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.

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 limtied 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 faciilties 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]

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.

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.

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

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.

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: 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. [12/2/82, Ord. No. 11; 11/10/09, Ord. 2009-19]

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.
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]

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.

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]

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. A variance shall not permit a use which is not permitted in the district in which it is proposed.

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 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. Rear - 40 feet. Side - 10 feet each.

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

4. I – INDUSTRIAL [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. [12/2/82, 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. Rear - 40 feet if adjacent to an R zone, 10 feet otherwise; Side - 40 feet if adjacent to an R zone, 10 feet otherwise.

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.

[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]

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. 9/9/81, 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 [insert date of County Board adoption of zoning ordinance amendment], with such lots instead having a minimum lot area of one acre. (Farm consolidation lots for certified survey maps recorded after [insert date of County Board adoption of zoning ordinance amendment] 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.

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. [12/2/82, 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]

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. A-3 AGRICULTURAL/RURAL RESIDENTIAL [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. No. 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 lands 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. S - SHORELAND-WETLAND (Overlay Zone) 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. N - NATURAL RESOURCE [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. <u>R/R - RESIDENTIAL/RECREATIONAL</u> [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 effects of Adult-Oriented Establishments while providing an outlet for First Amendment protected activities.

e. 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.

f. 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 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, at least ten (10) days prior to the hearing date.

2. Review and Approval. 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 use shall be reviewed to be consistent with the Agricultural Preservation and Land Use Plan. [Amended 2/8/00, Ord. No. 99-28]

3. Any structure within five hundred (500) feet of the existing or proposed rights of way of freeways, expressways, and within one-half (1/2) mile of their existing or proposed interchange or turning lane rights of way shall be jurisdiction over the trafficway. The Committee shall request such and await the highway agency's recommendation for a period not to exceed twenty (20) days before taking final action.

4. Conditions, such as landscaping, architectural design, type of constructions, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operation control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or parking requirements, may be required by the Committee upon its finding that these are necessary to fulfill the purpose and intent of this Ordinance.

5. 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.

6. 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.

(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, ~~N~~ 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]

3. 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 $200 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.

(h) Wireless Telecommunications Facilities. [4/20/99, Ord. No. 99-01; title—2/8/00, Ord. No. 99-28]

(1) Purpose and Intent. The purpose and intent of this section is to provide a uniform and comprehensive set of standards for the development and installation of wireless telecommunication and related facilities. The regulations contained herein are designed to protect and promote public health, safety, community welfare and the aesthetic quality of Jefferson County as set forth within the goals, objectives and policies of the Jefferson County Zoning Ordinance, to encourage managed development of telecommunications infrastructure, while at the same time not unduly restricting the development of needed telecommunications facilities.

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

a. Minimize adverse visual effects of telecommunication tower, antenna and related facilities through design and siting standards.

b. Maintain and ensure that a non-discriminatory, competitive and broad range of telecommunications services and high quality telecommunications infrastructure consistent with the Federal Telecommunications Act of 1996 are provided to serve the community, as well as serve as an important and effective part of Jefferson County's police, fire and emergency response network.

c. Provide a process for obtaining necessary permits for telecommunication facilities while at the same time protecting the legitimate interests of Jefferson County citizens.

d. Protect environmentally sensitive areas of Jefferson County by regulating the location, design and operation of telecommunications facilities.

e. Encourage the use of alternative support structures, colocation of new antennas on existing telecommunication towers, camouflaged towers, and construction of towers with the ability to locate three or more providers.

Furthermore, this section is not intended to regulate residential satellite dishes or residential television antennas that are used privately. Additionally, it is not intended to regulate satellite dishes/antennas whose regulation is prohibited by sec. 59.69(4d), or its successor sections, of the Wisconsin Statutes or as preempted by Federal law.

(2) Definitions. For the purpose of this section, the following terms and phrases shall be defined as:

Alternative Support Structure: Clock towers, steeples, silos, light poles, water towers, buildings or similar structures that may support telecommunication facilities.

Antenna: Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves when such system is either external to or attached to the exterior of a structure. Antennas shall include devices having active elements extending in any direction, and directional beam-type arrays having elements carried by and disposed from a generally horizontal boom that may be mounted upon and rotated through a vertical mast or tower interconnecting the boom and antenna support, all of which elements are deemed to be a part of the antenna.

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

Antenna Ground Mounted: Any antenna with its base placed directly on the ground.

Building: Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind, including equipment cabinets.

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

Colocated Telecommunication Facility: A telecommunication facility comprised of a single telecommunication tower or alternative support structure supporting multiple antennas, dishes, or similar devices owned or used by more than one public or private entity.

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

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

Lattice Tower: A telecommunication tower that consists of vertical and horizontal supports and metal braces.

Monopole: A telecommunication tower of a single pole design.

Navigable Stream or Lake: As designated on the United States Geological Survey (USGS) map and/or Jefferson County Zoning maps.

Non-Conforming: Any preexisting telecommunication facility that was in existence prior to the adoption of this ordinance, whether or not it has been issued a conditional use permit. This definition shall only apply to this specific section and shall not apply to other Jefferson County Zoning Ordinances.

Operation: Means other than nominal use; when a facility is used regularly as an integral part of an active system of telecommunications it shall be deemed in operation.

Platform: A support system that may be used to connect antennas and antenna arrays to telecommunication towers or alternative support structures.

Satellite Dish: A device incorporating a reflective surface that is solid, open mesh, or bar configured that is shallow dish, cone, horn, or cornucopia shaped and is used to transmit and/or receive electromagnetic signals. This definition is meant to include, but is not limited to, what are commonly referred to as satellite earth stations, TVROs and satellite microwave antennas.

Telecommunication Facility: A facility, site, or location that contains one or more antennas, telecommunication towers, alternative support structures, satellite dish antennas, other similar communication devices, and support equipment which is used for transmitting, receiving, or relaying telecommunications signals, excluding those facilities exempted under subsection (3).

Telecommunication Support Facility: The telecommunication support buildings and equipment cabinets located at a telecommunication facility, either on the ground or within or on an alternative support structure, which house the electronic receiving and relay equipment.

Telecommunications Tower: Any structure that is designed and constructed primarily for the purpose to support one or more antennas, including camouflaged towers, lattice towers, guy towers, or monopole towers. This includes microwave towers and common-carrier towers. This excludes radio and television transmission towers. It shall exclude alternative support structures and those facilities exempted under subsection (3).

Utility Pole Mounted Antenna: An antenna attached without regard to mounting to or upon an existing or replacement electric transmission or distribution pole, street light, traffic signal, athletic field light, utility support structure or other approved similar structure.

Wireless Telecommunications: Any of the following:

a. "Commercial mobile services" defined as for-profit mobile services available to the public or a substantial portion of the public and providing the ability to access or receive calls from the public switched telephone network. Examples include personal communication services, cellular radio mobile services, and paging.

b. Specialized Mobile Radio (SMR) service licensees provide land mobile communications on a commercial (i.e., for profit) or private basis.

c. Broadband Cellular Personal Communication Systems (PCS) which are very similar to cellular systems, but operate in a higher frequency band.

d. "Unlicensed wireless services" which are services that do not require licenses by the Federal Communications Commission (FCC), but are deployed through equipment that is authorized by the FCC. Direct-to-home satellite services are excluded from this definition. 47 U.S.C. §332(c)(7)(C)(iii).

e. "Common carrier wireless exchange access services" which are services designed as competitive alternatives to traditional wireline local exchange providers.

(3) Exempt from Conditional Use Permit. The following shall be permitted without a conditional use permit, provided that the primary use of the property is not a telecommunications facility and that the antenna use is accessory to the primary use of the property. 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 or is used exclusively for receive-only purposes.

c. Mobile services providing public information coverage of news events of a temporary or emergency nature.

d. Free standing (ground mounted antenna) antennas (not supported on or attached to a building) and their support towers, poles or masts may be installed with a land use permit when the overall height of the antennas and their supporting structures do not exceed a height of 50 feet above the original grade at the site of the installation and when said freestanding antenna, support tower, pole or mast is not closer than 1000 feet to another exempt freestanding antenna, support tower, pole or mast.

e. Antennas installed on an existing telecommunications tower, or on or attached to, any existing building (building mounted antenna) or alternative support structure when the height of the antenna and its supporting tower, pole or mast is 30 feet or less above the highest part of the building or alternative support structure to which it is attached. A land use permit is required for any telecommunication support facility exceeding 100 square feet of floor area.

f. Utility pole mounted antennas if the height of the antenna is 30 feet or less above the highest part of the utility pole.

g. Setbacks shall be as set forth in subsection (13)(b).

(4) Areas Permitting Telecommunication Facility Location With Conditional Use Approval. Telecommunications facilities may be permitted in the following zoning districts, subject to conditional use review and approval by the Jefferson County Planning and Zoning Committee, and in compliance with all other applicable sections of this Ordinance:

a. A-T [cr. 3/13/12, Ord. 2011-28]
b. A-1, provided that each such use qualifies under §91.46(4) of the Wisconsin Statutes. [re-lettered & am. 3/13/12, Ord. 2011-28]
c. A-2 [re-lettered 3/13/12, Ord. 2011-28]
d. A-3 [re-lettered 3/13/12, Ord. 2011-28]
e. B [re-lettered 3/13/12, Ord. 2011-28]
f. I [re-lettered 3/13/12, Ord. 2011-28]
g. C [re-lettered 3/13/12, Ord. 2011-28]
h. R/R [re-lettered 3/13/12, Ord. 2011-28]

(5) Areas Limiting Telecommunication Facility Location.

Telecommunication facilities may be permitted as identified in subsection (4) but are subject to review and approval of the Federal Aviation Administration (FAA), State Bureau of Aeronautics and other appropriate agencies, if applicable.

(A) 1/2 mile radius from heliports
(B) 1 mile radius from private airport runway(s)
(C) 3 mile radius from public use airport runway(s)

(6) Areas Prohibiting Telecommunication Facility Location. No telecommunications facilities, except exempt facilities as defined in subsection (3) which are accessory to the principal use, shall be permitted within:

a. Historic sites and districts listed on the National Register of Historic Places

b. Natural areas and critical species habitats as identified by the United States Environmental Protection Agency (NEPA) guidelines.
c. Wetlands as identified in Wisconsin Wetland Inventory (applicants should review wetland use with the U.S. Army Corp of Engineers)
d. Floodplains
e. Zoning districts:

1. R-1, Single Family Residence District (sewered)
2. R-2, Single Family Residence District (unsewered)
3. W, Waterfront
4. S, Shoreland
5. N, Natural Resource

All maps except NEPA maps identifying the prohibitive areas are located within the Planning and Zoning Department and are available for public review and inspection.

(7) Conditional Use Application. Amendment of a prior conditional use permit or locating and constructing a telecommunications facility, including the telecommunications support facility or other supporting equipment used in connection with said telecommunications support facility shall require a conditional use permit. [Location of a colocator's telecommunications support facility may require a land use permit as set forth in subsections (3) and (14).] The Planning and Zoning Committee may issue a conditional use permit after review and a public hearing, provided that such conditional use is in accordance with the purpose and intent of this Ordinance.

(a) Submittal Information. For all telecommunications facilities, except exempt facilities as defined in subsection (3), the Planning and Zoning Department shall require the following information to accompany every application. Said information shall include, but may not be limited to:

1. Completed conditional use application and conditional use fee.

2. Original signature of applicant and owner (if the telecommunication facility is located in an easement, the beneficiaries of the easement and underlying property owner must authorize the application),

3. The identity of the carrier, provider, applicant, landowner and service provider and their legal status,

4. The name, address and telephone number of the officer, agent and/or employee responsible for the accuracy of the application,

5. A plat of survey, showing the parcel boundaries, tower, facilities, location, access, landscaping and fencing,

6. A written legal description of the site,

7. In the case of a leased site, a lease agreement, option or binding lease memorandum which shows on its face that it does not preclude the lessee from entering into leases on the site with other provider(s) and the legal description and amount of property leased. The lease shall not be structured so as to create a bar to colocation of other providers. Colocation lease terms, including rent, shall be subject to arbitration, as set forth elsewhere herein, in the event the parties are unable to reach agreement on the issue of rent or other terms.

8. A description of the telecommunications service that the applicant offers or provides, to persons, firms, businesses or institutions,

9. Federal Communications Commission (FCC) license numbers and registration numbers, if applicable,

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

11. An alternatives analysis shall be prepared by the actual applicant or on behalf of the applicant by its designated technical representative, except for exempt facilities as defined in subsection (3), subject to the review and approval of the Planning and Zoning Committee, which identifies at least three sites, technically feasible alternative locations and/or facilities which could provide the proposed telecommunication service. The intention of the alternative analysis is to present alternative strategies which could minimize the number, size, and adverse environmental impacts of facilities necessary to provide the needed services to the County. The analysis shall address the potential for colocation and the potential to locate facilities as close as possible to the intended service area. It shall also explain the rationale for selection of the proposed site in view of the relative merits of any of the feasible alternatives. Approval of the project is subject to the determination of the Planning and Zoning Committee that the site applied for is more advantageous than any available, feasible alternative site. Sites on prime agricultural land or County-approved environmental corridors shall be located to have least negative impact on agricultural use or the environmental corridor. The County may require independent verification of this analysis at the applicant's expense.

12. Plans indicating security measures (i.e. access, fencing, lighting, etc.),

13. Shall include a tabular and map inventory of all of the applicant's existing telecommunications facilities that are located within Jefferson County and including all of the existing facilities within fifteen hundred (1500) feet of the County boundary. The inventory shall specify the location, height, type, and design of each of the applicant's existing telecommunication facilities, and the ability of the tower or antenna structure to accommodate additional colocation antennas,

14. 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,

15. Proof of liability coverage,

16. Certified statement from an RF engineer showing the coverage of the proposed facility,

17. Copies of an Affidavit of Notification indicating that the airport operator and airport property owners, with the areas limiting telecommunication facility locations as identified under subsection (5), if applicable, have been notified via certified mail, and

18. Such other information as the Planning and Zoning Committee may reasonably require to complete processing the application.

(b) Colocation. All telecommunications facilities issued a conditional use permit on or after the effective date of this section and any telecommunication facility previously issued a conditional use permit requiring colocation sites shall make available unused space for colocation of other telecommunication facilities, including space for those entities providing similar, competing services. Colocation is not required if the host facility can demonstrate that the addition of the new service or facilities would impair existing service or cause the host to go offline for a significant period of time, such as would be occasioned by requiring a replacement tower or reconstruction of an existing tower to facilitate colocation. In general, it is anticipated that colocation will not result in any disruption of service. All colocated and multiple-user telecommunication facilities shall be designed to promote site sharing. Telecommunication towers and necessary appurtenances, including but not limited to parking areas, access roads, utilities shall be shared by the site users whenever possible. Space shall be reasonably available to colocators. In the event the parties are unable to reach agreement on the issue of rent, the parties shall arbitrate the dispute. Each party shall pick a representative for the arbitration panel. The two persons selected shall select a third person. The three persons chosen shall arbitrate the dispute. The parties shall split the costs of arbitration equally. The permittee shall make this arbitration provision known to any party with whom it is unable to reach agreement for colocation. The arbitrator shall consider prevailing market rates in the region, contractual provisions which are standard in the industry, or master colocation agreements on the issue subject arbitration. The arbitration provisions hereof shall be applicable to both the landowner and the telecommunications facility owner or operator when negotiating with a prospective colocator and shall be deemed a condition of any conditional use permit issued hereafter whether or not specifically set forth in said permit. Any party seeking arbitration may request arbitration from the appropriate other party after expiration of 90 days from commencement of negotiations. Arbitration shall be promptly completed. Failure to engage in arbitration as required hereunder shall constitute a violation of this section.

(c) Technical Review. The Planning and Zoning Department, upon direction of the Jefferson County Planning and Zoning Committee, shall employ on behalf of the County an independent technical expert to review materials submitted in those cases where a technical demonstration of unavoidable need or unavailability of alternatives has been determined necessary by the Committee. Applicant may provide a list of experts to the Committee. The Committee shall not be bound to employ one of the named experts. The applicant shall pay all the costs of said review. The payment to the Planning and Zoning Department shall be due upon receipt of the invoice. All invoices, fees and charges accumulated for the technical review must be paid in full prior to the issuance of the conditional use permit.

(d) Submittals Required Following the Conditional Use Approval. For each conditional use permit approved by the Jefferson County Planning and Zoning Committee the applicant shall submit the following before the conditional use permit will be issued:

1. Copies of the determination of no hazard from the Federal Aviation Administration (FAA) including any aeronautical study determination or other findings and the Wisconsin State Bureau of Aeronautics, if applicable.

2. Copies of any Environmental Assessment (EA) reports on Form 600 or Form 854 submitted to the Federal Communications Commission (FCC), if applicable.

3. Copies of any filings relating to any telecommunications facility located in the County submitted to the Federal Communications Commission (FCC) shall be submitted within 30 days of filing.

4. Application for County land use permit and applicable fee.

(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 colocation 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.

(b) Information Report Fee. Following the conditional use approval and with the initial filing of the Report, the tower owner shall submit to the Planning and Zoning Department a one time fee of $200 per tower site. The fee submittal is the responsibility of each tower owner. Failure to provide this information as required above may result in a civil forfeiture for each day elapsing until the information is received by the Jefferson County Department of Planning and Zoning.

(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) Preexisting Telecommunication Towers and Antennas.

(a) Nonconforming and conforming telecommunication towers, antennae and facilities may add, move or replace antennas, the tower and support facilities upon issuance of a land use permit. An existing telecommunication tower may be relocated or reconstructed within fifty (50) feet of its existing location to accommodate colocation subject to meeting all other sections of this Ordinance except subsection (7). Routine maintenance and repair on telecommunications facilities is permitted. See subsection (14)(2).

(b) Existing Use Review.

1. Existing Use Review for Those Towers Structurally Capable to Colocate -

Beginning July 31, 1999, within 45 days: (1) of receipt of a written request from the Jefferson County Department of Planning and Zoning; or (2) of any change in ownership or occupancy of the tower, all telecommunications tower owners operating in Jefferson County prior to the adoption of this section shall provide the information required under subsection (8) (except proof of bond and proof of insurance), of this section. By July 31, 1999 such owners shall pay a one time fee of $200 per tower site. Failure to provide this information as required above may result in a civil forfeiture for each day elapsing until the information is received by the Jefferson County Department of Planning and Zoning.

2. Existing Use Review for Those Towers Structurally Incapable for Colocation -

By July 31, 1999, within 45 days: (1) of receipt of a written request from the Jefferson County Department of Planning and Zoning; or (2) of any change in ownership or occupancy of the tower, all telecommunications tower owners operating in Jefferson County prior to the adoption of this section shall provide the information required under subsection (8) (except proof of bond and proof of insurance), and submit documents that the tower is structurally incapable of colocation. By July 31, 1999 such owners shall pay a one time fee of $200 per tower site. Failure to provide this information as required above may result in a civil forfeiture for each day elapsing until the information is received by the Jefferson County Department of Planning and Zoning.

(11) Compliance.

(a) Revocation. Grounds for revocation of the conditional use permit shall be limited to one of the following findings:

1. The owner of such site, service provider and/or tower owner fails to comply with the requirements of this Ordinance as it existed at the time of the issuance of the conditional use permit;

2. The permittee has failed to comply with the conditions imposed by the conditional use permit.

(b) Revocation Process.

1. The owner of such site, service provider and/or tower owner shall be notified by certified mail of noncompliance by the Jefferson County Planning and Zoning Department.

2. The owner shall comply with such notice within 30 days to the satisfaction of the Jefferson County Planning and Zoning Department.

3. If compliance is not obtained within 30 days, the Jefferson County Planning and Zoning Department shall notify the Jefferson County Planning and Zoning Committee of the noncompliance and request permission to proceed with the revocation process. (This time period may be extended by the Planning and Zoning Committee to adjust for seasonal limitations or other legitimate factors.)

4. The Jefferson County Planning and Zoning Department shall petition the Jefferson County Board for a public hearing before the Jefferson County Planning and Zoning Committee following publication of a Class 2 notice in the legal newspaper of Jefferson County.

5. A copy of a hearing notice shall be mailed certified to the owner of record of the telecommunications facility at least two weeks prior to the hearing date.

6. An officer of the Jefferson County Planning and Zoning Department shall appear at the hearing before the Jefferson County Planning and Zoning Committee to present the evidence of noncompliance. All other interested parties may also give testimony to the Committee.

7. In compliance with the procedures of a conditional use hearing, a written decision of the Jefferson County Planning and Zoning Committee will be made.

(c) Abandonment. Any antenna or telecommunication tower 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 or telecommunication tower shall remove said antenna or telecommunication tower 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 Administrator may order removal utilizing the established bond as provided under subsection (9) and salvage said antenna or tower and all supporting equipment and building(s). If there are two or more users of a single tower, then this provision shall not become effective until all operations of the tower cease.

2. The recipient of a conditional use permit allowing a telecommunications tower 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 telecommunication tower is no longer in operation.

(12) Structural, Design and Environmental Standards.

(a) Tower, Antenna and Facilities Requirements. All telecommunications facilities, except exempt facilities as defined in subsection (3), shall be designed to reduce the negative impact on the surrounding environment by implementing the measures set forth below:

1. All telecommunication facilities shall comply at all times with all Federal Communications Commission (FCC) rules, regulations, and standards. To that end no telecommunication facility or

combinations of facilities shall produce at any time power densities in any inhabited area that exceed the Federal Communications Commission (FCC) adopted standard for human exposure, as amended, or any more restrictive standard subsequently adopted or promulgated by the Federal government. All telecommunication tower and antenna shall meet or exceed the standards and regulations, in place at the time of the issuance of the conditional use permit, of the Federal Aviation Administration (FAA), the Wisconsin State Bureau of Aeronautics, Occupational Safety and Hazard Association (OSHA), the Federal Communications Commission (FCC) and any other agency of the State and/or Federal government with the authority to regulate towers and antennas. Determinations by the State or Federal agencies responsible for enforcing the regulations set forth above shall be binding on the applicant and County.

2. Telecommunication towers shall be constructed of metal or other nonflammable material, unless specifically permitted by the County to be otherwise,

3. All ground mounted telecommunications towers shall be self-supporting monopoles or lattice towers except where satisfactory evidence is submitted to the Planning and Zoning Committee that a guyed tower is required,

4. Satellite dish and parabolic antennas shall be situated as close to the ground as possible to reduce visual impact without compromising their functions,

5. Telecommunication support facilities (i.e., equipment rooms, utilities, and equipment enclosures) shall be constructed of nonreflective materials (visible exterior surfaces only). Telecommunication support facilities shall be no taller than fifteen feet (15') in height, measured from the original grade at the base of the facility to the top of the structure, and shall be designed to blend with existing architecture in the area or shall be screened from sight by mature landscaping as required in subsection (12)(e)1., and shall be located or designed to minimize their visibility. Telecommunication support facilities for all tower users at one telecommunications facility shall not exceed a total of 1,000 square feet of floor area.

6. Telecommunications facilities 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), American National Standards Institute (ANSI), and Electronic Industry Assoc/Telecommunication Industry Association (EITTFTIA) 222-E.3., in effect at the time of manufacture. The owner of a telecommunications facility or antenna shall submit to the Planning and Planning and Zoning Department a statement of compliance with the codes set forth herein.

   All telecommunication facilities shall also be designed and constructed so that they comply with harmonic distortion limits within electrical power systems as described in Public Service Commission rules PSC 113.0701 through PSC 113.0705 of the Wisconsin Administrative Rules. The guidelines identified to be utilized when corrective action is necessary are outlined by the Institute of Electrical and Electronics Engineers (IEEE) in the 1992 IEEE Standard 519 or as might be amended in the future. Demonstration of compliance shall be documentation from an electrical engineer or qualified electrical technician or utility, that the electrical system meets prescribed limits for harmonic distortion and/or demonstration of installation of appropriate harmonic filter equipment to bring the distortion into compliance. If the Planning and Zoning Committee determines that additional measures are necessary to verify compliance with the above provisions, they may hire an electrical expert of their choice for such verification and the tower owners or the parties responsible for the equipment shall pay a fee equal to the actual costs incurred by Jefferson County for such verification. [Amended 06/08/04, Ordinance No. 2004-03]

7. The maximum height of an antenna platform located on a roof top shall be twenty (20) feet above the roof,

8. Telecommunication facilities 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) Height. The height of a telecommunication tower shall be measured from the original grade at the base of said tower to the highest part of the tower itself. In the case of building mounted towers the height of the tower includes the height of the portion of the building on which it is mounted. In the case of "crankup" or other similar towers whose height can be adjusted, the height of the tower shall be the maximum height to which it is capable of being raised.

Towers shall be permitted to a maximum height of 200 feet, not including antennas. Unless permitted by the Committee after review, towers shall be constructed so as to accommodate a minimum of three colocation sites. Colocation sites need not be available on the tower as initially placed or constructed, provided that the tower will support at the specified maximum height later addition of at least three colocation sites. Notwithstanding the height and number of colocation sites on the tower as initially placed or constructed, the tower design approved and permitted shall be for a tower capable of extension to 200 feet in height, including the required colocation sites. The Committee may vary the above requirements if use of a monopole is a condition of the permit.

(c) Lighting. Telecommunications towers shall be lighted in accordance with rules of the Federal Aviation Administration (FAA) or other applicable regulatory authority. The Committee may require lighting of towers in areas subject to localized air traffic concerns such as crop dusting.

(d) Site Development, Roads and Parking. A leased parcel intended for the location of new telecommunications facilities and telecommunication support facilities shall be located so as to permit expansion for telecommunication support facilities to serve all potential colocators. A parcel owned by the telecommunications carrier and/or provider and intended for the location of new telecommunication facilities and telecommunications support facilities shall meet the minimum size requirement of the zoning district. All sites must be served by an easement sufficient to provide a turnaround and shall use existing access points and roads whenever possible. The access point to the site shall be approved by the Jefferson County Highway Department, State of Wisconsin Department of Transportation, or the applicable township depending on road jurisdiction.

(e) Vegetation Protection and Facility Screening:

1. Except exempt facilities as defined in subsection (3), all telecommunications facilities shall be installed in such a manner so 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.

(f) Fire Prevention. All telecommunication facilities shall be designed and operated in accordance with all applicable codes regarding fire prevention.

(g) Noise and Traffic. All telecommunication facilities shall be constructed and operated in such a manner as to minimize the amount of disruption caused to nearby properties. to that end all the following measures shall be implemented for all telecommunication facilities, except exempt facilities as defined in subsection (3):

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 shall be operated only during power outages and for testing and maintenance purposes.

(13) Separation and Setback Requirements (except exempt facilities as defined in subsection (3).

(a) Minimum Separation Between Telecommunication Towers (by tower type).

Proposed tower types:	Lattice	Guyed	Guyed Monopole 85 ft in height or greater
Lattice	2,640 ft.	2,640 ft.	2,640 ft.
Guyed	2,640 ft.	2,640 ft.	2,640 ft.
Monopole 85 ft. in height or greater	2,640 ft.	2,640 ft.	2,640 ft.

1. Notwithstanding the above separations, two (2) telecommunications towers may be permitted to be located within 100 feet of each other subject to conditional use review and approval of the Jefferson County Planning and Zoning Committee and subject to meeting the setback requirements.

2. Camouflaged towers are exempt from the separation between telecommunications towers requirement listed above.

(b) Setbacks. All setbacks shall be measured from the base of the tower or structure. Notwithstanding any other provisions of this Ordinance, the following minimum setbacks shall apply unless a greater distance is established by the Planning and Zoning Committee in a conditional use permit:

1. Setbacks from all habitable residential buildings, except buildings located on the subject parcel. All new towers shall be set back a distance at least 125% of the height of the tower.

2. Setbacks from all historic sites and districts. All new towers shall be set back a distance at least 125% of the height of the tower from historic sites and districts.

3. Set back from the road right of ways of all streets. All new towers shall be set back from all streets a minimum as defined in the Jefferson County Planning and Zoning Ordinance. Notwithstanding other provisions of the Zoning Ordinance, a tower shall be set back from all traveled portions of a street or highway a distance not less than its height, unless an engineer has provided a certified opinion that the mode of failure designed for said structure allows placement as close as one-half the height of the tower from the traveled portion of said street or highway.

4. Setbacks from property lines. All new towers shall be set back a minimum of fifty (50) feet from all property lines. (This requirement does not apply to the boundary of the leased parcel unless the leased parcel boundary is also a property line.)

5. Guy Wire Anchor Setback. All guy wire anchors shall be at least twenty-five (25) feet from all property lines.

6. So as to minimize the potential diminution of property value of neighboring properties, and recognize the economic value of a tower lease to the host property, telecommunications towers shall not be placed closer to a residence existing on April 20, 1999 on neighboring properties than the distance of the tower from the residence or principal structure on the host property. In the event the proposed tower is more than 1/4 mile from such existing residence on a neighboring property, the Committee may, in its discretion, waive the applicability of this paragraph.

7. The Committee may approve setbacks in an Industrial zone less than set forth above, except no such reduction may be allowed in a setback from a habitable residential building.

(14) Permits. A Jefferson County zoning permit is required from the Planning and Zoning Department for the location of all telecommunication facilities, except exempt facilities as defined in subsection (3) which do not specify the requirement of a land use permit. The applicant shall submit such information referred to under subsection (7)(a) as may be required by the Zoning Administrator, except the conditional use application and fee. Telecommunications facilities proposed to be colocated on facilities previously approved under this Ordinance shall be exempt from submitting information required under subsection (7)(a), but shall be required to submit a zoning permit application for review and approval if the telecommunications support facility exceeds 100 square feet in area.

(a) Permitted Uses:

1. Locating/installing an antenna that adds no more than fifty (50) feet to the height of an alternative support structure, including placement of additional buildings or other supporting equipment used in connection with said antenna subject to meeting all other sections of this Ordinance except subsection (7) shall require a land use permit.

2. A telecommunication tower which is being relocated or reconstructed to accommodate colocation may be relocated within fifty (50) feet of its existing location, with the review and approval of a zoning permit from the Planning and Zoning Department and shall be subject to meeting other sections of this Ordinance except subsection (7) and subject to meeting Federal Aviation Administration (FAA)/State Bureau of Aeronautics requirements. Routine maintenance and repair on telecommunications facilities is permitted.

11.06 <u>TRAFFIC, LOADING, PARKING, AND ACCESS</u>

(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 <u>MODIFICATIONS.</u>

(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 required to do so by law or order so as to comply with the provisions of this Ordinance.

2. Total lifetime structural repairs or alterations shall not exceed fifty (50) percent of the County's fair market value of the structure at the time of its becoming a nonconforming use unless it is permanently changed to conform to the use provisions of this Ordinance. [Amended 11/13/84, Ord. No. 84-15]

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.

(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. When a nonconforming use or structure is damaged by fire, explosion, flood, the public enemy, or other calamity, or is dismantled for the purpose of reconstruction to the extent that restoration to its original dimensions and function would exceed fifty (50) percent of its current fair market value, it shall not be restored except to comply with all applicable provisions of this Ordinance and Ordinances No. 12 and 14. [Amended 4/16/85, Ord. No. 85-4]

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, reconstructed, moved, or structurally altered in excess of fifty (50) percent of its current fair market value. Any alteration, addition, or repair to any nonconforming structure within the floodplain shall be protected by floodproofing measures pursuant to Section 11.10(g)2. [Amended 4/16/85, Ord. No. 85-4]

(d) Changes and Substitutions. Once a nonconforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure. Once the Zoning Board of Adjustment has permitted the substitution of a more restrictive nonconforming use for 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.

(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 before the effective date of amendment of this Ordinance. Such lot or parcel shall be in separate ownership from contiguous lands. [Amended 2/8/00, Ord. No. 99-28]

In any zoning district, if contiguous lands in the same zoning district and the substandard lot(s) are owned by the same owner, the substandard lot shall not be sold or used without full compliance with the provisions of this Ordinance. If, in any Residential, Waterfront or Community District, the substandard parcel does not abut other lands under the same ownership, all 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: [Amended 2/8/00, Ord. No. 99-28]

1. Lot Width - Minimum forty (40) feet (served by public sewer).

Minimum fifty (50) feet (served by private sewer).

Lot Area - Minimum 5,000 square feet (served by public sewer).

Minimum 10,000 square feet (served by private sewer).

2. Yards-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.

(f) Continuance of Use. [8/14/79, Resolution No. 85] Lawful nonconforming structures existing at the time of the adoption or amendment of this Ordinance may continue to operate at the level of operation on the effective date of passage, subject to the following:

a. The building housing the nonconforming use may be expanded 30 percent of the gross cubage in the building, excluding attic space. This expansion is permitted only once, but such expansion may take place by a series of expansions. Before permit for expansion is issued, the owner must provide a signed, dated copy of the plat plan of land ownership and plan of existing building use showing interior arrangement as it existed before any expansion is made.

One new structure may be constructed on the premise 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.

b. 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.

(g) 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:

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

11.10 <u>SHORELAND PROVISIONS</u>

(a) Applicability and Jurisdiction. [Repealed and recreated by Ordinance No. 84-15, adopted 11/13/84]

1. 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 Section 13.48(3), Wisconsin Statutes, applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when Section 30.12(4)(a), Wisconsin Statutes, applies.

2. 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. 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 "Surface Water Resources of Jefferson County" or shown on current USGS maps, dated April 26, 1984, which are hereby adopted and made a part of this ordinance. If evidence to the contrary is presented, the County Zoning Administrator shall make the initial determination whether or not the lake, pond or flowage in question is navigable under the laws of this state. The County Zoning Administrator also shall make the initial determination of the location of the ordinary high-water mark.

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. Rivers and streams in Jefferson County shall be presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey quadrangle maps, which are hereby adopted and made part of this ordinance. If evidence to the contrary is presented, the County Zoning Administrator shall make the initial determination whether or not the river or stream in question is navigable under the laws of this state. The County Zoning Administrator also shall make the initial determination of the location of the ordinary high-water mark. When questions arise, the County Zoning Administrator shall contact the appropriate district DNR office for a determination of navigability or ordinary high-water mark.

Flood Hazard Boundary maps, or Flood Insurance Study maps (or soil maps or other existing County maps used to delineate floodplain areas), which have been adopted by Jefferson County, shall be used to determine the extent of the flood plain of rivers or streams in Jefferson County.

3. Locating Shoreland - Wetland Boundaries. When an apparent discrepancy exists between the Shoreland-Wetland Inventory Maps and actual field conditions at the time the maps were adopted, the Zoning Administrator shall contact the appropriate field office of the Department to determine if the Shoreland - Wetland District as mapped is in error. If the Department staff concur with the Zoning Administrator that a particular area was incorrectly mapped as a wetland, the Zoning Administrator shall have the authority to immediately grant or deny a zoning permit in accordance with the regulations applicable to the correct zoning district. In order to correct wetland mapping errors shown on the official zoning map, the Zoning Administrator shall be responsible for initiating a shoreland-wetland map amendment within a reasonable period of time.

4. Definitions. For the purposes of Section 11.10 Shoreland Provisions certain words and phases shall be defined as follows: [Created 03/08/05, Ordinance No. 2004-38]

Agricultural practice: Beekeeping, commercial feedlots, dairying; egg production; floriculture; fish or fur farming; grazing; livestock raising; orchards; vegetable farming, poultry raising; raising of grain, grass, mint and seed crops; raising of fruits, nuts and berries; sod farming; owning land which is enrolled in the conservation reserve program under 16 USC 3831 to 3836. [Created 03/08/05, Ordinance No. 2004-38]

Boathouse: An accessory building designed for the protection or storage of boats, which shall not be used for either temporary or permanent habitation purposes. [Created 03/08/05, Ordinance No. 2004-38]

Earth-tone: Colors that harmonize with the existing shoreland and are visually inconspicuous when viewed from the water. White is acceptable. [Created 03/08/05, Ordinance No. 2004-38]

Houseboat: A water craft intended for temporary occupancy. [Created 03/08/05, Ord. No. 2004-38]

Invasive: Non-indigenous species or strains that become established in natural plant communities and wild areas, replacing native vegetation. [Created 03/08/05, Ordinance No. 2004-38]

Land Disturbance Activities: Any man-made alteration of the land surface resulting in a change in topography or non-vegetative soil cover. Land disturbing activities include, but are not limited to, filling and grading activities, grubbing of vegetation, and excavating. [Created 03/08/05, Ordinance No. 2004-38]

Lift: A mechanical device, either temporary or permanent, containing a mobile open top car, including hand or guard rails, a track upon which the open top car move, and a mechanical device, which may or may not be motorized, to provide power to the open top car. [Created 03/08/05, Ordinance No. 2004-38]

Noxious: As defined by Section 66.0407(1)(6) of the Wisconsin State Statutes. [Created 03/08/05, Ordinance No. 2004-38]

Public or Private Beach: Maintenance of a public or private beach which is the principal use of a property and which serves an established lake association, property association or subdivision association of 25 people or more on a regular basis shall be permitted in the shoreland with the issuance of a zoning permit. As part of the zoning permit review, the applicant shall demonstrate the need for maintenance, proposed type of maintenance (i.e. said fill, grading, bank restoration, etc.) and demonstrate compliance with the Jefferson County floodplain ordinance and any DNR requirements. Sec. 11.10(e) and 11.10(f) requiring shoreland restoration shall not apply to a permit issued for beach maintenance. Only existing beach area may be issued a maintenance permit and no expansion of an existing beach is permitted. [cr. 02/08/10, Ord. 2010-24]

Selective Cutting: The removal of selected trees and shrubs throughout the range of sizes at regular intervals, either singularly or in small groups but not to exceed 75% of existing trees and shrubs, leaving uniform distribution of trees and shrubs. [Created 03/08/05, Ordinance No. 2004-38]

Shoreland Buffer: A thirty-five (35) foot strip of vegetation running parallel to ordinary high water, and extending inland from the ordinary high-water mark. If slopes are less than 20%, then the shoreland buffer is measured along the land surface. [Created 03/08/05, Ordinance No. 2004-38]

Structure: Any man-made object with form, shape & utility on the ground or attached to something on the ground. Structures include, but not limited to buildings, sheds, silos, signs, carports, swimming pools, decks, patios, retaining walls and gazebos. [Created 03/08/05, Ordinance No. 2004-38]

Viewing and Access Corridor: A vegetated strip of land extending through the shoreland buffer that provides access to the waterfront and a filtered view of the water. [Created 03/08/05, Ordinance No. 2004-38]

(b) Districts. The following districts shall be permitted within the shoreland area to the extent that they are not prohibited by any other ordinance provisions. Districts are specifically described in Section 11.04(f) of this ordinance. The floodplain provisions are described in Jefferson County Floodplain Ordinance No. 14. Districts are:

1. R-1 Residential - Sewered
2. R-2 Residential - Unsewered
3. B-Business
4. I-Industrial
5. A-T Agricultural Transition [cr. 3/13/12, Ord. 2011-28]
6. A-1 Exclusive Agricultural [renumbered 3/13/12, Ord. 2011-28]
7. A-2 Agricultural and Rural Business [renumbered & am. 3/13/12, Ord. 2011-28]
8. A-3 Agricultural/Rural Residential [renumbered 3/13/12, Ord. 2011-28]
9. C-Community [renumbered 3/13/12, Ord. 2011-28]
10. W-Waterfront [renumbered 3/13/12, Ord. 2011-28]

11. S-Shoreland - Wetland (Overlay Zone) [renumbered 3/13/12, Ord. 2011-28]
12. N-Natural Resource [renumbered 3/13/12, Ord. 2011-28]
13. R/R-Residential/Recreational [renumbered 3/13/12, Ord. 2011-28]

(c) Shoreland - Wetland District. [Repealed and recreated by Ord. No. 84-15, adopted 11/13/84.)

1. Designation. This district shall include all shorelands within the jurisdiction of this Ordinance which are wetlands of two (2) acres or more on the Wisconsin Wetland Inventory Maps stamped "FINAL" on April 26, 1984, that are hereby adopted and made a part of this ordinance and are on file in the office of the Zoning Administrator for Jefferson County.

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

3. Permitted Uses. The following uses shall be allowed, subject to general shoreland-wetland zoning regulations in Section 11.10 of this ordinance, the provisions of Section 11.10(e)(5) Buffer Requirements, the provisions of Chapters 30 and 31 of the Wisconsin Statutes, and the provisions of other state and federal laws, if applicable: [Amended 03/08/05, Ordinance No. 2004-38]

a. Activities and uses which do not require the issuance of a zoning permit, but which must be carried out without filling, flooding, draining, dredging, ditching, tiling or excavating:

1) Hiking, fishing, trapping, hunting, swimming and boating;

2) The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;

3) The practice of silviculture, including the planting, thinning and harvesting of timber;

4) The pasturing of livestock and the construction and maintenance of fences;

5) The cultivation of agricultural crops;

6) The construction and maintenance of duck blinds;

7) The construction and maintenance of piers, docks and walkways, including those built on pilings.

8) The maintenance, repair, replacement and reconstruction of existing town and county highways and bridges.

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

1) Temporary water level stabilization measures, in the practice of silviculture, which are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silvacultural activities if not corrected;

2) Dike and dam construction and ditching for the purpose of growing and harvesting cranberries, and

3) Ditching, tiling, dredging, excavating or filling done to maintain or repair existing agricultural drainage systems only to the extent necessary to maintain the level of drainage required to continue the existing agricultural use.

c. Uses which are allowed upon the issuance of a zoning permit:

1) The construction and maintenance of roads which are necessary to conduct silvacultural activities or are necessary for agricultural cultivation, provided that:

a) The road cannot as a practical matter be located outside the wetland; and

b) The road is designed and constructed to minimize the adverse impact upon the natural functions of the wetland;

c) The road shall be designed and constructed as a single lane roadway with only such depth and width necessary to accommodate the machinery required to conduct agricultural and silvacultural activities;

d) Road construction activities are to be carried out in the immediate area of the roadbed only; and

e) Any filling, flooding, draining, dredging, ditching, tiling or excavating that is to be done must be necessary for the construction or maintenance of the road;

2) The construction and maintenance of nonresidential buildings used solely in conjunction with raising of waterfowl, minnows or other wetland or aquatic animals or used solely for some other purpose which is compatible with wetland preservation, if such building cannot as a practical matter be located outside the wetland, provided that:

a) Any such building does not exceed 500 square feet in floor area, and

b) No filling, flooding, draining, dredging, ditching, tiling or excavating is to be done;

3) The establishment and development of public and private parks and recreation areas, boat access sites, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game preserves and private wildlife habitat areas, provided that:

a) Any private recreation or wildlife habitat area must be used exclusively for that purpose;

b) No filling is to be done, and

c) Ditching, excavating, dredging, dike and dam construction may be done in wildlife refuges, game preserves and private wildlife habitat areas, but only for the purpose of improving wildlife habitat or to otherwise enhance wetland values.

4) The construction and maintenance of electric, gas, telephone, water and sewer transmission and distribution lines, and related facilities, by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power or water to their members, provided that:

a) The transmission and distribution lines and related facilities cannot as a practical matter be located outside the wetland; and

b) Any filling, excavating, ditching or draining that is to be done must be necessary for such construction or maintenance and must be done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the wetland.

5) The construction and maintenance of railroad lines, provided that:

a) The railroad lines cannot as a practical matter be located outside the wetland; and

b) Any filling, excavating, ditching or draining that is to be done must be necessary for such construction or maintenance and must be done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the wetland.

4. Prohibited Uses. Any use not listed in Sections 11.10(c)3.a, b, or c is prohibited unless the wetland or a portion of the wetland has been rezoned by amendment of this ordinance in accordance with Section 59.692, Wisconsin Statutes, Chapter NR115, Wisconsin Administrative Code, and Section 11.10 5.a.

5. a. Rezoning of Lands in the Shoreland-Wetland Zoning District. For all proposed text and map amendments to the Shoreland-Wetland District, the appropriate office of the Department of Natural Resources shall be provided with the following:

1) A copy of every petition for a text or map amendment to the Shoreland-Wetland District, within five (5) days of the filing of such petition with the Jefferson County Clerk;

2) Written notice of the public hearing to be held on a proposed amendment, at least ten (10) days prior to such hearing.

3) A copy of the Jefferson County Planning and Zoning Committee's findings and recommendations on each proposed amendment, within ten (10) days after the submission of those findings and recommendations to the Jefferson County Board of Supervisors, and

4) Written notice of the County Board's decision on the proposed amendment, within ten (10) days after it is issued.

b. A wetland, or 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) Areas of special recreational, scenic or scientific interest, including scarce wetland types.

c. If the Department of Natural Resources has notified the Jefferson County Planning and Zoning Committee that a proposed amendment to the Shoreland-Wetland District may have a significant adverse impact upon any of the criteria listed in Section 11.10 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 thirty (30) days have elapsed since written notice of the County Board's approval of this amendment was mailed to the Department of Natural Resources. During that 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 Section 59.97(6) of

the Wisconsin Statutes. If the Department does so notify the County Board, the effect of this amendment shall be stayed until the Section 59.97(6) adoption procedure is completed or otherwise terminated."

(d) Setbacks From Water. [Renumbered by Ord. No. 84-15, adopted 11/13/84; renumbered by Ord. No.2004-38, Amended 03/08/05]

1.**Setback.** Structures shall be setback seventy-five (75) feet from the ordinary high-water mark, out of the floodway, and elevated at least two (2) feet above the regional flood elevation except as otherwise provided the in Jefferson County Floodplain Ordinance. Boathouses, piers and boat hoists are exempt from this setback. [Amended 03/08/05, Ordinance No. 2004-38]

2. **Reduced Setbacks.** The provisions of 11.07(d)(4) shall apply. No structure utilizing this provision shall be allowed closer than thirty-five (35) feet from the ordinary high-water mark. [Amended 03/08/05, Ordinance No. 2004-38]

3. **Patio**: For the purpose of Section 11.10 Shoreland Provisions, patios are classified as a structure. They shall be setback at least seventy-five (75) feet from the ordinary high-water mark whether poured-in-place, prefabricated, patio block, brick or stone. [Created 03/08/05, Ordinance No. 2004-38]

4. **Fences**: For the purpose of Section 11.10 Shoreland Provisions, fences are classified as structures. They shall be setback at least seventy-five (75) feet from the ordinary high-water mark except for open fences used for agricultural practices. [Created 03/08/05, Ordinance No. 2004-38]

5. **Structural Erosion Control Measures**: Retaining walls shall be set back at least seventy-five (75) feet from the ordinary high-water mark of a navigable body of water. Retaining walls may be located within the required setback, if the Zoning Administrator determines that retaining walls are necessary to abate a known and identified erosion problem. If the Zoning Administrator determines that retaining walls are necessary for erosion control, the retaining walls shall be screened with vegetation and designed to be visually inconspicuous (earth tone colors) when viewed from the water. [Created 03/08/05, Ordinance No. 2004-38]

6. **Open sided and screened structures**. As required by Section 59.692(1v), Wis. Stats., the construction or placement of certain structures within the shoreland setback area shall be granted special zoning permission. An Administrative Land Use permit will be issued for the structure. Structures will be allowed if all the following conditions are met: [Created 03/08/05, Ordinance No. 2004-38]

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. [Created 03/08/05, Ordinance No. 2004-38]

b. The total floor area of all of the structures in the shoreland setback area of the property will not exceed 200 square feet. In calculating this square footage, boathouses shall be excluded. [Created 03/08/05, Ordinance No. 2004-38]

c. The structure that is subject of the request for special zoning permission has no sides or has open or screened sides. [Created 03/08/05, Ordinance No. 2004-38]

d. All Floodplain Ordinance provisions are met as defined in Section 14 of this ordinance. [Created 03/08/05, Ordinance No. 2004-38]

e. The structure shall not exceed 10 feet in height. [Created 03/08/05, Ordinance No. 2004-38]

f. The applicant must gain approval from the Zoning Administrator of a plan that establishes a vegetative shoreland buffer as per Wis. Stats. This shoreland buffer must cover at least one half of the shoreland setback area

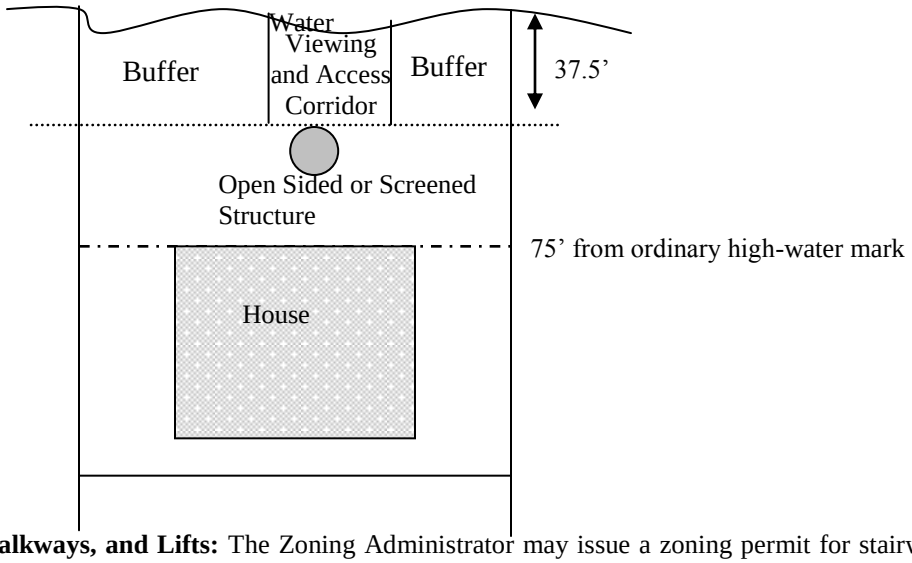
as measured from the ordinary high-water mark excluding the viewing and access corridor. For example, if the setback from the water is 75 feet, a shoreland buffer must be established 37 ½ feet from the ordinary high-water mark excluding the viewing and access corridor (see diagram A). [Created 03/08/05, Ordinance No. 2004-38]

1. The plan must be submitted and will be reviewed according to the requirements of Section 11.10 (e) (3)(b) of this ordinance and meet the United States Department of Agriculture, Natural Resources Conservation Service, Shoreland Habitat Standard and Wisconsin Biology Technical Note 1: Shoreland Habitat. The above mentioned guides can be located at http://www.dnr.state.wi.us/org/water/wm/dsfm/shore/documents/NRCSBioTechNote.pdf or the Jefferson County Planning and Zoning Department, 320 S. Main St. Rm. 201, Jefferson, WI 53549. [Created 03/08/05, Ordinance No. 2004-38]

2. The plan shall be implemented and verified by photography and/or a site inspection by the Planning and Zoning Department. [Created 03/08/05, Ordinance No. 2004-38]

3. The shoreland buffer area shall be established and maintained consistent with applicable shoreland cutting provisions of Section 11.10(e)(2). [Created 03/08/05, Ordinance No. 2004-38]

Diagram A (This illustration is only for the uses of Open Sided and Screened Structures). [Created 03/08/05, Ordinance No. 2004-38]



7. **Stairways, Walkways, and Lifts:** The Zoning Administrator may issue a zoning permit for stairways, walkways and lifts, at less than seventy-five (75) feet from the ordinary high-water mark, that are deemed necessary by the Zoning Administrator due to steep, rocky, unstable or wet sites that provides reasonable access to the water, if the following provisions and conditions are met: [Created 03/08/05, Ordinance No. 2004-38]

a. Canopies, roofs and sides are prohibited. Open railings may be provided for safety reasons. [Created 03/08/05, Ordinance No. 2004-38]

b. A maximum width of four (4) feet, measured between railings, is allowed for stairways, walkways, or lifts. Landings may not exceed forty (40) square feet in size, and have no more than one landing for every 10 feet of elevation, including a landing at the top and bottom of the stairway. (i.e. 1 landing for 10 feet of elevation, 2 landings for 20 feet of elevation, etc.) [Created 03/08/05, Ordinance No. 2004-38]

c. Only one (1) stairway or walkway is allowed on a lot except a lift may be allowed as a 2nd access only if it is directly adjacent to a stairway or walkway. [Created 03/08/05, Ordinance No. 2004-38]

d. Benches, seats, tables, attached to stairways and walkways are prohibited. [Created 03/08/05, Ordinance No. 2004-38]

e. The stairway, walkway and lift must be located within the viewing and access corridor unless such location is not feasible or it is determined by staff that locations outside the viewing and access corridor better serve the intent of this ordinance. [Created 03/08/05, Ordinance No. 2004-38]

f. 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. [Created 03/08/05, Ordinance No. 2004-38]

g. Walkways, stairways and lifts must be of natural earth tone colors so they are visually inconspicuous when viewed from the water. [Created 03/08/05, Ordinance No. 2004-38]

h. Public parks and institutions may be allowed one (1) walkway or stairway per 500 feet of linear frontage along the navigable waterway. [Created 03/08/05, Ordinance No. 2004-38]

8. **Marinas and commercial boathouses:** Marinas and commercial boathouses shall have an ordinary high-water mark setback as determined by the Committee. [Am. 03/08/05, Ordinance No. 2004-38]

9. **Boathouses**:

a. The construction or placing of a boathouse below the ordinary high-water mark of any navigable waters is prohibited. [Amended 11/13/84, Ord. No. 84-15]

b. The use of a boathouse for human habitation is prohibited. [Created 03/08/05, Ord. No. 2004-38]

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. [Created 03/08/05, Ordinance No. 2004-38]

d. A boathouse shall not exceed four hundred (400) square feet in area. [Created 03/08/05, Ordinance No. 2004-38]

e. The vertical distance measured from the mean elevation of the finished lot grade along the navigable waterway to the peak of the roof shall not exceed ten (10) feet. [Created 03/08/05, Ordinance No. 2004-38]

f. Roof slope may not be less than 2:12 (rise to run). Boathouse roofs shall not be designed or used as decks, observation platforms or for other similar uses. [Created 03/08/05, Ord. No. 2004-38]

g. A boathouse must be located within the viewing and access corridor described in Section 11.10 (e)(2)(e). [Created 03/08/05, Ordinance No. 2004-38]

h. Earth tone colors shall be required for all exterior surfaces of a boathouse. [Created 03/08/05, Ordinance No. 2004-38]

i. Must meet Floodplain Ordinance provisions as defined in Section 14 of this ordinance. Boathouses are not permitted in the floodway. [Created 03/0-9/05, Ordinance No. 2004-38]

10. **Docks and piers**: Docks and piers shall be allowed in accordance with Wisconsin Administrative Code NR 326 and any local provisions. [Amended 03/08/05, Ordinance No. 2004-38]

11. **Access Ramp to Navigable Waters**: The Zoning Administrator may issue a zoning permit if the following provisions and conditions are met: [Created 03/08/05, Ordinance No. 2004-38]

1. Public and Commercial Access Ramps to Navigable Waters.

    a. Must be located in the Waterfront zone.

    b. Proposed ramp size will be reviewed by the Committee to determine whether the size is appropriate for existing site conditions.

    c. Must meet all other applicable floodplain and wetland regulations.

    d. As part of the conditional use process, the Planning and Zoning Committee will review the proposed site plan for the ramp, including but not limited to, parking lot location, lighting, signage for the proposed use, retention areas, and any shoreland buffer restoration requirements as part of the approval process. [1. a – d created 12/12/06, Ord. No. 2006-20]

2. All Other Access Ramps to Navigable Waters. [Created 12/12/06, Ord. No. 2006-20]

    a. Only one (1) ramp is allowed per lot. [Created 03/08/05, Ordinance No. 2004-38]

    b. The area of the proposed ramp shall not exceed eight (8) feet in width or length. [Created 03/08/05, Ordinance No. 2004-38]

    c. The ramp shall be located in the viewing and access corridor. [Created 03/08/05, Ordinance No. 2004-38]

    d. The ramp shall only be constructed using vegetated turf block or just vegetation. Vegetation must be established and maintained above the ordinary high-water mark. Hard surfaced ramps are prohibited. "Hard surface" includes, but is not limited to, areas of compaction where vegetation can not grow, gravel, sand, concrete and bare soil. [Created 03/08/05, Ordinance No. 2004-38]

    e. A permit shall be obtained from the Wisconsin Department of Natural Resources and any other applicable governmental agency, if applicable. [Created 03/08/05, Ordinance No. 2004-38]

    f. Ramps installed on private property shall only be used by the riparian owner. [Created 03/08/05, Ordinance No. 2004-38]

    g. Ramps shall be designed in a manner that does not cause erosion and will minimize storm water runoff. Vegetation shall be established and maintained. [Created 03/08/05, Ordinance No. 2004-38]

    h. All land disturbed during the construction or placement of the ramp, shall be stabilized and erosion control measures must be installed and maintained. [Created 03/08/05, Ordinance No. 2004-38]

12. **Houseboats**. Houseboats on land shall not be used for human habitation. [Created 03/08/05, Ordinance No. 2004-38]

(e) Preservation of Shore Cover [Renumbered by Ord. No. 84-15, adopted 11/1/84; renumbered by Ordinance No. 2004-38, amended 03/08/05]

1. Purpose: The purpose of regulating the removal of trees, shrubbery and vegetative cover in the shoreland area is to protect aquatic and shoreland wildlife habitat, maintain and enhance scenic quality, maintain bank stability, enhance stormwater infiltration, control erosion and reduce nutrient and contaminated runoff from the shoreland areas. The primary focus of these regulations is on the shoreland buffer area. [Amended 03/08/05, Ordinance No. 2004-38]

2. Shoreland Buffer Management: The cutting or removal of trees, shrubs and ground cover and the establishment of new lawns within the shoreland buffer area extending thirty-five (35) feet inland from all points along the ordinary high-water mark shall be prohibited, except as follows: [Amended 03/08/05, Ordinance No. 2004-38]

a) Dead or diseased trees and shrubs, when removed, shall be replaced with native vegetation, or cultivars of native stock, that is equally effective in fulfilling the purpose of this section. Replacement with native vegetation shall occur within 30 days of removal. Replacement vegetation shall be maintained thereafter. [Created 03/08/05, Ordinance No. 2004-38]

b) Noxious and invasive trees, shrubs and plants may be removed provided that they are replaced with native vegetation, or cultivars of native stock, that is equally effective in fulfilling the purpose of this section. Replacement with native vegetation shall occur within 30 days of removal. Replacement vegetation shall be maintained thereafter. [Created 03/08/05, Ordinance No. 2004-38]

c) Routine pruning of trees or shrubs to improve their health and vigor, provide a filtered view of the navigable waterway or to prevent property damage is allowed. Excessive pruning that jeopardizes the health of the tree or shrub shall be prohibited. [Created 03/08/05, Ordinance No. 2004-38]

d) Landscaping and lawns that extend into the shoreland buffer area prior to the adoption of this ordinance may be maintained until such a time that shoreland buffers are required. Existing lawns and landscaping shall not be extended or expanded in the shoreland buffer area. [Created 03/08/05, Ordinance No. 2004-38]

e) Existing agricultural practices are exempt from Section 11.10 (e)(2). [Created 03/08/05, Ordinance No. 2004-38]

f) Only selective cutting of trees and shrubs is allowed in the viewing and access corridor provided: [Created 03/08/05, Ordinance No. 2004-38]

1. For lots equal to or greater than 100 feet in width at the ordinary high-water mark, the viewing and access corridor shall not exceed thirty (30) feet. [Created 03/08/05, Ordinance No. 2004-38]

2. For lots less than 100 feet in width at the ordinary high-water mark, the maximum width of the view and access corridor shall not exceed thirty (30) percent of the lot width at the ordinary high-water mark. [Created 03/08/05, Ordinance No. 2004-38]

3. Ground cover vegetation or lawn shall be preserved or established and maintained to effectively control erosion and minimize runoff. [Created 03/08/05, Ordinance No. 2004-38]

4. The viewing and access corridor shall not be designated in an area where 75% or more of the trees and shrubs exist within the shoreland buffer area. [Created 03/08/05, Ordinance No. 2004-38]

5. When the property owner applies for a Zoning and Land Use Permit on a parcel which includes land within 75 feet of the ordinary high-water mark, a separate Zoning and Land Use Permit shall identify the location of the viewing and access corridor for that property. [Created 03/08/05, Ordinance No. 2004-38]

3. Special Provisions: **a.** Greater cutting than allowed by Section 11.10(e)(2) of this ordinance may be permitted by the Planning and Zoning Committee by issuance of a conditional use permit and a zoning permit for a Special Cutting and Restoration Plan. Notice for this conditional use shall be as described in Section 11.15 (Notice requirements) of this ordinance except the 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 two hundred fifty (250) feet of the exterior boundary of the parcel for which the conditional use is requested. The Planning and Zoning Committee may grant a special cutting permit providing: [Created 03/08/05, Ordinance No. 2004-38]

1. All provisions of Section 11.05(a) are met. [Created 03/08/05, Ordinance No. 2004-38]

2. A restoration plan must be submitted and 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 fulfill the intent and purpose of Section 11.10(e) of this ordinance and must show trees, shrubs and plants. The above mentioned guides can be located at http://www.dnr.state.wi.us/org/water/wm/dsfm/shore/documents/ NRCSBioTechNote.pdf or the Jefferson County Planning and Zoning Department, 320 S. Main St. Rm. 201 Jefferson, WI 53549 (See table 1 below). [Created 03/08/05, Ordinance No. 2004-38]

Table 1 Shoreland Buffer Planting Guidelines

	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.

3. The cutting shall not cause undue sedimentation, destruction of scenic quality, will not increase sedimentation or harm water quality or cause undue destruction of fish and wildlife habitat. [Created 03/08/05, Ordinance No. 2004-38]

4. A cutting plan will be reviewed according to the practices described in the "Wisconsin Forestry Best Management Practices for Water Quality Field Manual" and "Wisconsin Best Construction Management Practices" and must fulfill the intent and purpose of Section 11.10(e) of this ordinance. [Created 03/08/05, Ordinance No. 2004-38]

5. The plan shall provide substantial shielding from the water of dwellings, accessory structures and parking areas. The Planning and Zoning Committee may condition such permit upon a guarantee of vegetation planting by the lot owner and the plan may be recorded in the Jefferson County Register of Deeds. [Created 03/08/05, Ordinance No. 2004-38]

6. A statement from the applicant of the purpose and intent of the proposed cutting outside of the viewing and access corridor and how the proposed cutting accomplishes the purpose of this section. [Created 03/08/05, Ordinance No. 2004-38]

b. The application shall include a scaled plot plan of the lot, including the following information: [Created 03/08/05, Ordinance No. 2004-38]

1. Location of all structures, including paths, stairways, existing retaining walls, decks, patios, existing vegetative cover, etc. [Created 03/08/05, Ordinance No. 2004-38]

2. Location of the viewing and access corridor. [Created 03/08/05, Ordinance No. 2004-38]

3. Location of parking. [Created 03/08/05, Ordinance No. 2004-38]

4. Location of ordinary high-water mark and any wetland areas. [Created 03/08/05, Ordinance No. 2004-38]

5. A description of the topography and slope of the property. [Created 03/08/05, Ord. No. 2004-38]

6. 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. [Created 03/08/05, Ordinance No. 2004-38]

7. Identify the vegetation to be cut and the size and type of species to be removed. [Created 03/08/05, Ordinance No. 2004-38]

8. 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. [Created 03/08/05, Ordinance No. 2004-38]

9. A scaled plot plan showing the placement, size and densities of each species to be planted within the buffer area. [Created 03/08/05, Ordinance No. 2004-38]

10. A narrative description of how the applicant intends to carry out the project including the erosion control measures that will be used during construction, including the name and phone number of the landscape architect or consultant, if applicable. [Created 03/08/05, Ordinance No. 2004-38]

11. A statement from the applicant of the purpose and intent of the proposed cutting outside of the viewing and access corridor and how the proposed cutting accomplishes the purpose of this section. [Created 03/08/05, Ordinance No. 2004-38]

4. Cutting More Than 35 Feet Inland. From the inland edge of the thirty-five (35) feet strip to the outer limits of the shoreland, the cutting of trees and shrubbery shall be allowed when accomplished using accepted forest management practices and sound soil conservation practices which protect water quality. [Renumbered 03/08/05, Ordinance No. 2004-38]

5. Shoreland Buffer Requirements. a. Shoreland buffer restoration requirements. A shoreland buffer of 35 feet from all points along the ordinary high-water mark excluding the viewing and access corridor is required when: [Created 03/08/05, Ordinance No. 2004-38]

1. An application of a zoning permit is submitted for land disturbances within 75 feet from the ordinary high water mark, as required by Section 11.10(f)(2). [Created 03/08/05, Ordinance No. 2004-38]

2. An application for a zoning permit for the construction of a new structure that will begin at a setback less than 75 feet from the ordinary high-water mark, through the setback average provision in Section 11.10(d). [Created 03/08/05, Ordinance No. 2004-38]

3. An application for a zoning permit for the construction of an addition to an existing structure, where the addition will be located closer to the ordinary high-water mark than the existing structure, through the setback average provision in Section 11.10(d). [Created 03/08/05, Ordinance No. 2004-38]

4. An application for a zoning permit for the structural repairs, additions or alterations to an existing structure that is setback less than 75 feet from the ordinary high-water mark, when the total lifetime structural repairs or alteration shall exceed fifty (50) percent of the equalized assessed value of the structure. [Created 03/08/05, Ordinance No. 2004-38]

5. An application for a zoning permit for the construction of a new boathouse under section 11.10(d) is submitted. [Created 03/08/05, Ordinance No. 2004-38]

6. When buffers are required, existing non-conforming accessory structures such as storage sheds, gazebos, decks, patios, retaining walls not needed for erosion control, multi-stairways & walkways and other structures that do not comply with this ordinance, excluding existing boathouses, must be removed as part of shoreland buffer restoration. [Created 03/08/05, Ordinance No. 2004-38]

b. Restoration Plan Required: [Created 03/08/05, Ordinance No. 2004-38]

1. Prior to the issuance of a zoning permit as listed in Section 11.10 (e)(5)(a), an applicant is required to restore the shoreland buffer and shall submit a restoration plan to the Zoning Administrator for review and approval. The plan shall include a sketch of the lot showing the dimensions and the location of the required buffer area and the proposed location of the view and access corridor. A plan for the restoration of the shoreland buffer shall also include: [Created 03/08/05, Ordinance No. 2004-38]

a) Location of all structure, including paths, stairways, existing retaining walls, decks, patios, existing vegetative cover, etc. [Created 03/08/05, Ordinance No. 2004-38]

b) Location of the viewing and access corridor. [Created 03/08/05, Ordinance No. 2004-38]

c) Location of parking. [Created 03/08/05, Ordinance No. 2004-38]

d) Location of ordinary high-water mark and any wetland areas. [Created 03/08/05, Ordinance No. 2004-38]

e) A description of the topography and estimated slope of the property. [Created 03/08/05, Ordinance No. 2004-38]

f) 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 photographs and/or a site inspection of the property. [Created 03/08/05, Ordinance No. 2004-38]

g) Identify the vegetation to be cut and the size and type of species to be removed. [Created 03/08/05, Ordinance No. 2004-38]

h) 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. [Created 03/08/05, Ordinance 2004-38]

i) A scaled plot plan showing the placement, size and densities of each species to be planted within the buffer area. [Created 03/08/05, Ordinance No. 2004-38]

j) 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. [Created 03/08/05, Ordinance No. 2004-38]

k) 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 fulfill the intent and purpose of Section 11.10(e) of this ordinance. The above mentioned guides can be located at http://www.dnr.state.wi.us/org/water/wm/dsfm/shore/documents/NRCSBioTechNote.pdf or the Jefferson County Planning and Zoning Department, 320 S. Main St. Rm. 201, Jefferson, WI 53549 (See Table 1 below). [Created 03/08/05, Ordinance No. 2004-38]

Table 1 Shoreland Buffer Planting Guidelines

	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.

2. 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. [Created 03/08/05, Ordinance No. 2004-38]

3. Subsequent Development. Subsequent zoning permit applications may require additional mitigation. [Created 03/08/05, Ordinance No. 2004-38]

4. Recording: The shoreland buffer shall be recorded in the Jefferson County Register of Deeds office. [Created 03/08/05, Ordinance No. 2004-38]

(f) Filling, Grading, Lagooning, Dredging, Ditching and Excavating. [Renumbered and amended by Ord. 84-15, adopted 11/13/84]

1. Only filling, grading, lagooning, dredging, ditching or excavating that in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat and complies with Section 11.10(e) of this ordinance, may be permitted in the shoreland area. Filling, grading, lagooning, dredging, ditching or excavating in a Shoreland - Wetland District may be permitted only if the requirements of Sections 11.10(c)3.b and c of this Ordinance are met. A state or federal permit may be required in addition to a permit under this Ordinance, if state or federal laws are applicable to the filling, grading, lagooning, dredging, ditching or excavating that is proposed. [am. by Ord. No. 84-15, adopted 11/13/84; 03/08/05, Ordinance No. 2004-38]

2. A Zoning permit shall be required: [Amended by Ord. No. 84-15, adopted 11/13/84]

a. For any filling, grading or excavating in the shoreland area which is within five hundred (500) feet horizontal distance of the ordinary high-water mark of a navigable water, and not located in a Shoreland - Wetland District, and which has surface drainage toward the water and on which there is:

1) Filling of more than five hundred (500) square feet of any wetland which is contiguous to the water.

2) Filling, grading or excavating on all slopes of twenty (20) percent or more. [Amended by Ord. No. 84-15, adopted 11/13/84]

3) Filling, grading or excavating of more than 1000 square feet on slopes of 12 - 20 percent. [Amended by Ord. No. 84-15, adopted 11/1/84]

4) Filling, grading or excavating of more than 2000 square feet on slopes of twelve (12) percent or less. [Amended by Ord. No. 84-15, adopted 11/13/84]

5) Filling, grading, excavating or land disturbing activities of more than two hundred and fifty (250) square feet within the shoreland buffer. [Created 03/08/05, Ordinance No. 2004-38]

b. In addition, a permit shall be obtained from the Department of Natural Resources where more than 10,000 square feet of the bank of a navigable body of water is exposed by grading as provided in Section 30.19, Wisconsin Statutes. Section 11.10(f)2 does not apply to soil conservation practices such as terraces, runoff diversions and grassed waterways which are used for sediment retardation. [Amended by Ord. No. 84-15, adopted 11/13/84]

3. Lagooning or Dredging. A Zoning permit shall be required before construction, dredging, or commencing work on any artificial waterway, canal, ditch, lagoon, pond, lake, or similar waterway in the shoreland area which is within five hundred (500) feet of the high-water mark of a navigable body of water or where the purpose is the ultimate

connection with a navigable body of water. This requirement does not apply to soil conservation practices, such as terraces, runoff diversions and grassed waterways which are used for sediment retardation. In addition, a permit shall be obtained from the Department of Natural Resources or any other state agency having jurisdiction under the provisions of Section 30.19, Wisconsin Statutes. The Zoning Administrator shall evaluate each application according to the standards set forth in Section 11.10(f)4 of this ordinance and may request the Jefferson County Land Conservation Committee to make available expert assistance from those state and federal agencies which are assisting said Committee under a memorandum of understanding. [Amended by Ord. No. 84-15, adopted 11/13/84]

4. Conditions for Approval. In granting a Zoning permit for filling, grading, lagooning, dredging, ditching and excavating within the shoreland area but outside the Shoreland - Wetland District the Zoning Administrator may attach the following conditions:

a. The smallest amount of bare ground be exposed for as short a time as feasible.

b. Temporary ground cover such as mulch shall be used and permanent cover such as sod be planted, except within seventy-five (75) feet of the ordinary high-water mark, Section 11.10(e) provisions apply. [Amended 03/08/05, Ordinance No. 2004-38]

c. Diversions, silting basins, terraces and other methods that trap sediment be used.

d. Lagooning be conducted in such a manner as to avoid creation of fish trap conditions.

e. Fill is stabilized according to accepted engineering standards.

f. Fill will not restrict a floodway or destroy the storage capacity of a floodplain.

g. Sides of a channel or artificial watercourse be stabilized to prevent slumping.

h. Sides of channels or artificial watercourses be constructed with side slopes of two (2) units horizontal distance to one (1) unit vertical or flatter, unless bulkheads or riprap are provided.

(g) Special Provisions. [Renumbered by Ord. No. 84-15, adopted 11/13/84]

1. Upon consideration of all the factors, the Zoning Administrator may attach such conditions, in addition to those required elsewhere in this ordinance, that he deems necessary in furthering the purposes of this ordinance. Violation of any of these conditions shall be deemed a violation of this ordinance. Such conditions may include specifications for, without limitation because of specific enumeration: type of shore cover, increased setbacks and yards; specified sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational control; sureties; deed restrictions; locations of piers, docks, parking and signs; type of construction or any other requirements necessary to fulfill the purpose and intent of this ordinance. [Amended by Ord. No. 84-15, adopted 11/13/84]

The Zoning Administrator, in evaluating each application, may request the Jefferson County Land Conservation Committee to make available expert assistance from those state and federal agencies which are assisting said Committee under a memorandum of understanding and any other state or federal agency which can provide technical assistance.

2. Variances shall not permit a lower degree of flood protection than a point two (2) feet above the regional flood for the particular area, or contrary to state law or code.

(h) Department of Natural Resources Notification. [Amended by Ord. No. 84-15, adopted 11/13/84]

1. Written notice shall be given to the appropriate district office of the Department of Natural Resources at least ten (10) days prior to hearing on proposed shoreland variances, conditional uses, appeals for map or text interpretations, and map or text amendments.

2. Copies of decisions on shoreland variances, conditional uses, Zoning permits, appeals for map or text interpretations, and map or text amendment, as well as those Zoning permits specifically identified with the shoreland provisions, shall be submitted to the appropriate district office of the Department of Natural Resources within ten (10) days after they are granted or denied.

11.11 <u>ADMINISTRATION AND ENFORCEMENT</u>. [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. Office of the Zoning Administrator: The office of the Zoning Administrator is an administrative department of the County government, created by the Board of Supervisors. The office is headed by a Zoning Administrator appointed by the County Board of Supervisors on recommendation of the Planning and Zoning Committee. The office shall also consist of such other personnel as shall be provided for the office. In addition to duties and responsibilities specified elsewhere in this Ordinance, the Zoning Administrator shall be responsible for directing the work of the office, for making periodic reports as required on the activities of the office, and for training and educational activities to assure that persons connected with the program are able to keep abreast of developments in the field of County land use ordinances.

(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.

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 who shall be appointed for staggered three-year terms, commencing on July 1, by the Chair of the County Board. 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.

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 Meeting 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.

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.

b. Time for appeals: An appeal shall be commenced from the granting of a conditional use permit or issuance of a zoning permit within 30 days of the date of publication of such action pursuant to Sec. 11.15. An appeal from the denial of a permit or other decision or interpretation shall be commenced within 30 days after the making of the decision, interpretation, or permit denial being appealed.

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.

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 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 development for which approval is sought. Two avenues of relief can be pursued in such a case. One is for the applicant to seek an amendment to the ordinance. The second possible avenue of relief, one that is available only under strictly defined circumstances, is to seek a variance. Variances are an available form of relief only where the use in question is allowed in the zoning district, but the dimensional standards (setbacks, minimum lot area, building height, etc.) block or hinder the desired form of development. Where dimensional standards create a hardship which can be relieved by modifying the standards for that parcel of land without destroying the basic intent of the ordinance, a variance is the appropriate means of granting the relief. The variance procedure allows the impact of general rules to be varied in response to unusual local circumstances without involving the County Board in amendment procedures for such localized situation.

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. The Administrator shall transmit the application to the Board.

3. Board Review and Decision: Following a public hearing and other investigations, the Board shall decide the matter based upon the following standards:

a. No variance may be granted which would have the effect of allowing in any district a use not permitted in that district.

b. 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.

c. 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.

4. Conditions: Conditions shall be attached in writing to all approved variances where such conditions will achieve compliance with the standards of this ordinance.

11.12 AMENDMENTS.

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 FEES.

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 PERFORMANCE STANDARDS.

(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 03/13/2012; Fee Schedule effective 1/1/2012

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 (continuedd)

	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

JEFFERSON COUNTY ZONING FEE SCHEDULE

2012 ZONING AND LAND USE PERMIT FEE SCHEDULE
COUNTY BOARD APPROVAL 11/15/11
IMPLEMENTED 1/1/12

AGRICULTURAL STRUCTURES <1,000 sq.ft.	$ 30.00
≥1,000 sq.ft.	$ 50.00
RESIDENTIAL STRUCTURES	
▪ SINGLE FAMILY HOME	$ 550.00
▪ DUPLEX & MULTI-FAMILY	$350/UNIT
▪ GARAGE ATTACHED TO PROPOSED NEW DWELLING - PER STRUCTURE	$50 ADD'TL
▪ 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	$ 100.00

AGRI-BUSINESS	
▪ PRINCIPAL STRUCTURE	$ 300.00
▪ ADDITIONS	$ 150.00
▪ ACCESSORY STRUCTURES	$ 100.00
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
REVISION FEE/ZONING & LAND USE PERMITS	**$50.00**
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
ADMINISTRATIVE FEE FOR A-1 REZONING	$100.00
FARMLAND CERTIFICATES	
▪ CERTIFICATE PROCESSING	$ 20.00
▪ COPY OF DUPLICATE CERTIFICATE	$ 2.00
PROCESS PARCEL LIST FPP AGREEMENT	$20.00
PROCESS PARCEL LIST FOR FC-A	$20.00

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 FEES
▪ 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		

Recording fees for maintenance agreements as per Register of Deeds: $25 flat fee
(or as may be adjusted by the Register of Deeds)

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***
Checks for Recording of Agreements Made Payable to: ***Register of Deeds***

NOTE: Any additional fee increases prescribed by the State of Wisconsin shall be added to the fees prescribed above.

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PETITION FEES FOR PUBLIC HEARING

CONDITIONAL USE & VARIANCE PETITION FEES	$ 250.00
REZONING PETITION FEE	$300.00
ADMINISTRATIVE 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	$ 30.00
Disc Format (Includes Shipping)	$ 10.00
JEFFERSON COUNTY ORDINANCE	$ 15.00

NOTE: A $3 fee will be charged if mailed

LAND RECORDS INTER-DEPARTMENT FEE SCHEDULE APPROVED BY COUNTY BOARD 1/1/08

MAP PLOTS	8 1/2"X11"	BLACK & WHITE	$ 2.50
	8 1/2"X11"	COLOR	$ 3.75
	11"X17"	BLACK & WHITE OR COLOR	$ 5.00
	18" X 24"	BLACK & WHITE OR COLOR	$ 6.25
	24" X 36"	BLACK & WHITE OR COLOR	$ 12.50
	36" X 36"	BLACK & WHITE OR COLOR	$ 18.50
	36" X 42"	BLACK & WHITE OR COLOR	$ 22.50
DIGITAL FILE LAYERS	36 sq. mi. Township (Shape File Format)		$ 20.00
DIGITAL FILE PKG	Township Digital Map Layers: Ownership, Zoning, Soils Survey, Land Use, 10 Contours, Public Land Survey, Farm Fields & Tracts, Roads & Addresses, 1996 Ortho Photography, Municipal Boundaries, Flood Plain		$125.00

CUSTOM MAP DEVELOPMENT OR FILING PROCESSING $50 per hour

Special materials such as high gloss paper, compact disks, etc. will be charged at the current cost to the county.
Note: All sales include sales tax where applicable.

FLOODPLAIN MAPS - FEMA FIRM PANEL PRINTING

FULL SIZE (25" x 36")	BLACK & WHITE	$3.75
	COLOR	$12.50

NOTE: Full size color FIRM panels take about 15 to 20 minutes to print; black & white take about 5 minutes to print

OTHER OPTIONS:

Purchase your own full size panels from the FEMA Map Service Center online for $4 (www.fema.gov)
Create your own, smaller firmette for free (www.fema.gov)
Request a firmette from the Land Information or Zoning Offices for $3.75

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 $.30 PER PAGE WILL BE CHARGED PER COUNTY BOARD RESOLUTION

Jefferson County Planning and Zoning Department
320 S. Main St., Jefferson, WI 53549
Phone 920-674-7130; FAX 920-674-7525
www.jeffersoncountywi.gov

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