave band analyzer conforming to standards prescribed by the American Standards Association and shall not exceed the values for octave bands lying within the several frequency limits given in the following table after the application of appropriate corrections:

B, I, C and A Districts

Frequency ranges containing standard octave bands in cycles per second	Octave band sound pressure level in decibels
0 - 74	72
75 - 149	67
150 - 299	59
300 - 599	52
600 - 1199	46
1200 - 2399	40
2400 - 4800	34
above - 4800	32

Type of operation or noise	Correction in decibels
Daytime operation only	+5
Noise of impulsive character (e.g. hammering)	-5
Noise of periodic character (e.g. hum, screech)	-5

(c) Vibration. An operation which creates vibrations that can be measured without instruments, e.g. heavy drop forges, heavy hydraulic surges, shall be set back, in I and C Districts, a distance of not less than 500 feet from all lot lines.

(d) Radioactivity. No operation shall be permitted which causes radioactivity in violation of Title 10, Chapter 1, Part 20, Code of Federal Regulations, "Standards for Protection Against Radiation," dated June 16, 1957, or any subsequent revisions or amendments.

(e) Odor. In the I, B, and C Districts, no emission of odorous gas or other odorous matter in such quantity as to be readily detectable at any point along lot lines without use of instruments shall be permitted.

In the A District, no emission of odorous gas or other odorous matter in such quantity as to be readily detectable at any point along zone boundaries without use of instruments and in such quantity as to produce a public nuisance or hazard beyond lot lines, shall be permitted.

Odors associated with ATCP51 livestock facilities are regulated pursuant to those provisions within ATCP51 as incorporated into this ordinance. [Amended 09/11/06, Ord. 2006-15]

(f) Toxic or Noxious Matter. No discharge beyond lot lines of any toxic or noxious matter in such quantity as to be detrimental to or endanger the public health, safety, comfort, or welfare, or cause injury or damage to property or business, shall be permitted.

(g) Glare. No direct or reflected glare from any B or I District shall be detectable from any R or C District boundary.

(h) Heat. No direct or reflected heat from an I District shall be detectable from any R or B District boundaries.

(i) Dust. No solid or liquid particles shall be emitted in concentrations exceeding 0.3 grains per cubic foot of the conveying gas or air.

(j) Fly Ash. No emission of fly ash in excess of the quantity specified in the following table shall be permitted:

Heat in Fuel Burned (British Thermal Units Per Hour)	Fly Ash: Rate of Emission (Pounds per hour)
1,000,000	1
100,000,000	100
400,000,000	330
1,000,000,000	750
2,000,000,000	1365
3,000,000,000	1850
4,000,000,000	2260
5,000,000,000	2640
6,000,000,000	2950
7,000,000,000	3200
8,000,000,000	3410
10,000,000,000	3750

For heat content between any two (2) consecutive heat contents given in the table, the fly ash limitation shall be as determined by interpolation.

(k) Smoke. No emission of smoke from any source, as measured on the Ringelmann Chart published by the United States Bureau of Mines, shall be permitted in excess of:

In I, A and B districts, a density described as Ringelmann No. 2, provided that a density equal to Ringelmann No. 3 may be emitted for not more than three (3) minutes in any fifteen (15) consecutive minutes.

(l) Violation. Any violator of this section will be subject to Section 11.03(j) and, in addition, shall pay any of the actual costs of measuring the emissions.

11.15 NOTICE REQUIREMENTS. [9/8/81, Res. No. 81-87] Upon receipt of a petition to amend this zoning ordinance and the official zoning map of Jefferson County, and applications for residential-type conditional use permits, notice of public hearing shall be mailed by first class postage to all persons listed in the Jefferson County Land Information Office as of the date of the petition as owning property within 500 feet of the exterior boundary of the parcel for which rezoning is requested. [11/10/09, Ord. 2009-19]

When a city or village boundary is included within a one-quarter mile radius, only the municipality affected will be notified in addition to all other property owners within the unincorporated areas in the 500 feet radius. [11/10/09, Ord. 2009-19]

All zoning and land use permits, and conditional use permits granted shall be published at least once a month in the official newspaper as designated by the Jefferson County Board of Supervisors. Publication shall be within the last ten (10) days of each month.

Upon receipt of a petition requesting a conditional use permit, other than a residential-type conditional use permit, notice of public hearing shall be mailed by first class postage to all persons listed in the Jefferson County Land Information Office as of the date of the petition as owning property within one-quarter mile of the exterior boundary of the parcel for which the conditional use permit is requested. [11/10/09, Ord. 2009-19]

When a city or village boundary is included within this one-quarter mile radius, only the municipality affected will be notified in addition to all other property owners within the unincorporated areas in the one-quarter mile radius. [11/10/09, Ord. 2009-19]

Failure to mail notice to all joint owners of a particular parcel of property shall not constitute noncompliance with this section of the Ordinance, as long as any one joint owner of that particular parcel has been mailed notice of the upcoming public hearing.

Upon receipt of a petition requesting a variance from the terms of this Zoning Ordinance, notice of public hearing shall be mailed by first class postage to all persons listed in the Jefferson County Land Information Office as of the date of the petition as owning property which is adjacent to the exterior boundary of the parcel for which the variance is requested. Under this section "adjoining owner" includes owners of parcels which are separated from the subject parcel by a road.

Petitions to amend this Zoning Ordinance and the official zoning map of Jefferson County, which are filed by a town board pursuant to town board action, shall be exempt from the notice requirements set forth in this section.

Original ordinance adopted 12/10/74; published 1/15/75
Last Amended 10/09/18; Fee Schedule effective 09/13/2017

APPENDIX A

MINIMUM LOT SIZES

Minimum lot sizes, where not specified in Sec. 11.04(f), shall be according to the provisions of the Jefferson County Land Division and Subdivision Ordinance as follows:

Reference COMM 83 and COMM 85, Wisconsin Administrative Code.

APPENDIX B

JEFFERSON COUNTY
1995 RURAL FUNCTIONAL SYSTEMS
COUNTY ROADS

As specified in Section 11.07(d), the highway setback is determined by the road's functional classification. The highways contained in this listing are defined by Jefferson County as Statewide and Areawide Arterials on the 1970 Functional System Map.

Principal Arterial	1-94	-Dane County Line to STH 26
	I-94	-STH 26 to Waukesha County Line
	USH 12	-Cambridge City Limits to Fort Atkinson City Limits
	USH 12	-Fort Atkinson City Limits to Whitewater City Limits
	USH 16	-Dodge County Line to Oconomowoc Chaffee Street
	STH 26	-CTH "Y" to Jefferson City Limits
	STH 26	-Jefferson City Limits to Fort Atkinson City Limits
	STH 26	-Farmco Street (City of Fort) to Rock County Line
Minor Arterial	USH 18	-USH 12 to Jefferson City Limits
	USH 18	-Jefferson City Limits to CTH "F"
	USH 18	-CTH "F" to Waukesha County Line
	STH 19	-Dane County Line to Watertown City Limits
	STH 59	-Waukesha County Line to Walworth County Line
	STH 89	-Dane County Line to Lake Mills City Limits
	STH 89	-Lake Mills City Limits to USH 18
	STH 89	-USH 18 to Fort Atkinson City Limits
	STH 106	-Dane County Line to Fort Atkinson City Limits
	STH 106	-Fort Atkinson City Limits to Palmyra Village
Major Collector	CTH "A"	-Lake Mills City Limits South to Watertown City Limits
	CTH "A"	-STH 89 South to USH 18
	CTH "B"	-CTH "O" East to Lake Mills City Limits
	CTH "B"	-Lake Mills City Limits East to Johnson Creek Village Limits
	CTH "B"	-STH 26 East to CTH "F"
	CTH "B"	-CTH "F" East to Waukesha County Line
	CTH "C"	-Dane County Line East to USH 12
	CTH "CI"	-STH 106 East to CTH "Z"
	CTH "CW"	-Watertown City Limits East to Dodge Co.
	CTH "CW"	-CTH "SC" East to Waukesha County Line
	CTH "D"	-CTH "E" South to CTH "B"
	CTH "D"	-CTH "B" South to CTH "Y"
	CTH "D"	-CTH "Y" South to STH 106
	CTH "D"	-STH 106 South to STH 59
	CTH "E"	-Watertown City Limits South to CTH "F"
	CTH "F"	-STH 16 South to CTH "CI"
	CTH "H"	-STH 59 South to Walworth County Line
	CTH "K"	-Jefferson City Limits South to STH 26
	CTH "M"	-USH 12 East to CTH "N"
	CTH "O"	-Waterloo City Limits South to Dane Co. Line
	CTH "O"	-Dane County Line South to STH 134 (London)
	CTH "U"	-CTH "N" East to CTH "D"

APPENDIX B (continued)

	CTH "V"	-CTH "B" East to CTH "B"
	CTH "W"	-Jefferson City Limits South to STH 89
	CTH "Y"	-STH 26 South to Johnson Creek Village Limits
Minor Collector	CTH "E"	-Sullivan Village Limits South to STH 59
	CTH "G"	-STH 19 South to STH 89
	CTH "H"	-CTH "Z" South to STH 59
	CTH "J"	-Jefferson City Limits Southwest to CTH “C”
	CTH "K"	-USH 12 South to Rock County Line
	CTH "N"	-CTH "A" South to Jefferson City Limits
	CTH "N"	-Jefferson City Limits South to Walworth Co. Line
	CTH "Q"	-STH 19 South to CTH "A"
	CTH "Q"	-CTH "A" South to STH 89
	CTH "S"	-CTH "B" South to CTH "A"
	CTH "Y	-CTH 26 South to USH 18
	CTH "Y"	-USH 18 South to CTH "D"
	CTH "Y"	- CTH "D" East to CTH "F" (Rome)
	CTH "Z"	-Waukesha County Line South to CTH "H"
Local	CTH "A"	-USH 18 South to USH 12
	CTH "A"	-USH 12 South to STH 106
	CTH "G"	-STH 89 South to USH 12
	CTH "J"	-CTH "C" South to STH 106
	CTH "P"	-CTH "E" South to CTH "B"
	CTH "P"	-CTH "B" South to CTH "F" (Rome)
	CTH "SC"	-CTH "CW" South to USH 16
	CTH "T"	-CTH "Q" East to Watertown City Limits
	CTH "X"	-Watertown City Limits South to CTH "B"
	CTH "Z	-STH 59 South to Waukesha County Line
	Annex Rd.	-CTH "W" to End

2017 ZONING AND LAND USE PERMIT REQUIREMENTS AND FEE SCHEDULE

COUNTY BOARD APPROVAL 9/12/2017

IMPLEMENTED 9/13/2017

Zoning Permits: 11.03(b) & 11.11(b)5.a.(1); Compliance. No structure, land, or water shall hereafter be used, and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or STRUCTURALLY altered without a Zoning Permit and without full compliance with the provisions of the Jefferson County Zoning Ordinance and all other applicable local, county, and state regulations.

No Zoning Permit is required for ordinary maintenance repairs such as painting, decorating, paneling, shingling, siding, and the replacement of doors, windows and other NON-STRUCTURAL components.

IF YOU'RE NOT SURE IF A PERMIT IS REQUIRED, CALL ZONING AT 920-674-7130 BEFORE STARTING!!!

STRUCTURAL ALTERATION/REPAIR -- Includes ANY CHANGE in the supporting members of a structure, such as foundations, bearing walls, columns, beams, girders, or change in window or door dimensions, but not classified as an addition or new structure. $ 50.00

AGRICULTURAL STRUCTURES <1,000 sq.ft.	$ 30.00
≥1,000 sq.ft.	$ 50.00
RESIDENTIAL STRUCTURES	
▪ SINGLE FAMILY HOME	$600.00
▪ DUPLEX & MULTI-FAMILY	$400.00/UNIT
▪ ADDITION (HABITABLE) <500 sq.ft	$ 150.00
▪ ADDITION (HABITABLE) ≥500 sq.ft.	$ 200.00
▪ ADDITION (NON-HABITABLE) <500 sq.ft. (Includes garages, porches, etc…)	$ 50.00
▪ ADDITION (NON-HABITABLE) ≥500 sq.ft. (Includes garages, porches, etc…)	$ 100.00
▪ ACCESSORY STRUCTURES (Enclosed w/roof	
200 sq.ft. or less	$ 30.00
<500 sq.ft.	$ 50.00
≥500 sq.ft.	$ 100.00
▪ ACCESSORY STRUCTURES (NOT ENCLOSED)	
<500 sq. ft.	$ 30.00
≥ 500 sq.ft. (Includes all decks, pools, lean-to's, etc…)	$ 50.00
BUSINESS/INDUSTRIAL	
▪ PRINCIPAL STRUCTURE	$ 500.00
▪ ADDITION <500 sq.ft.	$ 150.00
▪ ADDITION ≥500 sq.ft.	$ 300.00
▪ ACCESSORY STRUCTURES >1,000 sq. ft.	$ 100.00
▪ ACCESSORY STRUCTURES <1,000 sq. ft.	$ 50.00
▪ OUTSIDE STORAGE IN I ZONE	$ 30.00
REVISION FEE/ZONING & LAND USE PERMITS	$ 50.00

AGRI-BUSINESS	
▪ PRINCIPAL STRUCTURE	$ 300.00
▪ ADDITIONS	$ 150.00
▪ ACCESSORY STRUCTURES >1,000 sq.ft	$ 100.00
▪ ACCESSORY STRUCTURES <1,000 sq.ft	$ 50.00
SHORELAND/WETLAND/FLOODPLAIN	
▪ STRUCTURAL (wetland piers, observation decks, control structures, etc…)	$ 50.00
▪ NON-STRUCTURAL (floodplain fill, ponds,. shoreland alterations, etc…	
<250 sq. ft.	$30.00
≥250 sq. ft.	$100.00
▪ Viewing/Access corridor establishment	No Charge
SIGN PERMITS	
▪ $25 OR $0.50/SQUARE FOOT, WHICHEVER IS THE GREATER	
SUBDIVISIONS/CSM (Certified Survey Maps)	
▪ PRELIMINARY PLAT	$350 + $10/LOT
▪ FINAL PLAT	$ 200.00
▪ CERTIFIED SURVEY - PRELIMINARY	$ 50.00
▪ CERTIFIED SURVEY - FINAL	$ 25.00
CAMPGROUNDS	
▪ ACCESSORY STRUCTURE	$ 50.00
MOBILE TOWER SITING	
▪ NEW & CLASS 1 COLLOCATION	$3,000.00
▪ CLASS 2 COLLOCATION	$500.00
DEMO PERMIT	$ 30.00
SALVAGE YARD LICENSE	$ 25.00

NOTE: A double permit fee will be charged for all after-the-fact permits.

SANITARY PERMIT FEES (effective 3/10/09)

TYPE OF SYSTEM	FEE	RECORDING FEES FOR AGREEMENT	TOTAL FEE
▪ LARGE SCALE (DNR Defined)	$ 875.00	$30.00	$ 905.00
▪ SAND FILTER	$ 825.00	$30.00	$ 855.00
▪ MOUND & IN-GROUND PRESSURE	$ 575.00	$30.00	$ 605.00
▪ HOLDING TANKS	$ 675.00	$30.00	$ 705.00
▪ IN-GROUND NON-PRESSURE	$ 425.00	$30.00	$ 455.00
▪ ATU (Aerobic Treatment Unit) - Separate Installation	$ 325.00	$30.00	$ 355.00
▪ ATU - (If added as part of an entire system install. Addt'l fee not required for sand filter)	$150 addt'l	$30.00	$ 180.00
▪ TANK REPLACEMENT	$ 275.00	$30.00	$ 305.00
▪ REPAIRS (Includes recoring of existing mound or sand filter. Does not include other system replacement)	$ 275.00	$30.00	$ 305.00
▪ REVISIONS	$ 50.00		$ 50.00
▪ TRANSFERS	$ 25.00		$ 25.00
▪ RE-INSPECTIONS (if not complete on initial inspection)	$ 50.00		$ 50.00
▪ PERMIT EXTENSIONS (prior to expiration)	$ 50.00		$ 50.00
▪ INSPECTIONS (for systems requiring more than four(4) inspections)	$75 per inspection over (4)		
SOIL TEST REVIEW FEE	$ 50.00		
WISCONSIN FUND APPLICATION FEE	$ 100.00		

NOTE: A Maintenance Agreement & fee will NOT be required if a previous permit has been issued after 1/15/90.

A Holding Tank Agreement is NOT required if an agreement has been previously recorded for the property.

Checks for Permit and/or Inspection Fees Made Payable to: ***Jefferson County Zoning Department***

NOTE: Any additional fee increases prescribed by the State of Wisconsin shall be added to the fees listed above.

PETITION FEES FOR PUBLIC HEARING

CONDITIONAL USE & VARIANCE PETITION FEES	$	250.00
REZONING PETITION FEE		$300.00
ADMINISTRATIVE DATCP REPORTING FEE FOR REZONING OUT OF A-1 (Non-refundable, paid at time of application)		$100.00
REAPPLICATION FEE	$	100.00
APPEAL FEE	$	250.00

PLANS/ORDINANCES

JEFFERSON COUNTY AGRICULTURAL PRESERVATION & LANDUSE PLAN	$	40.00
Disc Format (Includes Shipping)	$	5.00
JEFFERSON COUNTY ZONING ORDINANCE	$	30.00
JEFFERSON COUNTY PRIVATE SEWAGE SYSTEM ORDINANCE	$	5.00
JEFFERSON COUNTY FLOODPLAIN ORDINANCE	$	12.00
JEFFERSON COUNTY LAND DIVISION/SUBDIVISION ORDINANCE	$	9.00

(Mailing fees to be added to the above as appropriate)

FARMLAND CERTIFICATES

CERTIFICATE PROCESSION	$20.00
COPY OF DUPLICATE CERTIFICATE	$2.00
PROCESS PARCEL LIST FFP AGREEMENT	$20.00
PROCESS PARCEL LIST FOR FC-A	**$20.00**

OTHER FEES AS ADOPTED BY COUNTY BOARD RESOLUTION NO. 93-94, REVISED RESOLUTION 2001-78, APPROVED ON 12/11/01

COMPUTER REPORTS (CUSTOM)		
Sale & other single spaced reports per page	$	0.50
SPECIAL COMPUTER REPORTS		
Minimum fee	$	5.00
CUSTOM EXTENSIVE SEARCHES OR CLERICAL SERVICES		$40 per hour

NOTE: A PHOTOCOPYING FEE OF $0.25 PER PAGE WILL BE CHARGED PER COUNTY BOARD RESOLUTION

Jefferson County Planning and Zoning Department
311 S. Center Ave., Jefferson, WI 53549
Phone 920-674-7130; FAX 920-674-7525
www.jeffersoncountywi.gov

TOWNSHIP BUILDING INSPECTORS

AZTALAN – Greg Noll 920-675-9062
COLD SPRING – Greg Noll 920-675-9062
CONCORD – Thomas Marks 262-490-0513
FARMINGTON – Greg Noll 920-675-9062
HEBRON – Greg Noll 920-675-9062
IXONIA – Archie Stigney 920-261-2966
JEFFERSON – Greg Noll 920-675-9062
KOSHKONONG – Greg Noll 920-675-9062
LAKE MILLS – Dean Eppler 1-800-422-5220
MILFORD – Mike Sindorf 262-490-4141
OAKLAND – Greg Noll 920-675-9062
PALMYRA - Thomas Marks 262-490-0513
SULLIVAN – Greg Noll 920-675-9062
SUMNER – Dave Geraths 608-697-7776
WATERLOO – Dean Eppler 800-422-5220 or 608-576-6370
WATERTOWN – John Moosreiner 262-490-0277
Check with local building inspector for all applicable permits required in your township.

W:\ZONING FORMS\Fee schedule 10-31-2017