Florence County

Zoning Ordinance

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COUNTY ZONING AND RECYCLING DEPARTMENT

Kelly Sleeter, Zoning Administrator, Solid Waste Coordinator
Jessie Lindeman, Assistant Zoning Administrator

CHAPTER 10, SUBCHAPTER 1: ZONING ORDINANCE
CODE OF ORDINANCES
OF THE
COUNTY OF FLORENCE, WISCONSIN

Comprehensively Revised: 2024-ZA- April 16, 2024 and amended on the following dates:

Official Zoning Map is Located on file with the Florence County Zoning and Planning Administrator

CHAPTER 10, SUBCHAPTER 1
FLORENCE COUNTY ZONING ORDINANCE

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CHAPTER 10 - SUBCHAPTER 1 ZONING ORDINANCE

The County Board of Florence County, Wisconsin does ordain as follows:

1.0 INTERPRETATION AND PURPOSE

1.1 AUTHORITY

These regulations are adopted under the authority granted by Wis. Stats. § 59.69, 59.694, 91.30 and all other applicable provisions of the Wisconsin Statutes.

1.2 SHORT TITLE

This Ordinance may be known as and may be cited as *The Florence County Zoning Ordinance*.

1.3 PURPOSE AND INTENT

This Ordinance is adopted in order to promote and protect public health, safety, comfort, convenience, prosperity, aesthetics and other aspects of the general welfare; and, more specifically, to fix reasonable standards to which buildings and structures shall conform, to regulate and restrict lot coverage and population density, to conserve the value of land and buildings in all of the unincorporated areas of the county, to guide the proper distribution and location of various land uses, to promote the safety and efficiency of the streets and highways to provide for adequate light, air, sanitation and drainage, to conserve natural resources, to provide safety from fire and other hazards, to implement the county's development plan or plan components, to define the powers and duties to the administrative bodies as provided hereinafter, and to prescribe penalties for the violation of the provisions of this Ordinance or any amendment thereto.

1.4 ABROGATION AND GREATER RESTRICTION

It is not intended by this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, codes, 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.

1.5 GENERAL INTERPRETATIONS

The following rules of construction apply to this Ordinance:

The particular shall control the general; in case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control; the word "shall" is always mandatory whereas the word "may" is permissive; words used in the present tense shall include the future, and words used with singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary; "building" or "structure" includes any part thereof; the phrase "used for" includes "arranged for"; the word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity; unless the context clearly indicates the contrary; where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", "or", either...or". the conjunction shall be interpreted as follows: "and" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination; either...or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination; all measured distances shall be to the nearest integral foot, if a fraction is one-half foot or more, the integral foot next above shall be taken; the masculine gender includes the feminine and neuter.

1.6 CONFLICT

All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

1.7 COURT INVALIDATION

If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the reminder of this Ordinance shall not be affected thereby.

If any application of this Ordinance to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land or water not specifically included in such judgment.

1.8 FORCE AND EFFECT

1.8.1 APPLICABILITY

This Ordinance shall affect the unincorporated areas of Florence County, or applicable portions thereof, as provided in Section 1.8.2.

1.8.2 EFFECT

Upon enactment by the Florence County Board of Supervisors, this Ordinance shall go into full force and effect as follows:

A. Within any town this Ordinance shall go into effect upon approval by the applicable town board and upon filing with the Florence County Clerk by the applicable town clerk a certified copy of an approving resolution attached to one copy of this Ordinance, as provided in Section 59.69(5)(c) of the Wisconsin Statutes. The Ordinance shall become effective in the town as of the date of filing, which filing shall be recorded by the county clerk in the clerk's office, reported to the town board and the county board, and printed in the proceedings of the county board.

B. The Florence County Zoning Ordinance of April 6th 1968, as amended, shall remain in effect in the towns of Aurora, Commonwealth, Fence, Florence, Homestead, and Tipler until this Ordinance is approved by the applicable town board(s), or for a period of one year from the day following its enactment by the Florence County Board of Supervisors, whichever period is shorter. Pursuant to Section 59.69(5)(d) of the Wisconsin Statutes, if a town board of the aforesaid towns does not approve this Ordinance by the end of the one year period, neither this Ordinance nor the Florence County Zoning Ordinance of 1968, as amended, shall be in effect in that town.

1.9 COMMENTARY

Throughout this Ordinance, insertions prefaced "Commentary:" are included. They are intended to give information or to explain certain provisions in this Ordinance. They are not by themselves regulatory provisions and shall not be used thusly.

1.10 HEADINGS

Headings are used throughout this Ordinance to assist users of this Ordinance. If a heading should conflict with the text in interpreting this Ordinance, the text shall control.

2.0 GENERAL PROVISIONS

2.1 COMPLIANCE

Except as may be otherwise specifically provided, the use, size, height, and location of buildings now existing or hereafter erected, converted, enlarged or structurally altered, the provisions of open spaces, and the use of land, shall be in compliance with the regulations established herein for the District in which such land or building is located.

Unless specifically exempt by law all cities, villages, towns, and counties are required to comply with this Ordinance and obtain all required permits. State agencies are required to comply if Section 13.48 (13) of the Wisconsin Statutes applies. The construction, maintenance, and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt from compliance when Section 30.2022 of the Wisconsin Statutes applies.

2.1.1 EXCEPTIONS

A. The following uses are exempted by this Ordinance and permitted in any zoning District: Poles, , wires, cables, conduits, vaults, laterals, pipe, mains valves or any other similar distributing equipment for telephone or other communications and electric power, gas water and sewer lines, except as regulated elsewhere in this Ordinance.

B. The provisions regarding filling, grading, tree cutting and work in respect to waterways shall not apply to the construction and repair of public roads, flood control structures, or conservation practices such as terracing, installation of diversions, grass waterways, subsurface drainage, non-navigable drainage ditches, stream stabilization by riprapping or vegetative cover, ponds used for agriculture purposes, or docks accessory to private dwelling.

C. Accommodations for disabled persons. Where strict interpretation of this ordinance would effectively deny disabled persons equal housing opportunity, and where the property does not meet the criteria for a variance under Section 13.5 of this ordinance, the Planning and Zoning Committee may grant a Land Use Permit to provide reasonable accommodations required by the Federal Americans with Disabilities Act, the Federal Fair Housing Act or the Wisconsin Fair Housing Act. The permit shall be subject to the following conditions:

1. Only the minimum relaxation of dimensional standards needed to provide reasonable accommodation shall be approved.

2. No use, structure or other relaxation of standards shall be approved that would violate or undermine the stated purposes of this ordinance.

3. The improvement authorized by this provision shall be removed when the premises are no longer occupied or frequented by a disabled person.

2.2 PERMITS

2.2.1 PURPOSE OF PERMITS: The primary purpose of issuing zoning permits is to insure compliance with provisions of the Ordinance.

2.2.2 LAND USE AND ZONING PERMIT: No structure shall be built, moved or structurally altered, until a land use permit has been issued by the Zoning and Planning Administrator.

2.2.3 CONDITIONAL USE PERMIT: When the use being applied for is listed as a "conditional use" the Zoning and Planning Administrator shall issue a conditional use permit in lieu of the land use permit. This permit shall be issued only after approval from the Planning and Zoning Committee, after a public hearing and after provisions of the conditional use section of the Ordinance have been complied with. The Planning and Zoning Committee may attach certain conditions that shall be met as a condition of approving the permit.

2.2.4 SIGN PERMIT REQUIRED: A sign permit is required before any new sign is erected, painted, installed, located or otherwise placed, as provided in this Ordinance.

2.2.5 CERTIFICATE OF COMPLIANCE: The certificate verifies that a land-use complies with the regulations and conditions specified on the original land use or conditional use permit.

2.2.6 AFTER THE FACT PERMITS: An additional fee of 3x the original permit fee shall be charged by the Zoning and Planning Administrator if physical work has been done or an activity commenced prior to obtaining a permit. This shall include the following examples and any similar activities; excavation of any type, placement of footings of forms, grading, land clearing, building a structure, installing a sewer, constructing a well, drainage system installation, operating a licensed business, etc. It shall not include surveying, soil testing, or other work done to evaluate the site for a proposed activity. Such fee shall not release the applicant from full compliance with this Ordinance nor from prosecution for violation of this Ordinance. Private sewage system permits issued are after-the-fact if any portion of the system started without a permit is used in the subsequently legally permitted system. If no portion of the system begun or modified without a permit is allowed when the permit is issued, it will not be an after-the-fact permit.

2.2.7 PERMIT FOR WORK IN RESPECT TO WATERWAYS STATE PERMIT REQUIRED: In the event, a state permit is required for work in respect to a waterway as defined in Section 17.0 of this Ordinance, the applicant shall file an application for a zoning permit within ten days after filing an application for a state permit.

2.2.8 MINING PERMIT: No person or entity may commence construction of a Mining Site or Mining Operation, as defined in this Chapter and in Chapter 20, in the County except in conformance with a valid Mining Permit issued by the County pursuant to Chapter 20. The Mining Permit shall be issued as a result of a Conditional Use Permit pursuant to Section 1.10 and 1.14 of Chapter 20, or as a result of the approval and adoption of a Local Agreement pursuant Section 1.15 of Chapter 20.

2.2.9 EXPLORATION LICENSE, PROSPECTING PERMIT, and BULK SAMPLING LICENSE: No person or entity may engage in Exploration, Prospecting, or Bulk Sampling, as defined in this Ordinance and in Chapter 20, without obtaining proper license or permit pursuant to Chapter 20.

2.3 APPLICATION PROCEDURE

2.3.1 An application for a land use or conditional use permit shall be submitted to the County Zoning and Planning Administrator on forms furnished by the Florence County Planning and Zoning Department and shall include the following information.

A. Name and address of the property owner.

B. Signature of the property owner or agent.

C. Tax parcel number, deed, legal description or other identifier of the subject property.

D. Statement concerning the proposed structure or use of the site.

E. An accurate site plan, drawn at a scale which produces a clearly legible drawing, showing the following:

1. Boundaries, dimensions, and area of the subject site.

2. The spatial relationship of the subject site to abutting public roads and rights-of-way, private roads, easements, and navigable waters.

3. The location and dimensions of any existing or proposed structures or additions and their relationship to abutting public roads and rights-of-way, private roads, property lines, existing and proposed wells and sanitary waste disposal systems, and the ordinary high water mark of navigable waters.

4. Location of proposed or existing road access points, parking and loading areas, and driveways.

5. The number of families to be accommodated, or the number of persons that would normally occupy the building or structure.

F. Building plans including all floor plans and at least 2 elevation views.

G. Additional information as may be required by the County Zoning and Planning Administrator in order to determine the full compliance with the requirements of this Ordinance.

H. Water supply and sewage disposal. Satisfactory evidence that a safe and adequate supply of water and approved sewage disposal facilities will be provided, in accordance with the requirements of the Florence County Sanitary Ordinance, shall be submitted.

I. The County Zoning and Planning Administrator or the County Planning and Zoning Committee may require a site plan per Section 10.0 to be submitted with the application.

2.3.2 FEE. All permit applications shall be accompanied by a fee established by the Florence County Board of Supervisors.

2.3.3 No application shall be accepted by the County Zoning and Planning Administrator until complete as judged by the County Zoning and Planning Administrator and until all fees established by Florence County Board have been paid in full.

2.3.4 EXPIRATION:

A. If within twelve months of the date of issuance of a land use or conditional use permit the proposed construction or preparation of land for use has not commenced, said permit shall expire, except that the Zoning and Planning Administrator may grant an extension of such permit for a period not to exceed twelve months upon the showing of valid cause.

B. No habitation shall be permitted in the basement of an incomplete dwelling in excess of one year. Two years shall be the maximum time for completion of a dwelling.

2.4 USE REGULATIONS

2.4.1 USES RESTRICTED: In any District no building or land shall be used and no building shall be hereafter erected, structurally altered or relocated except for one or more of the uses as hereinafter stated for that District and in compliance with the regulations hereinafter established for that District.

2.4.2 ACCESSORY USES: In any District accessory buildings and uses customarily incident to the permitted uses in that District shall be permitted subject to such requirements as may be hereinafter designated for that District in which they are located.

2.4.3 TEMPORARY USES: 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 Board of Zoning Adjustment.

2.4.4 UNCLASSIFIED USES: In case of question as to the classification of a use, the question shall be submitted to the Planning and Zoning Committee for determination.

2.5 SITE RESTRICTIONS

No land shall be used or structure erected where the land is unsuitable for such use or structure by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low 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 this County. The Zoning and Planning Administrator, in applying the provisions of this Section, shall in writing recite the particular facts upon which he or she bases his or her conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he or she so desires. Thereafter the County Planning and Zoning Committee may affirm, modify, or withdraw the determination of unsuitability. In addition:

2.5.1 PUBLIC ACCESS. No zoning permit shall be issued for construction of a building used for human habitation unless the main body of the lot upon which the building or structure is to be erected fronts on a public street for a distance of at least 30 feet.

2.5.2 ACCESS STRUCTURES. Each structure used for human habitation shall have access to a public or private street or driveway that allows access for fire protection, emergency service vehicles and utility service vehicles. Any such private road shall have a minimum width of 15 feet and be described by plat, survey, deed, or similar document and recorded in the Florence County Register of Deeds Office.

2.5.3 ALL PRINCIPAL STRUCTURES shall be located on a lot; and only one (1) principal structure shall be located, erected, or moved onto a lot in single-family and two-family residential Districts. The County Planning and Zoning Committee may permit more than one (1) structure per lot in other Districts where more than one (1) structure is needed for the orderly development of the parcel. Where additional structures are permitted, the County Planning and Zoning Committee may impose additional yard requirements, landscaping requirements, or parking requirements, or require a minimum separation distance between principal structures.

2.5.4 NO BUILDING 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.

2.5.5 LOTS ABUTTING MORE RESTRICTIVE District boundaries shall provide side and rear yards not less than those required in the more restrictive abutting District. The street yards on the less restrictive District shall be modified for a distance of not more than 60 feet from the District boundary line so as to equal the average of the street yards required in both Districts.

2.6 SETBACK FROM HIGHWAYS

2.6.1 CLASSIFICATION OF HIGHWAYS

A. All state and federal highways in the county are hereby designated Class A highways.

B. All county trunk highways not designated Class A are hereby designated Class B.

C. All other roads in the county are hereby designated Class C highways.

2.6.2 HIGHWAY SETBACKS

A. Class A highway setback shall be 110 feet from the centerline of the highway or 50 feet from the right-of-way line, whichever is greater.

B. Class B highway setback shall be 75 feet from the centerline of the highway or 42 feet from the right-of-way line, whichever is greater.

C. Class C highway setback shall be 63 feet from the centerline of the highway or 30 feet from the right-of-way line, whichever is greater.

2.7 FLORENCE COUNTY SHORELAND AND WETLAND ZONING ORDINANCE

Florence County has adopted a *Shoreland and Wetland Zoning Ordinance* and a *Floodplain Zoning Ordinance* as required by the Wisconsin Statutes. In situations where the regulations of the *Florence County Zoning Ordinance* and the *Shoreland and Wetland Zoning Ordinance* or the *Floodplain Zoning Ordinance* conflict, the more restrictive regulation shall apply, except where specifically stated otherwise in this Ordinance.

2.7.1 SETBACK FROM NAVIGABLE WATER AND WETLANDS

The setback from all navigable waters and Wetlands shall be as required in the *Shoreland and Wetland Zoning Ordinance for Florence County, Wisconsin*.

2.7.2 MINIMUM LOT SIZE AND WIDTH FOR LOTS ABUTTING NAVIGABLE WATER

The minimum lot size and width for properties abutting navigable water shall be as required in the *Shoreland and Wetland Ordinance for Florence County, Wisconsin*.

2.7.3 SIDEYARD SETBACKS FOR LOTS ABUTTING NAVIGABLE WATERS

The minimum side yard setbacks shall be as required in the *Shoreland and Wetland Ordinance for Florence County, Wisconsin*.

(Commentary: The *Shoreland and Wetland Zoning Ordinance* allows for a lesser setback than Zoning Ordinance.)

2.8 AREA REGULATIONS

2.8.1 LOT REDUCTION: After adoption of this Ordinance, no lot area shall be so reduced that the dimensional and yard requirements required by this Ordinance cannot be met.

2.8.2 EXISTING LOT USE: Lots that were lawfully existing and of record prior to adoption of this Ordinance, but of substandard size, may be devoted to uses permitted in the District in which located except where specified within jurisdiction of shoreline provisions.

2.8.3 LOT DIVISIONS: No improved lot shall hereafter be divided into two or more lots and no portion of any improved lot shall be sold unless all improved lots resulting from each such division or sale shall conform with all the applicable regulations of the District in which the property is located.

2.8.4 YARD AND OPEN SPACE REGULATIONS: All yards and other open spaces allocated to a building (or group of buildings comprising one principal use) shall be located on the same lot as such building. The maintenance of yards and other open space and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the property on which it is located, as long as the building is in existence. Furthermore, no legally required yards, other open space or minimum lot area allocated to any building shall, by virtue of change of ownership or for any other reason, be used to satisfy yard, other open space, or minimum lot area requirements for any other building.

2.8.5 REQUIRED LOT GROUPING: If two or more substandard lots with continuous frontage have the same ownership as of the effective date of this Ordinance, the lots involved shall be considered to be an individual parcel for the purpose of this Ordinance.

2.9 PERMIT FEES

2.9.1 All persons, firms, or corporations performing work, which by this Ordinance requires the issuance of a permit, shall pay a fee for such permit to the County Clerk to help defray the cost of administration, investigation, advertising, and processing of permits and variances. The permits for which a fee is required are the Land Use and Zoning Permit, Certificate of Compliance, Conditional Use Permit, Sign Permit and After the Fact Permits. A fee shall also be required for a zoning text or map amendment, and a zoning appeal or variance. All fees shall be established by separate ordinance by the County Board from time to time as deemed appropriate. Such ordinance is exempt from the amendment procedures of this Ordinance.

2.9.2 Any such fees shall be waived for government agencies and non-profit organizations.

2.10 STATE PERMIT

A permit shall be obtained from the State agency authorized by law to issue such permits when required under Wis. Stats. § 30.12, 30.19, 30.195, and 30.20 or other applicable State regulations.

3.0 ZONING DISTRICTS AND MAPS

3.1 ESTABLISHMENT OF ZONING DISTRICTS

In order to carry out the purpose and provisions of this Ordinance, the following Zoning Districts and overlay zones are hereby established, and may be known by the accompanying abbreviated symbols.

3.2 OPEN SPACE ZONING DISTRICTS

3.2.1 PURPOSE

The (O) Open Space Zoning Districts are designed to encourage the preservation, conservation and development of land areas for a wide range of conservation and recreational purposes. Open Space Zoning Districts are further intended to designate the following: (a) forest reserve areas, (b) natural resource lands, (c) shoreline areas for the public benefit, (d) scenic strips adjacent to the drives, (e) parks of a wide range of types, and (f) land which lies adjacent to, in or on a natural watercourse, and land that is subject to periodic inundation.

The provisions of the Zoning Districts encourage the growing of agricultural crops and the development of open space in such a manner as to improve its scenic and recreational value. Selective cutting, sustained yield, and other practices of good forestry management shall be encouraged throughout Open Space Zoning Districts, with the "clear cutting" of stream banks and lakeshore "not" encouraged. The land within the floodplain should be maintained in a state which will serve its natural function as a secondary channel of a river or stream.

3.2.2 DISTRICTS

The Open Space zoning districts include:

A. ON Natural Resource Preservation District

B. OF Forest District

C. OP Park and Recreation District

3.3 A - AGRICULTURAL ZONING DISTRICT

3.3.1 PURPOSE

The (A) Agricultural Zoning Districts are designed to provide for and encourage agricultural uses of land, related uses, and certain residential uses in a rural environment.

3.3.2 DISTRICTS

The Agricultural Zoning Districts include:

A. AG General Agriculture District

B. Farmland Preservation Overlay District *(Reserved)*

3.4 R - RESIDENTIAL ZONING DISTRICTS

3.4.1 PURPOSE

The (R) Residential Zoning Districts are designed to: (a) protect the residential character of the included areas by excluding commercial activities, (b) encourage a suitable environment for family life by permitting, under certain conditions, such neighborhood facilities as churches, schools, and playgrounds, (c) permit under certain conditions appropriate institutions to be located in residential neighborhoods, (d) preserve openness of the areas and avoid overcrowding by requiring certain minimum yards, open spaces, and site area, and (e) make available a variety of dwelling types and densities and a variety of locations to serve a wide range of individual requirements.

3.4.2 DISTRICTS

The Residential Zoning Districts include:

A. RS-1 Residential Single-Family District; 10,000 square feet minimum lot area, public or POWTS sewerage required when within shoreland jurisdictional area.

B. RS-2 Residential Single-Family District; 20,000 square feet minimum lot area, public or POWTS sewerage required when within shoreland jurisdictional area.

C. RS-5 Residential Single-Family Lake District; 20,000 square feet minimum lot area, public sewerage not required.

D. RM-1 Residential Multi-Family District; 15,000-20,000 square feet minimum lot area, 5,000-10,000 square feet per dwelling unit; public sewerage required for a smaller lot area when within shoreland jurisdictional area.

3.5 C - COMMERCIAL ZONING DISTRICTS

3.5.1 PURPOSE

The (C) Commercial Zoning Districts are designed to facilitate the development of commercial uses in accordance to the future growth and development of the region. To provide for a wide range of commercial uses of land, the County contains four Commercial Districts. These Districts are designed to permit development for the respective purposes and to protect nearby residential areas by requiring that certain minimum yard, area, parking and loading requirements be met. It is intended that additional areas would be included in these Districts as additional commercial facilities are needed to serve new growing residential areas.

3.5.2 DISTRICTS

The Commercial Zoning Districts include:

A. C-1 General Commercial District

B. C-2 Community Commercial District

C. C-3 Service Commercial District

3.6 M - MANUFACTURING DISTRICT

3.6.1 PURPOSE

The Ordinance provides for a wide range of industrial uses and locations. The provisions of the (M) Manufacturing Zoning Districts are to encourage the location and design of industrial areas protected from residential encroachment, according to the following principles:

A. Access: M - Districts should be located where they will have convenient access to railroads and/or major arterial highways, and airports, and wherever possible such areas should be located between railroads and major highways.

B. Dispersal: M - Districts should be located in various quadrants of the county in order to reduce the time, cost of travel to work, as well as to spread peak-hour traffic loads over many thoroughfares.

C. Nuisances: Modern zoning should be used to control location of industries on the basis of their characteristics. Industries of such a nature that nuisance factors cannot yet be satisfactorily eliminated should be located so as to be minimum detriment to other land uses.

D. Buffers: Right-of-way, open space and other buffers should be used where feasible to separate industrial areas from residential areas and open space should be maintained between industrial and residential uses.

E. Traffic: M - Districts should be so located that it is not necessary to route the traffic generated by industrial uses through residential or shopping center Districts.

F. Site Characteristics: Land zoned for industry should be so located as to make available sites of a variety of sizes and shapes.

G. Compactness: Industrial land should ordinarily be designated in compact areas of adequate depth.

3.6.2 DISTRICTS

To provide for the wide range of industrial uses, the Ordinance provides for two M - Districts:

A. M-1 General Manufacturing District

B. M-2 Intensive Manufacturing District

3.7 OVERLAY DISTRICTS

3.7.1 PURPOSE

Overlay Districts provide for the possibility of superimposing certain additional requirements on the basic use Zoning District without disturbing the requirements of the basic use District. In the instance of conflicting requirements, the stricter of the conflicting requirements shall apply.

3.7.2 DISTRICTS

The Overlay Districts include:

A. Farmland Preservation Overlay District *(Reserved)*

B. PUD Planned Unit Development Overlay District

C. RS PUD-SEB Planned Unit Development Spread Eagle Barrens Single-Family Overlay District

D. OS-PUD-SEB Planned Unit Development Spread Eagle Barrens Open Space Overlay District

E. CP-PUD-SEB Planned Unit Development Spread Eagle Barrens Commercial Overlay District

3.8 INCORPORATION OF MAPS

3.8.1 The locations and boundaries of the county's Districts are shown on the zoning maps of each township, and accompanying detail maps, and referred to by reference as the Zoning Map: Florence County, Wisconsin.

3.8.2 These maps together with all explanatory matter and regulations thereon, are an integral part of this Ordinance. In the event of a conflict between District boundaries shown on a township map and zoning detail map, the latter shall govern and prevail.

3.8.3 Official copies of the zoning maps, together with a copy of this Ordinance, shall be kept by the Zoning and Planning Administrator and shall be available for public inspection during official hours. These maps shall be certified by the Chairperson of the County Board and attested by the County Clerk. Any changes or amendments affecting zoning boundaries or explanatory matter shall be recorded on the applicable maps. All such changes shall be made in accordance with provisions of Wis. Stats. s. 59.69, and as subsequently amended, and of this Ordinance

3.9 BOUNDARIES OF DISTRICTS

When uncertainty exists with respect to the boundaries of the various Districts as shown on the zoning maps, the following rules shall apply:

3.9.1 When width or length of boundaries is not clear, the scale of the map shall determine the approximate dimensions.

3.9.2 District boundaries are normally lot lines; section and quarter section lines; center lines of streets, highways, railroads or alleys.

3.9.3 When uncertainty exists as to the precise location of the Floodplain District boundary line, the zoning map shall govern in general and the zoning text shall govern specifically.

3.9.4 The Planning and Zoning Committee in accordance with the provisions of this Ordinance shall hear and decide the precise location of a District boundary line when such line cannot otherwise be determined.

3.10 ON - NATURAL RESOURCE PRESERVATION DISTRICT

3.10.1 PURPOSE

A. This District provides for the conservation and protection of natural resources, the safe discharge of flood waters and the preservation of the floodplain storage capacity. Generally, the District includes swamps, marshlands and wetland areas.

B. The establishment of ON District boundaries for the purpose of regulating future development to fulfill the purpose of this Ordinance is not intended nor shall it be construed to imply or assure owners, occupants or prospective purchasers of property that no other areas are subject to flooding or that no flood of greater magnitude will occur in the future.

3.10.2 SPECIAL PROVISIONS

No use or modification of an existing use shall be permitted that will:

A. Involve dumping or the storage of dangerous materials that are flammable, explosive or injurious to human, animal or plant life.

B. Result in accelerated stream bank erosion.

C. Obstruct the flow of flood waters, retard the movement of flood water, as to increase flow velocities, increase the flood stage, or substantially reduce the flood storage capacity of the floodplain, except public water measurement and control facilities.

3.10.3 PERMITTED USES

A. Agricultural uses such as: animal and poultry husbandry, beekeeping, dairying and grazing, field crops, orchards and wild crop harvesting, truck farming, horticulture or viticulture

B. Boat docks serving residences

C. Camping trailers, mobile campers, or houseboats intended and used for temporary parking and living purposes if less than 10 days, or WITH A TEMPORARY USE PERMIT (See Section 6.16)

D. Fish hatcheries and farm ponds

E. Forestry

F. Outdoor plant nurseries

G. Public water measurement and control facilities

H. Regulated hunting grounds and game reserves

I. Utilities and wireless transmission facilities

J. Wildlife preserves

3.10.4 ACCESSORY USES - Uses customarily accessory to a permitted natural resource preservation use. (Also, see Section 5.4.)

3.10.5 CONDITIONAL USES (see Section 6.0)

A. Bridges

B. Debarking operations

C. Filling over 500 square feet

D. Grading over 1,000 square feet

E. Navigation structures

F. Recreation area

G. Storage of buoyant materials of an inert nature such as logs, boats and build materials

H. Work in respect to waterways

I. Conditional buildings: accessory buildings to the permitted and conditional uses

3.11 OF - FOREST DISTRICT

3.11.1 PURPOSE

This provides for the continuation of forest practices and related uses in those areas best suited to this activity and to preserve large tracts of forest lands. The intent is to encourage forestry and also to recognize the value of the forest as a recreational resource and to allow only certain uses that are consistent with forestry use and are found to be necessary in light of alternative locations for such use.

3.11.2 LOT SIZE REGULATIONS

A. Minimum area: 1 acres

B. Minimum width: 100 feet

3.11.3 HEIGHT REGULATIONS

A. Maximum height: 35 feet

3.11.4 YARD AND SETBACK REGULATIONS

A. Minimum front yard: See Section 2.6 (Highway Setback)

B. Minimum side yard: 25 feet

C. Minimum rear yard: 50 feet

D. Minimum water setback: 75 feet

3.11.5 PERMITTED USES

A. All those uses listed as permitted in the ON District

B. Maple syrup processing plants

C. Portable sawmill, not to operate in one location in excess of 12 months (Minimum 40-acre parcel size)

D. Dwelling, single-family[1]

E. Tourist Rooming House (TRH)

3.11.6 ACCESSORY USES

ACCESSORY USES – Uses customarily accessory to a permitted open forest use. (Also, see Section 5.4.)

3.11.7 CONDITIONAL USES

CONDITIONAL USES (see Section 6.0)

MINIMUM 1-ACRE PARCEL SIZE

A. Bait store

B. Blacksmithing

C. Camping Area

D. Camps

E. Cemetery

F. Christmas tree sales

G. Dwelling, multi-family

H. Dwelling, single-family, less than 18 feet in width [1] (see Section 3.45)

I. Filling over 5,000 sq. ft.

J. Golf Course

K. Grading over 5,000 sq. ft.

L. Home Business

M. Home occupation

N. Public & Semi-public building

O. Recreation areas

P. Sawmill Portable (Not to operate in one location in excess of 12 months)

Q. Temporary Uses (See section 6.16)

R. Work in respect to waterways

S. Sporting Goods Shops

T. Eating and Drinking Establishments

U. Mining and Mining Operations[2]

MINIMUM 5-ACRE PARCEL SIZE

A. Debarking operations

B. Quarrying

C. Sawmill Permanent

MINIMUM 40-ACRE PARCEL SIZE

A. Shooting range

[1]Permitted when within reasonable range of services such as; electrical, fire, rescue, school bussing and where sanitary, minimum housing code standards can and will be met, as documented by the applicant and determined by the County Zoning and Planning Administrator. In cases where there is a question on the above, a residence will be a conditional use requiring a Public Hearing.

[2] Subject to Chapter 20.

3.12 OP - PARK AND RECREATION DISTRICT

3.12.1 PURPOSE

This District provides for the orderly and attractive grouping of recreational oriented service establishments as well as encouraging the maintenance of the natural resources.

3.12.2 LOT SIZE REGULATIONS

A. Minimum area: 1 acre

B. Minimum width: 150 feet

3.12.3 HEIGHT REGULATIONS

A. Maximum height: 35 feet

3.12.4 YARD AND SETBACK REGULATIONS

A. Minimum front yard: See Section 2.6 (Highway Setback)

B. Minimum side yard: 25 feet

C. Minimum rear yard: 50 feet

D. Minimum water setback: 75 feet

3.12.5 PERMITTED USES

A. All those uses listed as permitted uses in the ON District

3.12.6 ACCESSORY USES - Uses customarily accessory to a permitted park and recreation use. (Also, see Section 5.4.)

3.12.7 CONDITIONAL USES (see Section 6.0)

A. Bait Store

B. Blacksmithing

C. Camping Area

D. Camps

E. Cemetery

F. Concession Stand

G. Debarking Operations

H. Dwelling, single-family only as accessory to a principal use

I. Filling over 5,000 square feet

J. Golf Course

K. Grading over 5,000 square feet

L. Maple Syrup Processing Buildings

M. Public and Semi-Public Buildings

N. Recreation Areas

O. Resorts

P. Sawmill, permanent

Q. Stable

R. Work in respect to waterways

3.13 AG GENERAL AGRICULTURE DISTRICT

3.13.1 PURPOSE

This District is designed for agricultural uses of land related to the growing of crops and the raising of livestock and lower intensity agriculture uses such as smaller farm units, including truck farms, hobby farms, orchards, green houses, and other similar agricultural activity and to provide for limited siting of new single-family residences, and to support other uses that maintain the rural character of the County.

3.13.2 LOT SIZE REGULATIONS

A. Minimum area: 1 acre

B. Minimum width: 100 feet

3.13.3 HEIGHT REGULATIONS

A. Maximum height: 35 feet

3.13.4 YARD AND SETBACK REGULATIONS

A. Minimum front yard: See Section 2.6 (Highway Setback)

B. Minimum side yard: 20 feet

C. Minimum rear yard: 20 feet

D. Minimum water setback: 75 feet

3.13.5 PERMITTED USES

A. Agriculture including animal and poultry husbandry, beekeeping, dairying and grazing, field crops, forestry, greenhouses, orchards and wild crop harvesting, truck farming, horticulture or viticulture.

B. Camping trailer parking, and houseboat parking on a developed property and only being stored that the unit is not intended or used for living purposes.

C. Dwelling, single-family.

D. Sawmill, temporary

E. Uses customarily accessory to a permitted agricultural use

F. Animal feeding operations, livestock feeding pens or yards of less than 100 animal unit capacity.

G. Tourist Rooming House (TRH)

3.13.6 ACCESSORY USES

ACCESSORY USES - Uses customarily accessory to a permitted agricultural use. (Also, see Section 5.4.)

3.13.7 CONDITIONAL USES (see Section 6.0)

MINIMUM 1-ACRE PARCEL SIZE

A. Animal hospital or pound

B. Camps

C. Camping Area

D. Cemetery

E. Christmas tree sales

F. Church or other place of worship

G. Club or lodge

H. Dwelling multi-family

I. Dwelling, single-family, less than 18 feet in width[1] (see Section 3.45)

J. Farm equipment sales and/or service

K. Filling over 5,000 square feet

L. Fish hatchery – commercial

M. Fur farm

N. Garden or nursery store

O. Grading over 5,000 square feet

P. Grain elevator – commercial

Q. Home Business

R. Home occupation

S. Housing for migrant workers

T. Hunting and fishing shelter

U. Incinerator, public

V. Maple syrup processing buildings

W. Mobile home park

X. Public and semi-public buildings

Y. Radio or TV broadcasting studio and/or tower

Z. Recreation areas

AA. Roadside stand

BB. Temporary uses (See Section 6.16)

CC. Work in respect to waterways

DD. Mining and Mining Operations[2]

MINUMUM 5-ACRE PARCEL SIZE

A. Airport

B. Quarrying

C. Sawmill Permanent

MINIMUM 40-ACRE PARCEL SIZE

A. Large animal feeding operations (more than 100 animal unit capacity)

1Permitted when within reasonable range of services such as; electrical, fire, rescue, school bussing and where sanitary; minimum housing code standards can and will be met. In cases where there is a question on the above, a residence will be a conditional use requiring a Public Hearing.

2Subject to Chapter 20

3.14 FARMLAND PRESERVATION OVERLAY DISTRICT *(RESERVED)*

3.14.1 FARMLAND PRESERVATION PLAN

https://www.florencecountywi.com/i/f/files/Florence%20County%20Farm%20Preservation%20Plan%20FINAL%20WITH%20MAPS%20-%2008262016.pdf

3.15 RS-1 RESIDENTIAL SINGLE-FAMILY DISTRICT

3.15.1 PURPOSE

This District is intended to provide a suitable environment for single-family residential development on moderate size lots where public sewer and community services are available.

3.15.2 LOT AREA AND WIDTH

Lot Regulation	RS-1
Min. area	10,000 sq. ft.
Min. width:	75 ft.
Public Sewerage:	POWTS or Public Required when within shoreland

3.15.3 HEIGHT REGULATIONS

A. Maximum height: 35 feet

3.15.4 YARD AND SETBACK REGULATIONS

A. Minimum front yard: See Section 2.6 (Highway Setback)

B. Minimum side yard: 10 + 15 feet to total 25 feet

C. Minimum rear yard: 20 feet

D. Minimum water setback: 75 feet

3.15.5 PERMITTED USES

A. Agricultural uses including beekeeping, field crops, forestry, orchards and wild crop harvesting, truck farming, horticulture or viticulture.

B. Dwelling, single-family

C. Tourist Rooming House (TRH)

3.15.6 ACCESSORY USES

- Uses customarily accessory to a permitted single-family residential use. (Also, see Section 5.4.)

3.15.7 CONDITIONAL USES (See Section 6.0)

A. Camping trailer, and houseboat parking that is not intended or used for living purpose.

B. Club or Lodge

C. Dwelling, single-family, less than 18 feet in width (see Section 3.45)

D. Dwelling, two-family

E. Filling over 5,000 square feet

F. Golf Course

G. Grading over 5,000 square feet

H. Home Business

I. Home occupation

J. Public and semi-public buildings

K. Recreation area

L. Rooming or boarding house

M. Work in respect to waterways

3.16 RS-2 RESIDENTIAL SINGLE-FAMILY DISTRICT

3.16.1 PURPOSE

This District is intended to provide a suitable environment for single-family residential development on moderate size lots.

3.16.2 LOT AREA AND WIDTH

Lot Regulation	RS-2
Min. area	20,000 sq. ft.
Min. width:	100 ft.
Public Sewerage:	POWTS or Public Required when within shoreland

3.16.3 HEIGHT REGULATIONS

A. Maximum height: 35 feet

3.16.4 YARD AND SETBACK REGULATIONS

A. Minimum front yard: See Section 2.6 (Highway Setback)

B. Minimum side yard: 10 + 15 feet to total 25 feet

C. Minimum rear yard: 20 feet

D. Minimum water setback: 75 feet

3.16.5 PERMITTED USES

A. Agricultural uses including beekeeping, field crops, forestry, orchards and wild crop harvesting, truck farming, horticulture or viticulture.

B. Dwelling, single-family

C. Tourist Rooming House (TRH)

3.16.6 ACCESSORY USES - Uses customarily accessory to a permitted single-family residential use. (Also, see Section 5.4.)

3.16.7 CONDITIONAL USES (see Section 6.0)

A. Camping trailer, and houseboat parking that is not intended or used for living purpose.

B. Club or Lodge

C. Dwelling, single-family, less than 18 feet in width (see Section 3.45)

D. Dwelling, two-family

E. Filling over 5,000 square feet

F. Golf Course

G. Grading over 5,000 square feet

H. Home Business

I. Home occupation

J. Public and semi-public buildings

K. Recreation area

L. Rooming or boarding house

M. Work in respect to waterways

3.17 RS-5 RESIDENTIAL SINGLE-FAMILY LAKE DISTRICT

3.17.1 PURPOSE

This District is intended to provide a suitable environment for single-family residential development on moderately sized lots within areas adjacent to navigable waters so that adequate space is available for practices to eliminate harmful run–off into the waters of the county. The District is intended to provide a suitable environment for single family residential development on moderately sized lots. **Transient Occupancy (TRH), the right to use, occupy or possess, a single family dwelling unit for a period of six (6) consecutive days or less, is prohibited in this district.**

3.17.2 LOT AREA AND WIDTH

Lot Regulation	**RS-5**
Min. area	20,000 sq. ft.
Min. width:	100 ft.
Public Sewerage:	NA

3.17.3 HEIGHT REGULATIONS

A. Maximum height: 35 feet

3.17.4 YARD AND SETBACK REGULATIONS

A. Minimum front yard: See Section 2.6 (Highway Setback)

B. Minimum side yard: 10 + 15 feet to total 25 feet

C. Minimum rear yard: 20 feet

D. Minimum water setback: 75 feet

3.17.5 PERMITTED USES

A. Agricultural uses including beekeeping, field crops, forestry, orchards and wild crop harvesting, truck farming, horticulture or viticulture.

B. Dwelling, single-family

C. Tourist Rooming House (TRH)

3.17.6 ACCESSORY USES - Uses customarily accessory to a permitted single-family residential use. (Also, see Section 5.4.)

3.17.7 CONDITIONAL USES (see Section 6.0)

A. Camping trailer, and houseboat parking that is not intended or used for living purpose.

B. Club or Lodge

C. Dwelling, single-family, less than 18 feet in width (see Section 3.45)

D. Dwelling, two-family

E. Filling over 5,000 square feet

F. Golf Course

G. Grading over 5,000 square feet

H. Home occupation

I. Public and semi-public buildings

J. Recreation area

K. Work in respect to waterways

3.18 RM-1 RESIDENTIAL MULTI-FAMILY DISTRICT

3.18.1 PURPOSE

This District provides for multi-family dwellings in a residential environment where public sewer and community services are available.

3.18.2 LOT AREA AND WIDTH

LOT REGULATION	PRIVATE SEWER & WATER	PUBLIC SEWER
Minimum area	20,000 sq. ft.	15,000 sq. ft.
Minimum width	100 ft.	75 ft.
Minimum Area per dwelling unit	10,000 sq. ft.	5,000 sq. ft.

3.18.3 HEIGHT REGULATIONS

A. Maximum height: 35 feet

B. One additional foot of extra height may be permitted provided on additional foot of side or rear yard for each additional foot of extra height is also established up to a maximum height of 60 feet unless the Planning and Zoning Committee approves a greater height.

3.18.4 YARD AND SETBACK REGULATIONS

A. Minimum front yard: See Section 2.6 (Highway Setback)

B. Minimum side yard: 10 feet

C. Minimum rear yard: 20 feet

D. Minimum water setback: 75 feet

3.18.5 PERMITTED USES

A. Agricultural uses including beekeeping, field crops, forestry, orchards and wild crop harvesting, truck farming, horticulture or viticulture.

B. Dwelling, multi-family and duplex

C. Retail consumer goods, sales and service conducted solely for the convenience of the resident of a multi-family dwelling.

D. Tourist Rooming House (TRH)

3.18.6 ACCESSORY USES - Uses customarily accessory to a permitted multi-family residential use. (Also, see Section 5.4.)

3.18.7 CONDITIONAL USES (see Section 6.0)

A. Camping trailer, and houseboat parking that is not intended or used for living purposes.

B. Dwelling, [single-family, less than 18 feet in width (see Section 3.45)]

C. Filling over 5,000 square feet

D. Golf Course

E. Grading over 5,000 square feet

F. Home Business

G. Home Occupation

H. Mobile Home Park

I. Public and semi-public buildings

J. Work in respect to waterways

K. Community Based Residential Facility (CBRF)

L. Residential Care Apartment Complex (RCAC)

3.19 C-1 GENERAL COMMERCIAL DISTRICT

3.19.1 PURPOSE

This District provides for uses found in small commercial areas as located throughout the county.

3.19.2 LOT SIZE REGULATIONS

A. Minimum area: 10,000 sq. ft. except

B. Minimum width: 50 feet

3.19.3 HEIGHT REGULATIONS

A. Maximum height: 35 feet

B. One additional foot of extra height may be permitted provided, one additional foot of side or rear yard for each additional foot of extra height is also established up to a maximum height of 60 feet unless the Planning and Zoning Committee approves a greater height.

3.19.4 YARD AND SETBACK REGULATIONS

A. Minimum front yard: See Section 2.6 (Highway Setback)

B. Minimum side yard: None except same as adjoining O, R, A, & M Districts

C. Minimum rear yard: 20 feet

D. Minimum water setback: 75 feet

3.19.5 PERMITTED USES

A. Auto sales and service

B. Banks and similar services

C. Boat Dealers

D. Bowling alleys

E. Building supply stores excluding lumber yards

F. Business and professional offices and studios

G. Convenience Stores

H. Clinics

I. Dental and medical clinics

J. Dwelling, single-family, only as accessory to a principal use

K. Financial institutions; including drive-in facilities

L. Funeral homes

M. Garages for storage of vehicles used in conjunction with a permitted use

N. Garden centers

O. Gasoline service stations provided that all service islands and pumps shall meet the setback requirements.

P. Grocery and specialty food stores

Q. Hardware Stores

R. Laundromats

S. Liquor Stores

T. Motels and hotels

U. Offices

V. Photography and art studios

W. Physical fitness centers

X. Restaurants, including drive-in restaurants

Y. Retail stores and shops

Z. Self-service storage facilities (mini-warehouses) provided that no perishable products may be stored; no flammable or explosive materials may be stored; and no sale of merchandise is conducted from a mini-warehouse

AA. Semi-public uses such as fire station, police station, administrative building or similar use according to definition

BB. Snowmobile Dealers

CC. Sporting Goods and Outfitters

DD. Theaters

3.19.6 ACCESSORY USES - Uses customarily accessory to a permitted general commercial use. (Also, see Section 5.4.)

3.19.7 CONDITIONAL USES (see Section 6.0)

A. Amusement parks including baseball batting ranges, commercial skating rinks, go-cart tracks, golf driving range, miniature golf course or similar establishment

B. Adult entertainment Facilities

C. Dwelling, single-family less than 18 feet in width, only as accessory to a principal use. (see Section 3.45)

D. Drive-in uses

E. Energy conservation uses

F. Farm equipment sales and service

G. Filling over 5,000 square feet

I. Grading over 5,000 square feet

K. Nursing homes and day care centers

L. Outdoor theater

M. Radio and television transmission towers

N. Rooming or boarding house

O. Transportation terminals

P. Used car sales

Q. Utilities

R. Wholesaling establishments

S. Work in respect to waterways

3.20 C-2 COMMUNITY COMMERCIAL DISTRICT

3.20.1 PURPOSE

This District provides for uses found in the central business District of small communities.

3.20.2 LOT SIZE REGULATIONS

A. Minimum area: None

B. Minimum width: 50 feet

3.20.3 HEIGHT REGULATIONS

A. Maximum height: 35 feet

B. One additional foot of extra height may be permitted provided one additional foot of side or rear yard for each additional foot of extra height is also established up to a maximum height of 60 feet unless the Planning and Zoning Committee approves a greater height.

3.20.4 YARD AND SETBACK REGULATIONS

A. Minimum front yard: See Section 2.6 (Highway Setback)

B. Minimum side yard: None, except same as adjoining O, R, A, & M Districts

C. Minimum rear Yard: None

D. Minimum water setback: 75 feet

3.20.5 PERMITTED USES

A. Banks and similar services

B. Business and professional offices and studios

C. Dental and medical clinics

D. Funeral homes

E. Hotels

F. Laundromats

G. New car sales

H. Semi-public uses such as fire station, police station, administrative building or similar use according to definition

I. Residential accommodations for shop keepers located in the same building as the business

J. Retail stores and shops offering convenience goods and services

K. Tavern

3.20.6 ACCESSORY USES - Uses customarily accessory to a permitted community commercial use. (Also, see Section 5.4.)

3.20.7 CONDITIONAL USES (see Section 6.0)

A. Auto services stations

B. Filling over 5,000 square feet

C. Grading over 5,000 square feet

D. Rooming or boarding house

E. Transportation terminals

F. Used car sales

G. Warehouses

H. Wholesaling establishments

I. Work in respect to waterways

3.21 C-3 SERVICE COMMERCIAL DISTRICT

3.21.1 PURPOSE

This District provides for commercial service type uses, uses specifically oriented towards the traveler, tourist or vacationer.

3.21.2 LOT SIZE REGULATIONS

A. Minimum area: 10,000 sq. ft.

B. Minimum width: 75 feet

3.21.3 HEIGHT REGULATIONS

A. Maximum height: 35 feet

3.21.4 YARD AND SETBACK REGULATIONS

A. Minimum front yard: Refer to Section 2.6 (Highway Setback)

B. Minimum side yard: None, except same as adjoining O, R, A, & M Districts

C. Minimum rear yard: 20 feet

D. Minimum water setback: 75 feet

3.21.5 PERMITTED USES

A. Boat sales and service

B. Club or lodge

C. Motels and Hotels

D. Swimming pool, public

3.21.6 ACCESSORY USES - Uses customarily accessory to a permitted service commercial use. (Also, see Section 5.4.)

3.21.7 CONDITIONAL USES (see Section 6.0)

A. Amusement parks including baseball batting ranges, commercial skating rink, go-cart track, golf driving range, golf pitch-and-putt course and similar establishments

B. Auto service stations

C. Boat liveries

D. Filling over 5,000 square feet

E. Grading over 5,000 square feet

F. Marinas

G. Common Business Establishments

1. Retail stores and shops offering convenience goods and services

2. Business and professional offices and studios

3. This list is not necessarily complete and any similar use may be granted upon issuance of a conditional use permit by the Planning and Zoning Committee.

H. Semi-public and public uses

I. Work in respect to waterways

3.22 M-1 GENERAL MANUFACTURING DISTRICT

3.22.1 PURPOSE

This District is intended for any manufacturing or industrial operation which, on the basis of actual physical and operational characteristics, would not be detrimental to the surrounding area or to the county as a whole by reason of noise, dirt, smoke, odor, traffic, physical appearance or other similar factors.

3.22.2 LOT SIZE REGULATIONS

A. Minimum area: 20,000 sq. ft.

B. Minimum width: 150 feet

3.22.3 HEIGHT REGULATIONS

A. Maximum height: 35 feet

B. One additional foot of extra height may be permitted provided on additional foot of side or rear yard for each additional foot of extra height is established up to a maximum height of 60 feet unless the Planning and Zoning Committee approves a greater height.

3.22.4 YARD AND SETBACK REGULATIONS

A. Minimum front yard: See Section 2.6 (Highway Setback)

B. Minimum side yard: 20 feet

C. Minimum rear yard: 20 feet

D. Minimum water setback: 75 feet

3.22.5 PERMITTED USES – By conditional use permit only.

3.22.6 ACCESSORY USES - Uses customarily accessory to a permitted general manufacturing conditional use. (Also, see Section 5.4.)

3.22.7 CONDITIONAL USES

A. Automotive heavy repair and upholstery

B. Cleaning, pressing and dying establishments

C. Commercial bakeries

D. Commercial greenhouses

E. Distributors

F. Farm machinery sales and/or services

G. Food locker plants

H. Laboratories

I. Machine shops

J. Manufacture and bottling of nonalcoholic or alcoholic beverages

K. Manufacture, fabrication, processing, packing, and packing of:

1. Confections
2. Cosmetics
3. Electrical appliances
4. Electronic devices
5. Food except cabbage, fish
6. Tobacco and fish products, meat and meat products
7. Pea vining
8. Jewelry
9. Instruments
10. Pharmaceutical
11. Toiletries

L. Manufacture, fabrication, packing, packaging, and assembly of products from:

1. Furs
2. Glass
3. Leather
4. Metals
5. Paper
6. Plaster
7. Plastics
8. Textiles
9. Tobacco
10. Wood
11. Printing or publishing
12. Storage and sale of machinery and equipment
13. Trade and Contractor's offices
14. Warehousing and wholesaling
15. Office, storage, power supply and other such uses normally incident to principal use
16. Airport
17. Animal hospitals
18. Commercial service facilities such as restaurants and fueling stations if oriented towards serving the surrounding industrial uses

19. Dumps
20. Filling over 5,000 square feet
21. Grading over 5,000 square feet
22. Incinerator, public
23. Public and semi-public buildings
24. Work in respect to waterways

3.23 M-2 INTENSIVE MANUFACTURING DISTRICT

3.23.1 PURPOSE

This District is intended to provide for manufacturing, industrial and related uses of limited nature and size, which by their nature can exhibit characteristics harmful, noxious, or detrimental to surrounding uses of the land or surrounding area by reason of smoke, noise, dust, odor, traffic, physical appearance or other similar factors.

3.23.2 LOT SIZE REGULATIONS

A. Minimum area: 20,000 sq. ft.

B. Minimum width: 150 feet

3.23.3 HEIGHT REGULATIONS

A. Maximum height: 35 feet

B. One additional foot of extra height may be permitted provided one additional foot of side or rear yard for each additional foot of extra height is also established up to a maximum height of 60 feet unless the Planning and Zoning Committee approves a greater height.

3.23.4 YARD AND SETBACK REGULATIONS

A. Minimum front yard: See Section 2.6 (Highway Setback)

B. Minimum side yard: 20 feet

C. Minimum rear yard: 20 feet

D. Minimum water setback: 75 feet

3.23.5 PERMITTED USES – By conditional use permit only.

3.23.6 ACCESSORY USES - Uses customarily accessory to a permitted intensive manufacturing conditional use. (Also, see Section 5.4.)

3.23.7 CONDITIONAL USES

A. Manufacturing and processing of:

1. All permitted uses from the General Manufacturing District
2. Freight yards and depots
3. Breweries
4. Inside storage
5. Abrasive
6. Acetylene
7. Acid
8. Alkalis
9. Asbestos

10. Asphalt.
11. Batteries
12. Bedding
13. Bleach
14. Bone
15. Cabbage
16. Candles
17. Carpeting
18. Celluloid
19. Cement
20. Cereals
21. Charcoal
22. Chemicals
23. Chlorine
24. Coal
25. Coffee
26. Coke
27. Cordage
28. Creosote
29. Dextrin
30. Disinfectant
31. Dye
32. Excelsior
33. Felt
34. Fish
35. Fuel
36. Furs
37. Gelatin
38. Glucose
39. Gypsum
40. Hair products
41. Ice
42. Ink
43. Insecticide

44. Lampblack
45. Lime
46. Lime products
47. Linoleum
48. Matches
49. Meat
50. Oil cloth
51. Paint
52. Paper
53. Peas
54. Perfume
55. Pickle
56. Plaster of Paris
57. Plastics
58. Poison
59. Polish
60. Potash
61. Pulp
62. Pyroxylin
63. Radium
64. Rope
65. Rubber
66. Sausage
67. Shoddy
68. Shoe and Lamp blacking
69. Size
70. Starch
71. Stove polish
72. Textiles
73. Varnish

B. Manufacturing, processing and storage of:

1. Building Materials
2. Dry ice
3. Explosives

4. Fat
5. Fertilizer
6. Flammable
7. Gasoline
8. Glue
9. Grains
10. Grease
11. Lard
12. Plastics
13. Radioactive materials
14. Shellac
15. Soap
16. Turpentine
17. Vinegar
18. Yeast
19. Animal reduction
20. Bag cleaning
21. Bleacheries
22. Bone distillation
23. Canneries
24. Coal
25. Cold storage warehouses
26. Dumps
27. Electric and steam generating plants
28. Electroplating
29. Enameling
30. Filling over 5,000 square feet
31. Forages
32. Foundries
33. Garbage
34. Grading over 5,000 square feet
35. Incinerators
36. Junk yard
37. Lacquering

38. Lithographing
39. Manufacturing and bottling of alcoholic beverages
40. Offal
41. Oil
42. Refineries
43. Road test facilities
44. Rubbish
45. Sawmills
46. Sewage disposal plants
47. Slaughterhouses
48. Smelting
49. Stockyards
50. Tanneries
51. Weaving
52. Work in respect to waterways
53. Wrecking yard
54. Salvage Yard

3.24 PUD PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT

These regulations apply to this Ordinance; however, in the case of lands within the *Shoreland and Wetland Zoning Ordinance*, the provisions of the *Shoreland and Wetland Zoning Ordinance* will apply to the extent of the most restrictive provision. In the case of the lands subject to the Spread Eagle Barrens Planned Unit Development PUD Description Agreement, the specific Overlay Districts for the Spread Eagle Barrens shall apply as set forth in Sections 3.25, 3.26, and 3.27.

3.24.1 PURPOSE

The PUD Planned Unit Development Overlay District is intended to permit developments that will, over a period of time, be enhanced by coordinated area site planning, diversified location of structures, diversified building types, and/or mixing of compatible uses. Such developments are intended to provide a safe and efficient system for pedestrian and vehicle traffic; to provide attractive recreation and open spaces as integral parts of the developments; to enable economic design in the location of public and private utilities and community facilities; and to ensure adequate standards of construction and planning. The PUD Overlay District under this Ordinance will allow for flexibility of overall development design with benefits from such design flexibility intended to be derived by both the developer and the community, while at the same time maintaining insofar as possible the land use density and other standards or use requirements set forth in the underlying basic Zoning District.

3.24.2 APPLICATION OF DISTRICT

The PUD Overlay District may be applied to the following basic use Districts:

A. RS-1-Residential Districts

B. RS-2-Residential Districts

C. RS-5-Residential Districts

D. C-1-General Commercial District

E. C-2-Commnity Commercial District

F. C-3-Service Commercial District

G. M-1 General Manufacturing District

H. M-2 Intensive Manufacturing District

3.24.3 PERMITTED USES

Permitted uses in a Planned Unit Development Overlay District shall conform to the permitted uses allowed in the underlying basic use District. Individual structures shall comply with the specific floor area and height requirements of the underlying basic use District, except as provided in Section 3.24.6 below. All open space and parking requirements of the underlying basic use District shall be complied with either individually or by providing the combined open space and parking space required for the entire development in one or more locations within the development.

3.24.4 MINIMUM AREA REQUIREMENTS

Areas designated as Planned Unit Development Overlay Districts shall be under single or corporate ownership or control, and shall contain a minimum development area of:

Principal Uses:		Minimum Area of PUD:
A.	Residential PUD	5 acres
B.	Commercial PUD	5 acres
C.	Industrial PUD	20 acres
D.	Mixed Compatible Use PUD	10 acres

3.24.5 PROCEDURAL REQUIREMENTS

A. Pre-Petition Conference. Prior to the official submission of the petition for the approval of a Planned Unit Development Overlay District, the owner or his agent making such petition shall meet with the Planning and Zoning Committee or its staff to discuss the scope and proposed nature of the proposed development.

B. Petition. Following the pre-petition conference, the owner or his agent may file a petition with the County Clerk for approval of a Planned Unit Development Overlay District. Such petition shall be accompanied by a review fee, as established by the County, and the following information:

1. A statement which sets forth the relationship of the proposed PUD to the County's adopted development plan, or any adopted component thereof, and the general character of and the uses to be included in the proposed PUD, including the following information:

(a) Total area to be included in the PUD, area of open space, residential density computations, proposed number of dwelling units, population analysis, availability of or requirements for municipal services and any other similar data pertinent to a comprehensive evaluation of the proposed development.

(b) A general summary of the estimated value of structures and site improvement costs, including landscaping and special features.

(c) A general outline of the organizational structure of a property owner's or management's association, which may be proposed to be established for the purpose of providing any necessary private services.

(d) Any proposed departures from the standards of development as set forth in this Ordinance or other County regulations.

(e) The expected date of commencement of physical development as set forth in the proposal.

2. A general development plan including:

(a) A legal description of the boundaries of the subject property included in the proposed PUD and its relationship to surrounding properties

(b) The location of public and private roads, driveways, and parking facilities.

(c) The size, arrangement, and location of any individual building sites and proposed building groups on each individual site.

(d) The location of institutional, recreational, and open space areas and areas reserved or dedicated for public uses, including schools, parks, and drainage ways.

(e) The type, size, and location of all structures.

(f) General landscape treatment.

(g) Architectural plans, elevation, and perspective drawings and sketches illustrating the design and character of proposed structures.

(h) The existing and proposed location of public sanitary sewer and water supply facilities.

(i) The existing and proposed location of all private utilities or other easements.

(j) Characteristics of soils related to contemplated specific uses.

(k) Existing topography on the site with contours at no greater than 2-foot intervals.

(l) Anticipated uses of adjoining lands in regard to roads, surface water drainage, and compatibility with existing adjacent land uses.

C. Referral to Planning and Zoning Committee. The petition for a Planned Unit Development Overlay District shall be referred to the Planning and Zoning Committee for its review and recommendation, including any additional conditions or restrictions that it may deem necessary or appropriate.

D. Referral to Town Board and Planning Committee. The petition and detailed site plan for a Planned Unit Development Overlay District shall be referred to the Town Board of the Town wherein the proposed Planned Unit Development is to be located for its review and recommendation, which may include any additional conditions or restrictions which it may deem necessary or appropriate. Following such review, the petition and recommendation shall be forwarded to the Florence County Planning and Zoning Committee for similar review and recommendation.

E. Public Hearing. The Planning and Zoning Committee shall hold a public hearing on the proposed PUD. Notice for such hearing shall include reference to the development plans filed in conjunction with the requested Planned Unit Development Overlay District. As soon as is practical following the hearing, the Planning and Zoning Committee shall report its findings and recommendations to the County Board.

3.24.6 BASIS FOR APPROVAL OF THE PETITION

A. The County Planning and Zoning Committee in making its recommendation and the County Board in making its determination shall consider:

B. That the petitioners for the proposed Planned Development Overlay District have indicated that they intend to begin the physical development of the PUD within 9 months following the approval of the petition and that the development will be carried out according to a reasonable construction schedule satisfactory to the County.

C. That the proposed Planned Unit Development Overlay District is consistent in all respects to the purpose of this Section and to the spirit and intent of this Ordinance; is in conformity with the adopted master plan or any adopted component thereof; and would not be contrary to the general welfare and economic prosperity of the community.

D. The County Planning and Zoning Committee in making its recommendations and the County Board in making its determination shall further find that:

1. The proposed site shall be provided with adequate drainage facilities for surface and storm waters.

2. The proposed site shall be accessible from public roads that are adequate to carry the traffic that can be expected to be generated by the proposed development.

3. No undue constraint or burden will be imposed on public services and facilities, such as fire and police protection, street maintenance, and maintenance of public areas by the proposed development.

4. The streets and driveways on the site of the proposed development shall be adequate to serve the residents of the proposed development and shall meet the minimum standards of all applicable ordinances or administrative regulations of the Town.

5. The proposed site shall be provided with adequate public or private sanitary sewerage and water distribution facilities. Centralized water and sewer facilities shall be preferred.

6. The entire tract or parcel of land to be included in a Planned Unit Development Overlay District shall be held under single ownership, or if there is more than one owner, the petition for such Planned Unit Development Overlay District shall be considered as one tract, lot or parcel, and the legal description must define said PUD as a single parcel, lot or tract and be so recorded with the Florence County Register of Deeds.

E. That in the case of a proposed residential Planned Unit Development Overlay District:

1. Such development will create an attractive residential environment of sustained desirability and economic stability, including structures in relation to terrain, consideration of safe pedestrian flow, ready access to recreation space, and coordination with overall plans for the community.

2. The total net residential density within the Planned Unit Development Overlay District will be compatible with the County Development Plan or component thereof.

3. Where public sanitary sewerage facilities are provided, the County Planning and Zoning Committee may permit reduction of individual lot area to 50 percent of that required by the underlying Zoning District.

4. Provision has been made for the installation of adequate public facilities and the continuing maintenance and operation of such facilities.

5. Adequate, continuing fire and police protection is available.

6. Adequate guarantee is provided for permanent preservation of open space areas as shown on the approved site plan either by private reservation and maintenance or by dedication to the public.

F. That in the case of a proposed commercial Planned Unit Development Overlay District:

1. The proposed development will be adequately served by off-street parking and truck service facilities.

2. The proposed development shall be adequately provided with and shall not impose any undue burden on public services and facilities such as fire and police protection, street maintenance, and maintenance of public areas.

3. The locations for entrances and exits have been designated to prevent unnecessary interference with the safe and efficient movement of traffic on surrounding streets, and that the development will not create an adverse effect upon the general traffic pattern of the surrounding neighborhood.

4. The architectural design, landscaping, control of lighting, and general site development will result in an attractive and harmonious service area compatible with and not adversely affecting the property values of the surrounding neighborhood.

G. That in the case of a proposed industrial Planned Unit Development Overlay District:

1. The operational character, physical plant arrangement, and architectural design of buildings will be compatible with the latest in performance standards and industrial development design and will not result in adverse effect upon the property values of the surrounding neighborhood.

2. The proposed development shall be adequately provided with and shall not impose any undue burden on public services and facilities, such as fire and police protection, street maintenance, and maintenance of public areas.

3. The proposed development will include adequate provisions for off-street parking and truck service areas and will be adequately served by rail and/or arterial highway facilities.

4. The proposed development is properly related to the total transportation system of the community and will not result in an adverse effect on the safety and efficiency of the public streets.

H. That in the case of a mixed use Planned Unit Development Overlay District:

1. The proposed mixture of uses produces a unified composite, which is compatible within the underlying Districts and which, as a total development entity, is compatible with the surrounding neighborhood.

2. The various types of uses conform to the general requirements as herein before set forth, applicable to projects of such use and character.

3. The proposed development shall be adequately provided with and shall not impose any undue burden on public services and facilities, such as fire and police protection, street maintenance, and maintenance of public areas.

3.24.7 DETERMINATION

The County Board, after due consideration, may deny the petition, approve the petition as submitted, or approve the petition subject to additional conditions and restrictions. The approval of a Planned Unit Development Overlay District shall be based upon and include as conditions thereto the building, site, and operational plans for the development as approved by the County Board.

3.24.8 CHANGES AND ADDITIONS

Any subsequent change or addition to the plans or uses shall first be submitted for approval to the County Planning and Zoning Committee and, if in the opinion of the Plan Commission, such change or addition constitutes a substantial alteration of the original plan, a public hearing before the County Planning and Zoning Committee shall be required and notice thereof be given pursuant to the provisions of Section 15.0 of this Ordinance, and said proposed alterations and Plan Commission recommendations shall be submitted to the County Board for consideration.

3.24.9 SUBSEQUENT LAND DIVISION

The division of any land or lands within a Planned Unit Development Overlay District for the purpose of change or conveyance of ownership shall be accomplished pursuant to the land division regulations of the County and when such division is contemplated, a preliminary plat of the lands to be divided shall accompany the petition for PUD approval.

3.25 RS-PUD-SEB PLANNED UNIT DEVELOPMENT SPREAD EAGLE BARRENS SINGLE-FAMILY OVERLAY DISTRICT

3.25.1 PURPOSE

A. The purpose of the RS-PUD-SEB Residential Planned Unit Development Overlay District is to provide the means whereby land may be planned and developed as a unit for residential uses under standards and conditions in accordance with the Spread Eagle Barrens Planned Unit Development PUD Description Agreement that will afford some flexibility; encourage good design, open spaces, the preservation of natural features that will preserve the ground cover of the shoreland and scenic beauty of the navigable water, prevent erosion, and other pertinent factors. Land not used for lots and streets shall be dedicated in perpetuity to remain in open space.

B. In cluster subdivisions, the grouping of residences will require lot sizes that shall maintain the overall density within the development. The remaining undeveloped area shall be required to remain open space.

C. The rezoning to the RS-PUD-SEB Overlay District shall be required and shall be acted on by the Planning and Zoning Committee.

3.25.2 RS-PUD-SEB DISTRICTS AND LOT REGULATIONS

A. Minimum area: 1 acre

B. Minimum width: 100 feet

3.25.3 HEIGHT REGULATIONS

A. Maximum height: 35 feet

3.25.4 YARD AND SETBACK REGULATIONS

A. Minimum front yards: See Section 2.6 (Highway Setback)

B. Minimum side yards: 10 feet (Combined side yards of 25 Feet) (Accessory structures 5 feet)

C. Minimum rear yards: 20 feet

D. (4) Minimum water setbacks: 75 feet, providing the basement floor elevation is above the Probable Maximum Flood (PMF) elevation

E. Minimum setback from the County owned land being the NE ¼, and the SE ¼, of the NE ¼, Section 15, the SE ¼, and the NE ¼, of the SE ¼, Section 10, all in Township 39 North, Range 19, East, Town of Florence, Florence County, WI: 50 feet.

3.25.5 PERMITTED USES

A. Dwelling, single-family, providing:

1. The home is conventionally built on the site

2. Floor space is a minimum of 1,200 square feet, first floor

3. Exterior finish material is unobtrusive in body and trim design

4. One accessory structure, providing:

(a) The structure does not exceed 250 square feet

(b) Accessory structure does not include a detached garage

5. Exterior finish material is unobtrusive in body and trim design

B. Steps in steep sloped areas that are near the water,

1. No more than four feet in width

2. No more than 40 square feet maximum rest platform area, 4 feet wide and 10 feet maximum length

3. No more than one rest platform in any 50 foot rise in ground elevation

3.25.6 ACCESSORY USES

3.25.7 CONDITIONAL USES

A. Multi-family dwellings

3.25.8 PROHIBITIONS

Prohibited activities include:

A. Storage or disposal of junk or solid waste

B. Construction of private roads for motorized vehicles other than stated in the approved site plan

C. Placement of signs other than “FOR SALE” or “OWNERS NAME” signs

D. Utility poles

E. Any further Sub-division of land

F. Planting of any vegetation which is not natural to the Spread Eagle Barrens State Natural Area.

3.25.9 EXEMPTIONS

Exempt activities; however, the list of activities required that the Planning and Zoning Office is notified prior to:

A. Removal of diseased or insect infested vegetation

B. Removal of woody vegetation damaged by natural causes

C. Removal of woody vegetation that poses an imminent hazard to life or property

D. Routine repair and maintenance to structures

E. Fruit trees, vegetable gardens, lawn grass, etc.

F. Removal of vegetation for a trail system; this includes the trail that is incorporated into the trail system on private lands.

3.26 OS-PUD-SEB PLANNED UNIT DEVELOPMENT SPREAD EAGLE BARRENS OPEN SPACE OVERLAY DISTRICT

3.26.1 PURPOSE

A. The purpose of the OS-PUD-SEB Open Space Planned Unit Development Overlay District is to provide for the protection of the environment and conservation of natural resources of this area. The OS-PUDSEB District will be managed in accordance with the Spread Eagle Barrens Planned Unit Development PUD Description Agreement. Generally, this includes swamps, marshlands and areas where the highest groundwater is at or near the surface of the ground, however; in some cases unspecified land will be included. Unspecified land is defined as that portion of a District which is not platted into residential or commercial lots.

B. The rezoning to the OS-PUD-SEB Overlay District shall be required and shall be acted on by the Planning and Zoning Committee.

3.26.2 HEIGHT REGULATIONS

A. Maximum height: 35 feet

3.26.3 YARD AND SETBACK REGULATIONS

A. Front yard: Same as adjoining land regulations

B. Side yard: Same as adjoining land regulations

C. Rear yard: Same as adjoining land regulations

D. Inland Water (lakes) setback: 75 feet

3.26.4 PERMITTED USES

Open Space is to remain in its natural (existing) condition, and more than one corridor will remain open to the public use without discrimination. The corridors will be incorporated into the trail system with the following permitted uses:

A. Picnic Areas

B. Trails (Walking, Cross Country, Snowmobile, bridle paths) all accessible to handicapped

C. Hunting, Fishing and Trapping

D. Docking facilities and/or wharves

E. Roads

F. Benches (park like benches along the trails)

G. Parking lot

H. Wetland development and expansion

I. Wildlife preserves, refuges and habitat development

J. Underground telephone and power distribution lines and necessary above ground appurtenant structures, etc.

K. Other underground utilities

L. Barrens habitat management, including prescribed burning

M. Park Area Open Space is to remain in its natural (existing) condition, with the following permitted uses:

1. All items permitted in the general open space
2. Uninhabitable structures such as belvederes
3. Shuffle boards, Tennis, Bad mitten courts, etc.
4. Picnic Tables and Grills
5. Playground and recreation equipment
6. Horse shoe facility

3.27 CP-PUD-SEB PLANNED UNIT DEVELOPMENT SPREAD EAGLE BARRENS COMMERCIAL OVERLAY DISTRICT

3.27.1 PURPOSE

A. The purpose of the CP-PUD-SEB Commercial Planned Unit Development Overlay District is to provide the means whereby land may be planned and developed as a unit for commercial uses under standards and conditions in accordance with the Spread Eagle Barrens Planned Unit Development PUD Description Agreement. This District provides for a wide range of retail stores and personal service establishments, which cater to frequently recurring needs

B. The rezoning to the OS-PUD SEB Overlay District shall be required and shall be acted on by the Planning and Zoning Committee.

3.27.2 LOT SIZE REGULATIONS

A. Minimum area: 3 Acres

B. Minimum width: 300 feet

3.27.3 HEIGHT REGULATIONS

A. Minimum height: 35 feet

3.27.4 YARD AND SETBACK REGULATIONS

A. Minimum front yard: See Section 2.6 (Highway Setback)

B. Minimum side yard: 25 feet

C. Minimum rear yard: 20 feet

D. Minimum water setback: 75 feet, providing the basement floor elevation is above the Probable Maximum Flood (PMF) elevation.

3.27.5 PERMITTED USES

A. Antique or art shop

B. Banks and similar services

C. Business and professional offices and studios

D. Clubs and lodges

E. Drug store

F. Dwelling, single-family, only as accessory to a principal use

G. Garages for storage of vehicles used in conjunction with a permitted use

H. Health club

I. Hotel, motel

J. Restaurant, café

K. Retail stores and shops offering convenience goods and services

L. Semi-public use such as administrative building or similar use according to definition

M. Sporting goods store

3.27.6 ACCESSORY USES

3.27.7 CONDITIONAL USES

A. Amusement parks including baseball batting ranges, bowling alley commercial skating rinks, go-cart tracks, golf driving range, miniature golf course or similar establishment

B. Adult entertainment facilities

C. Drive-in restaurant

D. Tavern

4.0 PARTICULAR USE REQUIREMENTS

4.1 PURPOSE

The purpose of these requirements is to minimize potential negative impacts from certain uses and to promote compatibility between particular uses and surrounding uses.

4.2 APPLICABLITY

In addition to complying with other regulations established in this Ordinance, these requirements must be met for each specific use. These requirements shall override any requirements which are described elsewhere in this Ordinance for the Zoning Districts, but only to the extent that they conflict with such requirements.

4.3 MOBILE HOMES

This Section of the Zoning Ordinance provides for the location and provisions thereof in the placement of Mobile Homes in Florence County.

4.3.1 DEFINITION

A. "MOBILE HOME" means a vehicle manufactured or assembled before June 15, 1976, designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, with walls of rigid un-collapsible construction, which has an overall length in excess of 45 feet. “Mobile home" includes the mobile home structure, its plumbing, heating, air conditioning and electrical systems, and all appliances and all other equipment carrying a manufacturer's warranty.

4.3.2 MOBILE HOMES, as defined above, may be permitted provided that:

A. Minimum Size - 10 feet wide, 45 feet long.

B. A mobile home shall be equipped with a lavatory, bathtub (or shower), and a water closet.

C. Minimum Height - The above shall not be greater than 80 percent of the average width.

D. All mobile homes shall comply with the minimum regulations set forth in all Districts and any legally existing mobile home shall be treated as single-family, prefabricated housing.

E. After placement, a mobile home shall be skirted, and the tongue shall be covered or removed as to take on the appearance of a conventional home.

F. Mobile homes shall be placed on firm foundations.

G. When mobile homes are not connected to a public water supply or public sewage system, they shall conform to the requirements of a single-family residence for the respective District or shore land, whichever applies.

H. Any mobile home moved to or relocated in Florence County after the effective date of this Ordinance are permitted only in manufactured home parks.

4.3.3 Any Township Governing body may, by ordinance, restrict or prevent mobile homes from being placed in a specified lake area, township, or section as designated by such an ordinance.

4.3.4 All mobile homes shall comply with regulations set forth in the Zoning District that they are located as set forth in this Ordinance.

4.3.5 All mobile homes shall comply with the Florence County Sanitary Ordinance Sections.

4.3.6 Within 30 days after the adoption of the mobile home regulations 95-ZA-1, February 21, 1995), pre-existing mobile homes must be skirted and the tongue covered or removed as to take on the appearance of a permanent dwelling.

4.3.7 Mobile homes are only permitted in manufactured home parks.

4.3.8 The joining or attaching of two or more Mobile Homes, creating one dwelling unit is prohibited, unless otherwise approved by the manufacturer and listed in the manufacturer's installation instructions. End to end joining or attaching of Mobile Homes is strictly prohibited.

4.4 MANUFACTURED HOME

4.4.1 DEFINITION

"Manufactured Home" means a structure certified and labeled as a manufactured home under 42 USC 5401-5425, which, when placed on a site:

A. Is set on an enclosed foundation in accordance with Section 70.043 (1), Wis. Stats., and sub-chapters III, IV, and V of Ch. SPS 321, Wis. Admin. Code, or is set on a comparable enclosed foundation system approved by the County Zoning and Planning Administrator/Deputy. The County Zoning and Planning Administrator/Deputy may require a plan to be certified by a registered architect or engineer to ensure proper support for the home.

B. Is installed in accordance with the manufacturer's instructions.

C. Is properly connected to utilities.

4.4.2 All manufactured homes shall comply with regulations set forth in the District that they are located. Manufactured homes are permitted in the same Districts as single-family dwellings and are subject to the provisions of the O-L Single-Family Home Overlay District.

4.4.3 Land deed covenants may be more restrictive.

4.5 TOURIST ROOMING HOUSE (TRH)

4.5.1 DEFINITION: Any lodging, place, tourist cabin, or cottage where sleeping accommodations are offered for pay to tourist or transients, or to persons who stay or intend to stay for thirty (30) days or less.

4.5.2 PURPOSE: The purpose of this ordinance is to ensure the quality of tourist rooming houses operating within the county is adequate for protecting public health, safety and general welfare, including establishing minimum standards of space for human occupancy and for an adequate level of maintenance; determining the responsibilities of owners and operators offering these properties for tourists, to protect the character and stability of all areas within the county; to provide minimum standards necessary for the health and safety of persons occupying or using buildings, structures or premises; and provisions for the administration and enforcement thereof.

4.5.3 EXEMPTIONS: The following operations are exempt from complying with the requirements of this article:

A. A private boarding or rooming house not advertised to the public.

B. A hotel, motel, or resort license issued by the State of Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP), CHAPTER 9 ARTICLE 5 – ADDITIONAL TYPES OF USES Article 5-39 pursuant to §97.605, Wis. Stats., or a designated local health department pursuant to §97.625, Wis. Stats., directly or through its agent.

C. Bed and breakfast establishments.

4.5.4 Tourist Rooming House Requirements

A. No person may operate a TRH without a Land Use Permit.

B. A tourist rooming house shall meet the following minimum requirements:

1. Maximum occupancy for a tourist rooming house served by a Private Onsite Wastewater Treatment System (POWTS) is limited to the number of occupants for which the POWTS was designed, or the occupancy granted by the State tourist rooming house license, whichever is less.

2. Maximum occupancy for a tourist rooming house served by a public sewage facility is limited to the number of occupants authorized by the State tourist rooming house license issued by the State of Wisconsin Department of Agriculture, Trade and Consumer Protection in accordance with Wisconsin Administrative Code ATCP 72.

3. On-street parking is prohibited, unless allowed by the governmental entity having jurisdiction over the public road.

4. No recreational vehicles, campers, tents, or other temporary lodging arrangements shall be permitted onsite as a means of providing additional accommodations for paying guests or other invitees.

5. Compliance with all state, county, and town regulations.

6. Advertising the availability of the rental may take place only after all town, county, and state permits and licenses have been obtained.

7. Trash and garbage removal shall be provided on a weekly basis. Such service shall be evident by a contract with a licensed garbage hauler or, if not contracted, by name of a private party responsible for weekly trash removal.

8. Each tourist rooming house shall comply with all other provisions of Chapter 10 of the Florence County Zoning Ordinance and the Florence County Shoreland and Wetland Zoning Ordinance.

9. The maximum occupancy allowed on a property being rented as a tourist rooming house shall not exceed the allowed maximum occupancy of the tourist rooming house.

10. The total combined number of vehicles and trailers allowed on site shall not exceed the allowed number of bedrooms in the tourist rooming house, plus one

11. All applications for a Tourist Rooming House Permit and Renewal shall be filed with the zoning director on forms provided. Applications must be filed by the owner of the tourist rooming house. Each applicant shall certify that the tourist rooming house that is the subject of the application can meet the requirements set forth in section 4.5.1(C).

12. An application for a Tourist Rooming House Permit shall include the following and shall not be considered complete until all of the following are submitted:

    a. Floor plan and requested maximum occupancy.

    b. Site plan including available onsite parking.

c. POWTS information.

13. Permits shall be valid for a period of one year from January 1 to December 31. If a permit is granted after November 1 of a permit year, that permit will extend to December 31 of the following year. Renewal applications shall be filed by November 1. The purpose of annual renewal is to review compliance with the conditions of permit approval, resident agent eligibility and contact information of the owner.

4.6 AIRPORT REGULATIONS

Except for field crops and fences under five feet high, the maximum height of any object located within 500 feet of either side of the centerline of a landing strip, and extended to a distance of two miles from the end of the runway shall be no higher than 1/100 of the distance of the object to the landing strip.

4.7 ADULT ENTERTAINMENT FACILITIES

4.7.1 No Adult Entertainment Facilities shall be located:

A. Within a Residential, Forest or Agricultural Zoning District

B. Within 1,320 feet of an existing Adult Entertainment Facilities.

C. Within 1,320 feet of any residential area.

D. Within 1,320 feet of any pre-existing school, church, or day care center.

E. Within 1,320 feet of any pre-existing establishment licensed to sell or dispense fermented malt beverages or intoxicating liquor.

F. Within 1,320 feet of a public park

4.7.2 For purposes of this Section, distances are to be measured in a straight line, without regard to intervening structures or objects, from the property line of the adult-oriented establishment, to the nearest property line of the above listed uses.

4.7.3 No portable signs, window displays, or temporary signs shall be permitted on the premises.

4.8 AGRICULTURAL USES REQUIREMENTS

4.8.1 AGRICULTURE

A. Any agricultural use involving animals shall provide sufficient shelter and open space to meet or exceed any standards set by the United States Department of Agriculture and/or the Wisconsin Department of Natural Resources.

B. Barnyards, feed lots, and farm structures housing animals shall be located at least 100 feet from navigable water and shall be located so that manure will not drain into navigable water.

C. Barnyards, feed lots, and farm structures housing animals, shall be located at least 200 feet from any dwelling unit other than that of the animal keeper's dwelling unit.

4.9 SHIPPING CONTAINERS

4.9.1 DEFINITION: Means a cargo container, shipping container or other similar transportable container with a volume greater than 100 cubic feet that is suitable for storing building materials, furniture, tools, equipment, household goods and other personal property.

4.9.2 SHIPPING CONTAINERS, as defined above, may be permitted with a Conditional Use Permit provided that:

A. No human habitation

B. Must be earth tone or neutral colors

C. Allowed in Open Forest and Agriculture Zoning Districts ONLY

D. NOT allowed on waterfront property unless outside of 1000 feet of the Ordinary High Water Mark

4.10 WIRELESS COMMUNICATION STRUCTURES

4.10.1 DEFINITION:

A. Structures, including antennas and any other attachments or extensions, exceeding one hundred (100) feet in height above grade.

B. Structures, regardless of height, which are required by Federal Regulations to be equipped with aviation hazard warning lighting.

C. Co-location: means the placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a free standing support.

4.10.2 Wireless Communications Structures, as defined above, may be permitted with a Land Use Permit.

4.10.3 The following are exempt from the requirement to obtain a zoning permit unless otherwise noted.

A. Structures for the support of television antennas and other receive-only antennas provided that the antenna use constitutes ancillary or secondary use, not primary use, of the property.

B. Structures for the support of amateur radio antennas that are owned and/or operated by a federally licensed amateur radio operator, provided that the antenna use constitutes ancillary or secondary use, not primary use, of the property.

C. Structures for the support of mobile antennas for services providing public information coverage of news events or of a temporary or emergency nature.

D. Telecommunications towers mounted on buildings that do not exceed 100 feet in height above grade.

4.10.4 Limitations: Zoning Permits for Construction of any new wireless service support structure and facilities and Co-locations shall only be granted provided the following conditions exist:

A. Design and installation of all towers and antennas shall comply with the manufacturers and engineers specifications. Plans shall be approved by an engineer licensed by the State of Wisconsin certifying the structural design.

B. The applicant and/or agent have plans indicating security measures (i.e. access, fencing, lighting, etc.).

C. For new wireless service support structures, the applicant has obtained a report prepared by an Engineer licensed by the State of Wisconsin certifying the structural design of the tower and its ability to accommodate two (2) additional co-locators, and such that communication towers and necessary appurtenances, including but not limited to parking areas, access road, and utilities are shared by site users.

D. The applicant and/or agent have proof of liability coverage.

E. The applicant and/or agent have obtained all Federal Communications Commission (FCC) license numbers and registration numbers if applicable.

5.0 MODIFICATIONS

5.1 GENERAL

The Zoning and Planning Administrator, in reviewing permits, may grant modifications to the terms of this Ordinance as provided herein.

5.2 AVERAGE SETBACK DETERMINATION

5.2.1 A setback equal to the average setback of existing principal buildings located within 500 feet on either side of a proposed building site and on the same side of the street, shall be permitted where five of these buildings do not conform with the appropriate setback line. Where there are no existing principal buildings within 500 feet of the proposed building site, the average setback shall be the average of the existing principal building on the one side and the required setback.

5.2.2 Reduced building setbacks from navigable water shall comply with the *Shoreland and Wetland Zoning Ordinance for Florence County, Wisconsin*.

5.3 HEIGHT REGULATION EXCEPTION

Heights of the following structures may exceed ordinance limits for the District in which it is to be located: cooling towers, stacks, lookout towers, silos, windmills, water towers, spires, radio and television aerials, masts, antenna and mechanical appurtenances and barns and other buildings designed for the storage of agricultural products, except where specifically regulated by this Ordinance.

5.4 ACCESSORY USES AND STRUCTURES

Accessory uses are permitted in any District as may be specified in the appropriate District regulations or herein. An accessory use building permit shall be required where specifically noted in this Section. The use and/or location requirements stipulated elsewhere in this Ordinance may be modified for accessory uses as follows:

5.4.1 ACCESSORY BUILDINGS, STRUCTURES and uses shall be compatible with the principal use.

5.4.2 Location:

A. No accessory building or structure, with the exception of a boathouse, on the shoreline, shall be erected or altered or moved to a location within the required area of a front or side yard. Except as specified elsewhere by this Ordinance, the sideward setbacks for accessory structures shall be equal to those of the principal structure.

B. An accessory building, structure or use in a rear yard shall be not less than seven and one-half feet from any property line, except that on a corner lot, a reversed corner lot or a through lot, such accessory building, structure or use shall be set back from the property line

adjoining a street the distance required for a front yard, unless otherwise required herein for a specific permitted or conditional use.

5.4.3 ENCROACHMENT: No accessory building, structure or use shall encroach upon that side yard of a corner lot which is adjacent to the street, upon that side of a reversed corner lot which is adjacent to the street, upon that part of a rear yard of a through lot, which is within 35 feet from the street line abutting the rear lot or upon a front yard, except as permitted herein for specific uses.

5.4.4 HUMAN HABITATION:

A. In a Residential District within the shoreland area no accessory building, structure or use shall be used for human habitation.

B. In a Residential District within the shoreland area no accessory building, structure or use shall contain living quarters.

5.4.5 HEIGHT: In a Residential District no accessory building or structure shall exceed 35 feet in height.

5.4.6 AREA: In a Residential District, the combined total floor area of such accessory buildings shall not exceed the area of the building foot print of the principal building on the lot.

5.4.7 PROHIBITED TYPES: Such items as, but not limited to boats, manufactured homes, mobile homes, buses, railroad cars, trailers, trucks, and vans shall not be permitted as accessory uses or structures.

5.4.8 INSPECTION: Accessory and Principle Structures require an inspection upon completion provided any of the following condition(s)s exist:

A. Total size of structure is equal to or greater than 1,000 square feet, all levels included.

B. Bathroom

C. Running water

D. Commercial

E. Public and Semi-Public uses

5.5 YARD REGULATIONS

The following shall not be considered to be obstructions when located in the required yards specified:

5.5.1 IN ANY YARDS: Marquees and awnings adjoining the principal building over-hanging roof eaves; chimneys, if they do not exceed ten percent of the depth of the yard; and ornamental light standards, flag poles, arbors, trellises, trees, shrubs, coin operated telephones, permitted signs and outdoor fuel dispensing equipment.

5.5.2 IN SIDE YARDS: Open accessory off-street parking spaces, except in a side yard abutting a street.

5.5.3 IN REAR YARDS: Enclosed, attached or detached off-street parking spaces; open off-street parking spaces; accessory sheds, tool rooms or any similar structures customarily accessory to principal use; and balconies, breeze-ways and open porches.

6.0 CONDITIONAL USES

6.1 GENERAL

6.1.1 A conditional use permit shall be required for the establishment of each use permitted as a conditional use and for the addition to, or the expansion or intensification of a nonconforming use. Conditional permit may be authorized in the District in which permitted upon application to the Planning and Zoning Committee and subject to the committee's authorizing the issuance of a conditional use permit.

6.1.2 The Planning and Zoning Committee shall consider the effect of such grant on the health, general welfare, safety and economic prosperity of the county and of the immediate area in which such use would be located, including such considerations as the effect on the established character and quality of the area, its physical attractiveness, the movement of traffic, the demand for related services, the possible hazardous, harmful, noxious, offensive, or nuisance effects resulting from noise, dust, smoke, or odor and other factors.

6.2 APPLICATION

6.2.1 An application for a conditional use permit shall be submitted to the County Zoning and Planning Administrator upon forms furnished by the Florence County Planning Department. The application shall contain the following information:

A. All the information required for a land use permit listed in Section 2.3 and a completed conditional use permit form addendum.

B. Upon written request by the County Zoning and Planning Administrator, such additional information as may be required by the County Zoning and Planning Administrator so that the County Planning and Zoning Committee can determine whether or not the proposed use at the proposed location will not be contrary to the public interest and will not be detrimental or injurious to public health, public safety, or the character of the surrounding area. The written request shall contain an explanation of why the additional information is needed.

C. Water supply and sewage disposal. Where the proposed use involves human occupancy, satisfactory evidence that a safe and adequate supply of water and approved sewage disposal facilities will be provided, in accordance with the requirements of the Florence County Sanitary Ordinance, shall be submitted.

D. Fee. All conditional use permit applications shall be accompanied by a fee established by the County Board of Supervisors.

E. No application shall be accepted by the County Zoning and Planning Administrator until complete as judged by the County Zoning and Planning Administrator and until all fees established by Florence County have been paid in full.

6.3 PUBLIC HEARING

The Planning and Zoning Committee shall schedule a public hearing on the application within 30 days after it is filed, but not less than 15 days.

6.4 DETERMINATION

Following review, investigation, and public hearing, the Planning Commission shall render a decision in writing.

6.4.1 The Planning and Zoning Committee shall report its decision within 90 days after the filing of the application

6.4.2 If the application is approved, such decision shall include an accurate and complete description of the use as permitted, including all the conditions attached thereto. Such permit shall be applicable solely to the structures, use and property so described.

6.4.3 If the application is denied, the reasons for denial shall be stated.

6.5 BASIS OF APPROVAL

6.5.1 The County Planning and Zoning Committee shall review each conditional use permit application for compliance with all requirements applicable to that specific use and to all other relevant provisions of this Ordinance. In approving conditional uses, the County Planning and Zoning Committee also shall determine that the proposed use at the proposed location will not be contrary to the public interest and will not be detrimental or injurious to the public health, public safety, or character of the surrounding area.

6.5.2 To aid in the review of the proposed project against the above criteria, the County Planning and Zoning Committee shall evaluate the following specific criteria as applicable, but shall not be limited thereto:

A. Whether the proposed project will adversely affect property values in the area.

B. Whether the proposed use is similar to other uses in the area.

C. Whether the proposed project is consistent with the Florence County Development Plan or any officially adopted town plan.

D. Provision of an approved sanitary waste disposal system.

E. Provision for a potable water supply.

F. Provisions for solid waste disposal.

G. Whether the proposed use creates noise, odor, or dust.

H. Provision of safe vehicular and pedestrian access.

I. Whether the proposed project adversely impacts neighborhood traffic flow and congestion.

J. Adequacy of emergency services and their ability to service the site.

K. Provision for proper surface water drainage.

L. Whether proposed buildings contribute to visual harmony with existing buildings in the neighborhood, particularly as related to scale and design.

M. Whether the proposed project creates excessive exterior lighting glare or spillover onto neighboring properties.

N. Whether the proposed project leads to a major change in the natural character of the area through the removal of natural vegetation or altering of the topography.

O. Any other factor deemed appropriate by the Planning and Zoning Committee to the project or property.

6.5.3 The applicant's failure to satisfy the criteria listed above in Section 6.5.2 or any other applicable requirement in this Ordinance may be deemed grounds to deny the conditional use permit. At all times the burden of proof to demonstrate satisfaction of these criteria remains with the applicant.

6.5.4 In the OF- FOREST DISTRICT, no conditional use permit shall be granted unless the proposed use is consistent with forestry use and is found to be necessary in light of the alternative locations available for such use.

6.6 CONDITIONS AND RESTRICTIONS

In addition to the conditions required by Sections 6.10 through 6.17, the County Planning and Zoning Committee may, in approving an application for a conditional use permit, impose such restrictions and conditions that it determines are required to prevent or minimize adverse effects from the proposed use or development on other properties in the neighborhood and on the general health, safety, and welfare of the county Conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, financial sureties, lighting, fencing, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or parking requirements may be required by the County Planning and Zoning Committee upon its finding that these are necessary to fulfill the purpose and intent of this Ordinance.

6.7 EXPIRATION

All conditional use permits shall expire 12 months from the date of authorization by the County Planning and Zoning Committee where the County Planning and Zoning Committee determines that no action has commenced to establish the authorized use.

6.8 PROJECT COMPLETION

All conditional uses authorized by the County Planning and Zoning Committee shall be given a specific amount of time within which the project must be completed. The time limit may be negotiated between the project applicant and the County Planning and Zoning Committee. If the applicant fails to complete the approved project within the designated time period, the County Planning and Zoning Committee may either extend the time limit or require the applicant to seek a new conditional use permit authorizing the remainder of the project.

6.9 TERMINATION

Where a permitted conditional use does not continue in conformity with the conditions of the original approval, the conditional grant shall be terminated by action of the Planning and Zoning Committee and may be considered by the committee as a violation of this Ordinance. If an established use listed as a conditional use ceases for a period of more than 18 months, any future activity shall require a new permit. If requested by the County Zoning and Planning Administrator, the Planning and Zoning Committee shall make a determination as to whether or not the use is to be considered ceased.

6.10 AGRICULTURAL USES

6.10.1 ROADSIDE STAND

A. Any roadside stand or similar use shall conform to setback, sign and other provisions of this Ordinance, but may be ordered removed by the county highway committee, if said committee determines that it constitutes a traffic hazard or nuisance. Such removal shall be at the landowners cost if such stand was established after the effective date of this Ordinance, otherwise the removal cost shall be a consideration of the highway committee and the landowner, but the county shall in no way be obligated to pay the cost of removal of such stands.

6.11 BUSINESS USES

The following business uses shall be conditional and may be permitted as specified.

6.11.1 FARM EQUIPMENT SALES, SERVICE AND REPAIRS

Farm equipment sales, service and repairs shall be conducted on a site of no less than 20,000 square feet. All storage of equipment shall be at least 100 feet from highways or roads and at least 200 feet from any residential property. If the Planning and Zoning Committee deems the operation will take on characteristics of a junk yard, they may require a hedge planting of sufficient size to screen the area from the public right-of-way.

6.12 INDUSTRIAL USES

The following industrial uses shall be conditional and may be permitted as specified.

6.12.1 DUMPS

A. No garbage or rubbish dumps or closely related operation shall be permitted in Florence County except in conformance with a plan approved by the Planning and Zoning Committee. Such dumps shall comply with the following requirement:

1. All such establishments shall have minimum size and rear yards of 100 feet each and shall be located 500 feet from public right-of-ways.
2. The dump shall be enclosed by a suitable fence or planting screen so that the materials are not visible from other property in the vicinity of the dump, nor from a public right-of-way such as roads, streets, highways and waterways.
3. A permit shall be obtained from the State Division of Health, Department of Natural Resources or other state agency authorized by law to issue such permit certifying that the dump will not pollute the ground and surface waters in the area.

4. A one rod wide unobstructed firebreak completely surrounding the dump shall be maintained for fire protection.

5. No dump in which burning activities are planned at the site shall be permitted to pollute the air of nearby populous area.

6.12.2 MANUFACTURING

In granting a conditional use permit, the Planning and Zoning Committee shall consider:

A. Potential pollution; uses not inherently a source of pollution within an area shall be preferred over uses that are or may be a pollution source; use locations within an area tending to minimize the possibility of pollution shall be preferred over use locations tending to increase that possibility.

B. Nuisances such as the emission of excessive dust, smoke, glare, odor, or noise and hazards such as the storage of inflammable, toxic materials or explosives; traffic conditions including potential adverse effects on the public's access to navigable waters.

C. Aesthetics and the overall effects on the environment and compatibility with the existing land and water uses.

6.12.3 QUARRYING

These provisions were adopted by the County Board on December 15, 1967 as part of the Florence County Zoning Ordinance. Therefore, existing quarries used in this Section refer to those in existence on or before December 15, 1967. All quarries created after December 15, 1967 should be in compliance with these previsions of this Ordinance.

Applications requesting Planning and Zoning Committee approval of a proposed quarrying activity shall be accompanied by:

A. A description of all phases of the contemplated operation including types of machinery and equipment which will or might be necessary to carry on the operation. Where the operation is to include sand and gravel washing, the estimated daily quantity of water required, its source and its disposition shall be identified.

B. A legal description of the proposed site.

C. A topographic map (at a minimum contour interval of five feet) of the proposed site and the area extending beyond the site to a minimum distance of 300 feet on all sides.

D. A restoration plan as hereinafter required and as required by the Florence County Nonmetallic Mining Ordinance.

E. Consideration of compatibility, in reviewing a proposal for a quarrying activity, the County Planning and Zoning Committee shall take into consideration:

1. The effect of the proposed operation on drainage and water supply, particularly in connection with sand gravel washing.

2. The possibility of soil erosion as a result of the proposed operation.

3. The most suitable land use for the area, and its effect on the land use in adjacent areas.

F. Restoration Plan and Financial Guarantee Required

No grant to carry on a quarrying operation shall be given until the Planning and Zoning Committee approves a restoration plan and the owner agrees to restore the quarried area to a condition of practical usefulness and reasonable attractiveness as provided in the conditional use permit or within 6 months after the quarrying operations have ceased. The owner shall provide sufficient financial guarantee to secure the performance of the restoration agreement. The agreement and financial guarantee shall be in a form by the District Attorney.

G. Conditions for Approval

The Planning and Zoning Committee may set forth conditions regarding appropriate setback and other dimensional requirements, particularly with reference to avoiding a nuisance effect on surrounding residential uses. Suitable fencing and landscaping may be required.

H. Reserved

I. Existing Quarrying Operation

1. Within 6 months after the effective date of this Ordinance, the owners of all existing quarrying operations shall submit to the Planning and Zoning Committee the names of the quarry owners and operators and information regarding its operation.

2. Within one year after adoption of this Ordinance, the owners shall submit to the Planning and Zoning Committee a plan for restoration of the quarrying site in accordance with paragraph F, of this Section. The restoration plan shall not impose requirements which are economically or engineering unreasonable with respect to conditions resulting from operation prior to enactment of this Ordinance.

3. Within three years after the effective date of this Ordinance any such existing operation shall be subject to the provisions of paragraphs F, G, and H of this Section.

6.12.4 MINING OR MINING OPERATIONS

Applications requesting Planning and Zoning Committee approval of a Mining Permit through a conditional use permit shall conform to Chapter 20, including but not limited to, Section 1.10 and Section 1.14. This Ordinance shall be interpreted and applied in a manner that complements, and does not conflict with, State law as set forth in Wis. Stat. Sec. 293.41 or other Applicable Laws or Regulations set forth by WisDNR.

Subject to the provisions of Chapter 20. In granting a conditional use permit, the Planning and Zoning Committee shall consider:

A. Potential pollution; uses not inherently a source of pollution within an area shall be preferred over uses that are or may be a pollution source; use locations within an area tending to minimize the possibility of pollution shall be preferred over use locations tending to increase that possibility.

B. Nuisances such as the emission of excessive dust, smoke, glare, odor, or noise and hazards such as the storage of inflammable, toxic materials or explosives; traffic conditions including potential adverse effects on the public's access to navigable waters.

C. Aesthetics and the overall effects on the environment and compatibility with the existing land and water uses.

6.12.5 JUNK OR AUTOMOBILE SALVAGE YARD

No junk or automobile salvage yards shall be permitted in Florence County except in conformance with a plan approved by the County Planning and Zoning Committee. Such yards shall comply with the following requirements:

A. Junk or salvage material shall not be located within 600 feet of public roads, streets and highways or within 75 feet of a navigable waterway or wetland, and all establishments of this kind shall have minimum side and rear yards of 100 feet each.

B. Junk or salvage materials shall be enclosed by a suitable fence or planting screen so that the materials are not visible from other property in the vicinity of the junk yard, nor from a public right-of-way such as roads, streets, highways and waterways. The fence or planting screen shall be kept in good repair.

C. Junk or salvage materials shall not be piled higher than the height of the fence, nor against the fence.

D. For fire protection, an unobstructed firebreak shall be maintained, one rod in width and completely surrounding the salvage or junk yard.

E. At the site, appropriate measures shall be taken to prevent the contamination ground water, surface water, and soils by oils, gasoline, grease, acids, solvents, antifreeze, brake fluids, lubricants, and other

contaminants. Junkyards and salvage yards shall comply with Section 11.0 Performance Standards.

6.13 PUBLIC AND SEMIPUBLIC AND INSTITUTIONAL USES

The following public, semipublic, and institutional uses shall be conditional and may be permitted as specified.

6.13.1 RESERVED

6.13.2 RESERVED

6.14 RECREATIONAL USES

The following recreational uses shall be conditional and may be permitted as specified:

6.14.1 CAMPS MAY BE PERMITTED THAT:

A. The minimum lot area is five acres; the minimum lot width is 300 feet at the building line or waterline.

B. All buildings shall be more than 100 feet from the side lot line.

C. All buildings and parking lots shall be screened by a suitable species of vegetation from adjacent residential lots.

D. Soil absorption systems shall be located in accordance with the Shoreland and Wetland Zoning Ordinance for Florence County, Wisconsin.

6.14.2 CAMPING AREAS

Camping areas may be permitted provided that:

A. The minimum size of a camping area shall be five acres.

B. The maximum number of camping sites shall be five per acre.

C. Minimum dimensions of a camping site shall be 50 feet wide by 40 feet long.

D. Each camping site shall be separated from other camping sites by a yard not less than 15 feet wide.

E. There shall be 1½ automobile parking space for each camping site.

F. There shall be a minimum setback for each camping site of 40 feet from all other exterior lot lines.

G. It shall conform to the requirement of Chapter HFS 178 Campgrounds, Wisconsin Administrative Code, and as subsequently amended, shall apply.

H. Soil absorption sewage disposal systems or private sewage disposal plants shall be located in accordance with all applicable County Ordinances and the Wisconsin Administrative Code.

6.14.3 MARINAS AND BOAT LIVERIES

Marinas and boat liveries may be permitted provided that:

A. They are located more than 500 feet from public bathing beaches, parks and boat access points.

B. They are designed and constructed as to not interfere with adjacent riparian owner's uses of the water for swimming, fishing or boating; nor interfere or obstruct the public's free navigation.

C. Fueling pumps and tanks shall be located two feet above the normal water elevation, and no fuel hose shall extend beyond a point necessary to fuel boats as the closest proximity to land.

D. Marinas shall be equipped with facilities for the disposition of domestic waste from boats.

E. The following standards shall apply to marinas and boat liveries:

				Min, Setback from Waterline		
Use	**Min. lot area**	**Min. lot width at building line**	**Max. building Height**	**Buildings**	**Soil absorption filed trench type**	**Seepage beds or pits**
Marinas and Boat Liveries	25,000 sq. ft.	125 ft.	20 ft.	35 ft.	75 ft.	100 ft.

Holding tanks shall be located above the normal high-water elevation. Holding tanks located on sites subject to flooding shall be flood proofed.

6.14.4 SHOOTING RANGES FOR FIREARMS

In granting a zoning or conditional use permit for target ranges, the Planning and Zoning Committee shall evaluate:

A. Potential hazards to adjacent uses.

B. Topography and ground cover

C. Noise

D. The firing of rifled arms and shotguns slugs shall not be permitted directly toward or over navigable waters, public or private roads or drives; toward any building or structure nor directly toward any population concentration which is located within 1 1/2 miles.

E. There shall be:

1. An adequate shortfall or bullet impact area.

2. A defined firing line or firing direction.

3. Adequate target backstops for the firing of rifled arms.

F. Shooting ranges shall be clearly identified by signs not less than four square feet in gross area located at intervals of not less than 25 yards around the perimeter and ranges shall be securely fenced off from adjacent lands and waters.

6.14.5 RECREATIONAL AREAS

Recreational areas may be permitted provided that:

A. Compatibility: The area shall be compatible with adjacent land or water uses.

B. Conservation: The provisions the *Shoreland and Wetland Zoning Ordinance for Florence County, Wisconsin* shall apply.

C. Entrances and exits are designed and located as to not interfere with the public's or adjacent landowners access to public waters.

D. Illumination: Any lighting facilities are designed as to minimize reflection or glare on or over the water except navigation aids.

E. Sanitary Systems: Sanitary systems are adequately designed for the intensity of use, and are located as to not cause water pollution.

F. Screening: Bleachers, spectator stands, motor driven rides, concession stands, maintenance and storage buildings, parking lots and sanitary facilities are effectively screened from the water and adjacent properties by vegetative growth.

6.15 RESIDENTIAL USES

The following residential uses shall be conditional and may be permitted as specified:

6.15.1 HOME BUSINESSES.

The following shall apply:

A. A maximum of two home businesses shall be permitted per lot or building site. In no instance shall there be more than two home-based enterprises on a lot or building site, whether those enterprises are home offices/studios and/or home occupations and/or home businesses.

B. The home business shall be conducted by resident(s) of the dwelling unit. Other persons may be employed in this business as well, working on- or off-site. The County Planning and Zoning Committee may restrict the number of persons working onsite.

C. If located within a dwelling unit, home businesses shall occupy no more than 60 percent of the floor area of the dwelling unit. If located in accessory buildings, home businesses shall not occupy an area greater than 100 percent of the floor area of the dwelling unit, except

that home businesses may occupy an entire accessory building that existed prior to the effective date of this Ordinance.

D. Such use shall not include the conduct of any retail or wholesale business on the premises, except for the sale of products or services produced by the home business.

E. Such use shall not involve any outdoor display of any articles offered for sale or produced on the premises in conjunction with the home business. Outdoor storage of products, materials, equipment, or machinery used in conjunction with the home business shall be permitted if the outdoor storage areas are provided with the fencing or vegetative screening, so that such storage is not visible from public rights-of-way nor neighboring properties.

F. Vehicles bearing business insignia and trailers used in conjunction with the home business may be stored on-site, provided that no more than one of each is visible from public rights-of-way and surrounding properties.

G. Off-street parking shall be provided in accordance with the requirements in Section 7.0, traffic, loading, and access requirements.

H. A maximum of one on premise advertising sign, not to be illuminated and not to exceed 12 square feet in area, shall be permitted for a home business. Such signs shall be authorized through issuance of a sign permit in compliance with the requirements of this Ordinance. No off-premise advertising signs shall be permitted.

I. Sanitary facilities shall be provided per county and state sanitary code requirement.

J. Uses subject to regulations found elsewhere in this Ordinance shall also comply with those regulations.

6.15.2 HOME OFFICES/STUDIOS

The use of a dwelling unit or accessory structure for a home office/studio shall be clearly secondary to the residential use of the property and shall not change the property's residential character. The following shall apply:

A. A maximum of two home offices/studios shall be permitted per lot or building site. In no instance shall there be more than two home-based enterprises on a lot or building site, whether those enterprises are home offices/studios and/or home occupations and/or home businesses.

B. The home office/studio business shall be conducted by resident(s) of the dwelling unit. Other persons may be employed by the business but shall not work on the premises.

C. Home offices/studios may be conducted in any dwelling unit or accessory building. The total floor area dedicated to home offices/studios, whether located within the dwelling unit and/or in an

accessory building, shall be no more than 25 percent of the floor area of the dwelling unit.

D. Such use shall not include the conduct of any retail or wholesale business on the premises, nor any other activity requiring visits by members of the public.

E. Such use shall not include the operation of any machinery, tools, appliances, or other operational activity that would create a nuisance due to noise, dust, odors, or vibration, or be otherwise incompatible with the surrounding area.

F. Such use shall not involve any outdoor storage or display of any products, materials, equipment, or machinery used in conjunction with the home office/studio.

G. Any on-site vehicles bearing business insignia or trailers used in conjunction with the home office/studio shall be stored indoors.

H. No parking in addition to that required for the dwelling unit shall be required.

I. Deliveries to or shipments from the property of products, materials, equipment, or machinery used in conjunction with a home office/studio shall not exceed two per week.

J. No off-premise nor on premise advertising signs shall be permitted.

K. Sanitary facilities shall be provided per county and state sanitary code requirements.

L. Uses subject to regulations found elsewhere in this Ordinance shall also comply with those regulations.

6.15.3 HOME OCCUPATION USES

Such uses may be permitted provided:

A. Not more than two individuals are employed besides the members of the immediate family.

B. Such use shall not include the operation of any machinery; tools or other appliances, or be otherwise incompatible with the surrounding residential area.

C. Such use does not involve the serving of any beverage, food, the on-lot retail or wholesale of goods or materials; nor the removal of sand, gravel, stone, topsoil, peat or moss for commercial purposes.

D. The use does not involve more than 20 percent of the classified floor area of the principal building.

E. Any off-street parking area shall be maintained reasonably dustless, and adequately screened from adjoining residential properties.

6.15.4 SECOND SINGLE-FAMILY RESIDENCE

In addition to an existing single-family residence additional single-family residence per parcel may be permitted: Such uses may be permitted in the AG, or OF Districts provided:

A. Shall not be used for lease or rent.

B. Shall only be used for a single-family residence

C. Such residence shall meet all the lot area, width, height, and yard setback requirements for the district in which it is located.

D. Section 2.8 Area Regulations apply.

E. No such residence is permitted in a lot abutting navigable water.

6.15.5 MANUFACTURED HOME PARKS

Except as otherwise specifically authorized, manufactured home parks shall meet the following requirements:

A. Minimum size: five acres

B. Maximum number of mobile home sites: five per acre

C. Minimum dimensions of a mobile home site: 80' x 110'

D. Maximum height of a mobile home: Above grade shall not be greater than 80 percent of the average width.

E. Minimum distance between manufactured home - 50 feet.

F. Minimum distance between mobile home and service road - 25 feet.

G. Each manufactured home site shall be connected to a public water supply system and a public sewage disposal system, or a private common sewage and water supply system which has been approved by the Wisconsin Department of Safety and Professional Services (DSPS).

H. All drives, parking areas and walkways shall be hard surfaced. There shall be two parking spaces at each manufactured home and additional parking spaces for automotive vehicles within the park shall be provided totaling not less than one and a quarter parking spaces for each manufactured home space.

6.16 TEMPORARY USES

6.16.1 USE OF RECREATIONAL VEHICLES, MOTOR HOMES, AND CAMPING TRAILERS

A. All recreational vehicles, motor homes or camper trailers, used as a temporary dwelling, remaining on private property more than ten (10) consecutive days shall comply with the following general requirements:

1. Apply for and receive a Temporary Land Use Permit for the placement of a recreational vehicle, motor home or camper trailer and are only allowed if located in Open Forest or Agriculture Zoning Districts. Temporary land use Permit is valid for four (4) years
2. Obtain a sanitary permit under the Florence County Sanitary Ordinance Chapter 12.
3. Obtain an E-911 Address/Fire number.
4. Obtain a Conditional Use Permit for all recreational vehicles, motor homes or camper trailers intending to remain beyond four (4) years prior to January thirty-one (31) of year five (5).
5. Submit the annual Temporary Use Fee by January 31st of each year.
    - Annual Temporary Use Fee Schedule:
        - Year 1 $400
        - Year 2 $600
        - Year 3 $800
        - Year 4 + $1,000
6. All recreational vehicles, motor homes or camper trailers must be kept in good repair.

NOTE: Recreational vehicles, motor homes or camper trailers in storage adjacent to the owner's home are exempt from these requirements.

6.17 OTHER USES

The following other uses shall be conditional and may be permitted as specified:

6.17.1 BRIDGES

A. Shall be set so that the lowest part of the span is above the highest computed flood level or the highest recorded water elevation.

B. Shall provide a clear span of the channel and also the floodway if feasible.

C. Shall compensate for anticipated flood flow increases caused by embankments or other support members located in floodways by means of increased waterway opening.

D. Shall be so constructed as to minimize the possibility of ice jams.

6.17.2 FILLING

Filling may be permitted provided that the fill material:

A. Shall be suitable for its intended use; no fill intended for supporting buildings shall consist of junk, wood, paper, muck, peat or any similar materials which could cause subsidence.

B. Is protected from erosion so as not to cause siltation of adjacent lands or navigable waters. The use of a temporary ground cover or other conservation practices such as sediment catch, basins or diversion terraces may be required in order to prevent erosion.

C. Shall rest on a firm bottom and is stabilized according to accepted engineering standards.

D. Shall not impede the drainage from adjacent lands as to create significant harm without the adjacent landowner's written consent.

E. Shall not in any manner alter the course of a waterway on property belonging to other than the applicant.

F. Shall, where applicable, meet the requirements of Section 3.10.2 and 3.10.3.

6.17.3 GRADING

Grading of an area greater than the specified area may be permitted provided that:

A. The smallest amount of bare ground shall be exposed for the shortest time feasible and permanent ground cover shall be established as soon as practical.

B. Precautions shall be taken to prevent erosion and sedimentation through the use of silting basins, diversion, terraces or similar practices used individually or in combination where circumstances warrant such.

C. The provisions of Section 2.10 are met for grading of an area of 10,000 square feet or more from the banks of navigable water courses.

6.17.4 STRUCTURES AND STORAGE FACILITIES IN THE NATURAL RESOURCE PRESERVATION DISTRICT

A. Structures Permitted: The structures except bridges under this Section may only be permitted in wide flat floodplains and at a distance from flood flow velocities where their location would not violate the intent or general provisions of the Natural Resource Preservation District. The determination of the effects of these uses shall be based on the assumption that the encroachment of any use into the floodplain will extend for a significant reach of the stream, together with an encroachment equal in degree on the opposite side of the stream.

B. Storage of buoyant materials of an inert nature such as logs, boats, and building material may be permitted as an accessory use providing that such materials are removed, or restrained from floating during period of high-water. Failure to prevent such material from floating off the immediate premise shall constitute a violation of this Ordinance.

C. The following definitions and minimum standards shall within the Natural Resource Preservation District:

1. Definitions: Building accessory to the permitted and conditional uses are generally intended for inert materials and boat storage, equipment storage, or rental, equipment operations, ticket or service sales, temporary shelters for hunting, fishing, camping and in connection with other outdoor recreation activities or agriculture.

2. Standards: The permitted accessory buildings and structures shall be limited to 500 square feet in floor area and 15 feet in height. They shall be flood proofed and when there design warrants it, they shall be constructed with the long axis of the building parallel to the direction of the flow of floodwaters.

3. The flood proofing requirements shall be those specified and certified by a registered engineer and approved by the Planning and Zoning Committee. Such requirements shall be based on flood hazards, the type and duration of use, and the definition of Flood-proofed in Section 17.0.

6.17.5 WORK IN RESPECT TO WATERWAYS

Such uses may be permitted provided they:

A. Shall not impede the drainage of adjacent lands without the written consent of the adjacent landowners.

B. Shall not result in a change or alteration in the direction of flow or a reduction in normal volumes of water that would be detrimental to adjacent landowners or to the public interest.

C. Shall not result in degrading water quality in navigable waters including the capability to sustain fish and other aquatic life.

D. Shall not create detrimental effects upon the wildlife habit on lands belonging to other than the applicant.

E. Shall not be incompatible with adjacent land uses; create a safety hazard or a nuisance.

F. Shall have the walls of artificial channels or water-courses stabilized to prevent slumping and erosion.

7.0 TRAFFIC, LOADING, PARKING AND ACCESS REQUIREMENTS

7.1 VISUAL CLEARANCE

In each quadrant of every street intersection there shall be designated a visual clearance triangle bounded by the street centerline and a line connecting them 300 feet from a Class A highway intersection, 200 feet from a Class B highway, and 150 feet from a Class C highway intersection. If two highways of a different class intersect, the greater distance shall apply to both centerlines. Within this triangle, no object over 2 1/2 feet in height above these streets shall be allowed if it obstructs the view across the triangle. Posts or open fences are excluded from this provision. Natural vegetation and agricultural crops shall also be exempt from this provision.

7.2 PARKING REQUIREMENTS

In all Districts and in connection with every use, there shall be provided at the time any use is erected, enlarged, extended, or increased, off-street parking stalls for all vehicles in accordance with the following:

7.2.1 ADEQUATE ACCESS to a public street shall be provided for each parking space, and driveways shall be at least 10 feet wide for single- and two-family dwellings, and a minimum of 24 feet at the property line for all other uses.

7.2.2 THE MINIMUM DIMENSIONS of each parking space shall be 10 feet by 18 feet.

7.2.3 PARKING SPACES FOR USE BY PHYSICALLY DISABLED PERSONS. Accessible parking spaces shall be provided for all uses except residential at the rate listed below. Every accessible space shall be served by an adjoining 5-foot access aisle. One in every 8 accessible parking spaces shall be served by an 8 foot accessible aisle and designated as "van accessible":

A. One properly signed physically disabled parking space shall be provided in parking areas containing one to 25 spaces.

B. Two properly signed physically disabled parking spaces shall be provided in parking areas containing 26 to 49 spaces.

C. Two percent of the total number of spaces shall be properly signed physically disabled parking spaces in parking areas containing 50 to 1,000 spaces.

D. In addition to the number of spaces required in paragraph B above, one (1) percent of each 1,000 spaces over the first 1,000 spaces shall be provided for properly signed physically disabled parking spaces.

E. The minimum dimensions for all parking spaces provided for use by physically disabled persons shall be 9 by 18 feet, with a minimum 5 foot access aisle (8 foot access aisle for van accessible spaces).

F. Parking spaces provided for use by physically disabled persons shall be located as close as possible to an accessible building entrance.

G. All parking spaces provided for use by physically disabled persons shall be marked by a sign which includes the international symbol for barrier-free environments and a statement informing the public that the parking space is reserved for use by physically disabled persons. Such sign shall comply with the requirements of Sections 346.50, 346.503, and 346.505 of the Wisconsin Statutes.

H. Curb ramps and accessible routes shall be provided which allow unobstructed travel from an accessible parking space to the accessible building entrance. The slope of any access ramp shall not exceed a ratio of one vertical to 12 horizontal.

7.2.4 LOCATION of parking spaces is to be on the same lot as the principal use or not more than 400 feet from the principal use. No parking space or driveway, except in residential Districts, shall be closer than 25 feet to a residential lot line or a street right-of-way opposite a residential District.

7.2.5 SURFACE DRAINAGE. All off-street parking areas shall be so graded and drained as to dispose of all surface water. Any parking area for more than 5 vehicles shall have the aisles and spaces clearly marked.

7.2.6 LANDSCAPING. All public off-street parking areas which serve 30 or more vehicles and are created or redesigned and rebuilt subsequent to the adoption of this Ordinance shall be provided with accessory landscaped areas totaling not less than 5 percent of the surface area. The minimum size of each landscaped area shall be 100 square feet. Location of landscaped areas, plant materials, protection afforded the plantings, including curbing and provision for maintenance shall be subject to approval by the County Planning and Zoning Committee. All plans for proposed parking areas shall include a topographic survey and grading plan which shows existing and proposed grades and location of improvements. The preservation of existing trees, shrubs, and other natural vegetation in the parking area may be included in the calculation of required minimum landscaped area. Parking areas for 30 or more vehicles which adjoin residential Districts shall be visually screened with a solid wall, fence, or evergreen planting of equivalent visual density, or other effective means, built and maintained to a minimum height of 6 feet.

7.2.7 CURBS OR BARRIERS shall be installed at least 4 feet from a property line so as to prevent parked vehicles from extending over any lot line.

7.2.8 THE FOLLOWING GUIDE SPECIFIES THE MINIMUM NUMBER OF PARKING SPACES REQUIRED. In the case of structures or uses not specified herein, the number of spaces specified as the general standard for the use class or the number of spaces specified for similar use shall apply. In developments involving the establishment or addition of 2 or more uses on one lot or parcel, the cumulative number of spaces required for each use shall determine the total number of spaces required.

A. Residential Uses:

1. Single-family, two-family, and multiple-family dwellings: two spaces per dwelling unit.

2. Housing for the elderly: one space per dwelling unit.

B. Retail sales and customer service uses, and places of entertainment:

1. General standard for the above uses: one space per 150 square feet of gross floor area of customer sales and service, plus one space per employee.

2. Financial institutions: one space for each 150 square feet of gross floor area of customer service, plus one space per employee for the work shift with the largest number of employees. Financial institutions with drive-in facilities shall provide sufficient space for 4 waiting vehicles at each drive-in service lane.

3. Funeral homes: one space for each 4 patrons at maximum capacity, or 25 spaces per chapel unit, whichever is greater.

4. Grocery stores or supermarkets: one space per 150 square feet of gross floor area of customer sales and service area, plus one space per employee for the work shift with the largest number of employees.

5. Convenience grocery stores: one space per 100 square feet of gross floor area.

6. Motels and hotels: one space per room or suite, plus one space per every 2 employees for the work shift with the largest number of employees, plus one space per 3 persons, based on maximum capacity, for each public meeting room and/or banquet room.

7. Lodges and clubs: one space per 3 persons based on the maximum capacity of the facility.

8. Restaurants: one space per 100 square feet of gross dining area, plus one space per employee for the work shift with the largest number of employees.

9. Restaurants, drive-through or fast-food: one space per 50 square feet of gross dining area, plus one space per 2 employees for the work shift with the largest number of employees. Restaurants with drive-through facilities shall provide sufficient space for 4 waiting vehicles at each drive-through service lane.

10. General merchandise repair services: one space per 300 square feet of gross floor area, plus one space per employee for the work shift with the largest number of employees.

11. Theaters, auditoriums and other places of public assembly: one space per 3 patrons based on the maximum capacity of the facility.

12. Personal services: one space per 200 square feet of gross floor area, plus one space per employee for the work shift with the largest number of employees.

13. Taverns, dance halls, night clubs and lounges: one space per 50 square feet of gross floor area, plus one space per employee for the work shift with the largest number of employees.

14. Motor vehicle sales establishments: two customer parking spaces per salesperson, plus one space per employee for the work shift with the largest number of employees.

15. Motor vehicle repair, maintenance, and service stations: three spaces per indoor service bay plus one space per employee for the work shift with the largest number of employees.

16. Animal hospitals: three patron parking spaces per doctor, plus one space per employee for the work shift with the largest number of employees.

17. Plant nurseries, and lawn and garden supply stores: one space per 200 square feet of gross indoor sales and display area, plus one space per 500 square feet of gross outdoor sales and display area, plus one space per employee for the work shift with the largest number of employees.

18. Shopping centers (gross leasable area of at least 50,000 square feet): five spaces per 1,000 square feet of gross leasable area.

C. Offices:

1. Medical, dental and similar professional health service offices: five patron spaces per doctor, plus one space per employee for the work shift with the largest number of employees.

2. Government, professional and business offices: one space per 250 square feet of gross floor area.

D. Commercial/Recreational uses:

1. General standard: one space per 4 patrons based on the maximum capacity of the facility, plus one space per employee for the work shift with the largest number or employees.
2. Bowling alleys: five spaces for each lane, plus one space per employee for the work shift with the largest number of employees.
3. Golf courses: 90 spaces per 9 holes, plus one space per employee for the work shift with the largest number of employees.
4. Golf driving ranges: one space per tee, plus one space per employee for the work shift with the largest number of employees.
5. Miniature golf course: one and a half spaces per hole, plus one space per employee for the work shift with the largest number of employees.
6. Indoor tennis, racquetball and handball courts: three spaces per court, plus one space per employee for the work shift with the largest number of employees.
7. Skating rinks, ice or roller: one space per 200 square feet of gross floor area.

E. Industrial and related uses:

1. Manufacturing, processing, and fabrication operations: one space per employee for the work shift with the largest number of employees.
2. Wholesale business: one space per employee for the work shift with the largest number of employees, plus one space per 2,500 square feet of gross floor area.
3. Warehousing: one space per employee for the work shift with the largest number of employees, plus one space per 5,000 square feet of gross floor area.
4. Mini-warehousing: one space per 10 storage cubicles, plus one space per employee for the work shift with the largest number of employees.
5. Extractive and related operations: one space per employee for the work shift with the largest number of employees.

F. Institutional and related uses:

1. Churches: one space per 3 seats based on the maximum capacity of the facility.

2. Libraries: one space per 250 square feet of gross floor area or one space per 4 seats based on maximum capacity, whichever is greater, plus one space per employee for the work shift with the greatest number of employees.

3. Museums: one space per 250 square feet of gross floor area, plus one space per employee for the work shift with the greatest number of employees.

4. Rooming and boarding houses, fraternity and sorority houses, dormitories and rectories: one space per bed.

5. Convents and monasteries: one space per 3 residents, plus one space per employee for the work shift with the largest number of employees, plus one space per 5 chapel seats if the public may attend.

6. Nursing homes: one space per 3 patient beds, plus one space per employee for the work shift with the largest number of employees.

7. Hospitals: two spaces per 3 patient beds, plus one space per staff doctor, plus one space per employee, excluding doctors, for the work shift with the largest number of employees.

8. Schools:

   (a) Elementary schools, middle schools, and high schools: one space for each teacher and staff member, plus one space for each 10 students 16 years of age or older.

   (b) Colleges, universities and trade schools: one space for each teacher and staff member, plus one space for each 10 students during the highest attendance period.

   (c) Children's nursery schools and day-care centers: one space per employee for the work shift with the greatest number of employees, plus one space per 6 students at the highest class attendance period.

7.2.9 ADEQUATE PARKING REQUIRED

Adequate parking facilities shall be provided for uses which generate vehicular traffic.

7.2.10 USES NOT LISTED

When a particular use is not listed, the parking requirement for a similar use shall apply.

7.2.11 COMBINATIONS OF USES

When two or more uses are combined, the total parking requirement shall be equal to the sum of the spaces required for each individual use.

7.3 DRIVEWAY ACCESS

No direct access by private driveways shall be permitted to any state or federal highway without the written permission of the County Highway Department.

7.4 OFF-STREET LOADING REQUIREMENTS

All commercial and industrial buildings erected or relocated after the effective date of this Ordinance shall be provided with sufficient off-street loading space so that no public street, road or alley will be blocked by such activities.

8.0 SIGNS

8.1 ENACTMENT

8.1.1 All signs except official federal, state and municipal signs hereafter located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered, shall be in conformity with the provisions of this Ordinance.

8.1.2 The size, type, and location of signs shall be as provided by this Section as affecting each zoning District, except that this Ordinance is not intended to prohibit "no hunting", "no trespassing", "for sale", "for rent", or similar signs not larger than six square feet in gross area.

8.1.3 Existing signs of non-conforming businesses of industries announcing only the name and occupation of the business or the proprietor, and not exceeding 2 feet in width and 10 feet in length are permitted by this Ordinance.

8.2 SIGN PERMIT REQUIRED

8.2.1 Sign permits shall be obtained, within 12 months after adoption of this Ordinance, for all signs erected before the date of enactment of this Ordinance except that the aforementioned "no hunting", "no trespassing", "for sale", "for rent" or similar excepted signs mentioned in Section 8.1 of this Ordinance shall not require sign permits.

8.2.2 On-site signs advertising a product for sale or a service rendered on the same lot upon which the business is located shall not require a permit, provided that other provisions of this Ordinance are not violated.

8.2.3 After the enactment of this Ordinance, a sign permit is required before any new sign is erected, painted, installed, located or otherwise placed, as provided in this Ordinance.

8.3 SIGN PERMIT

Applications for a sign permit shall be made on forms provided by the County Zoning and Planning Administrator and shall contain or have attached thereto the following information:

8.3.1 Name, Address, and telephone number of the applicant.

8.3.2 Location of building, structure, or lot to which or upon which the sign is to be attached or erected.

8.3.3 Name of Person, firm, corporation, or association erecting the sign.

8.3.4 Written Consent of the owner or lessee of the building, structure, or land to which or upon which the sign is to be affixed.

8.3.5 A Scale Drawing of such sign indicating the dimensions, the materials to be used, the type of illumination, if any, and the method of construction and attachment.

8.3.6 A Scale Drawing indicating the location and position of such sign in relation to nearby buildings or structures.

8.3.7 Copies of any other permit required and issued for said sign, including the written approval by the Electrical Inspector, in the case of illuminated signs, who shall examine the plans and specifications, re-inspecting all wiring and connections to determine if the sign complies with the County Electrical Ordinance.

8.3.8 Additional Information as may be required by the County Zoning and Planning Administrator or County Planning and Zoning Committee.

8.3.9 Sign Permit Applications shall be filed with the County Zoning and Planning Administrator, who shall review the application for its completeness and accuracy and approve or deny, in writing, the application within 30 days of receipt from the applicant unless the time is extended by written agreement with the applicant. A sign permit shall become null and void, if work authorized under the permit has not been completed within 6 months of the date of issuance.

8.3.10 Bond. Every applicant for a sign permit shall, before the permit is granted, execute a cash bond or other appropriate surety in a sum fixed by the County Board upon recommendation of the County Zoning and Planning Administrator, but not to exceed $25,000. The form of the cash bond or other surety shall be approved by the County Corporation Council, indemnifying the County against all loss, cost of damages, or expense incurred or sustained by or recovered against the County by reason of the erection, construction, or maintenance of the sign. A liability insurance policy issued by an insurance company authorized to do business in the State of Wisconsin and conforming to the requirements of this Section may be permitted by County Corporation Council in lieu of a bond.

8.4 SIGN PERMIT FEE AND NUMBER

8.4.1 Sign permits shall be issued by the Zoning and Planning Administrator.

8.4.2 Fee. All sign permit applications shall be accompanied by a fee established by the Florence County Board of Supervisors.

8.4.3 Signs shall display the sign permit number, in legible form (not less than 3" in height), in the lower left-hand, front corner.

8.4.4 A permit for each sign is required. Such permit shall authorize the use of each sign as long as such sign is, according to rules specified by the Planning and Zoning Committee, kept in good repair and complies with the requirements of this Ordinance.

8.5 NON-CONFORMANCE

Signs not in conformance with the provisions of this Ordinance shall be removed by the owner, or owners of property on which they are located within three years of the date of the enactment of this Ordinance or three years of the date this Ordinance is subsequently amended and thus nonconforming signs are created.

8.6 HOME OCCUPATION NAMEPLATE

One nameplate advertising a legal home occupation shall be permitted upon the property on which the home occupation is located, provided that it is not in violation with the other provisions of this Ordinance, and that it doesn't exceed three square feet in gross area.

8.7 GENERAL SIGN PROVISIONS

These provisions shall apply to free standing, billboard type, and signs painted or posted onto existing structures except signs used on the premises of a place of business or industry and as otherwise provided in Section 8.0. This Section shall not apply to signs as permitted in Section 8.1.

8.7.1 Signs not advertising a service to the motoring public, such as restaurant or establishment serving food; hotel or motel; or, an automobile or trucking service facility shall be eliminated in accordance with Section 8.5.

8.7.2 No sign shall exceed 32 square feet in area, 8 feet in length or 8 feet in height unless such sign is a part of a building in which event such sign shall not extend more than four feet above the roof line nor exceed the maximum height limit of the zoning District.

8.7.3 A minimum 1,000 foot sign interval shall be maintained along highways having greater than 65 mile-per-hour speed zone.

8.7.4 A minimum 500 foot sign interval shall be maintained along highways having less than a 65 mile-per-hour speed zone.

8.7.5 The setback, from the right-of-way, for all signs shall be not less than 66 feet on all federal, state and county trunk roads. In no event shall any sign be so located as to obstruct a driver's clear vision ahead of the road or any intersections within 1,000 feet of any given point on the road.

8.8 DISTRICT SIGN REGULATIONS

The following sign regulations shall apply in the zoning Districts as outlined below:

8.8.1 OPEN SPACE DISTRICT

A. No signs are permitted in the ON and OF Districts except those signs permitted in Section 8.1.

B. Signs shall be permitted in the OP Park and Recreation District as follows:

1. One non-illuminated directional sign advertising a business, service or resort, for each property in the O-P Park and Recreation District. Such a sign shall be no larger than 24 square feet in size, 12 feet in length, nor shall it extend above 12 feet in height, unless attached to the principal building in which event the sign would not extend above the roof line or exceed 25 feet in height. Information contained on such signs may be of reflective materials.

2. One non-illuminated directional sign is permitted advertising a business, service, resort, residence, cabin or farm located on each side road intersecting the O-P Park and Recreation District. Such signs shall be placed in accordance with Section 8.7.3 and 8.7.4 and may be mounted on a common standard which shall not extend above 12 feet in height. Individual signs shall be no larger than 6 square feet in size and preferably made of wood and of only two suitable colors such as paint or stain. Information contained on such signs may be of reflective materials.

3. Signs required by public agencies are permitted for traffic control devices or to provide information about public places, natural phenomena, scenic and historic areas.

8.8.2 AGRICULTURAL DISTRICT

A. Not more than three non-illuminated signs used in connection with a permitted commercial use are permitted in the A District, not to exceed 32 square feet in size per sign.

B. All other signs in the agricultural District shall require a conditional use permit.

8.8.3 RESIDENTIAL DISTRICT

All Districts in the Residential District: No signs are allowed except those permitted in Sections 8.1, 8.2 and 8.6.

8.8.4 COMMERCIAL AND MANUFACTURING DISTRICTS

A. No sign shall be placed within 20 feet of a Residential District boundary line.

B. No free standing business or advertising sign shall be located within 15 feet of any roadway, street or highway, within ten feet of any driveway, or within 25 feet of the intersection of two streets or roads.

C. No sign structure or any part thereof, except as provided in Section 8.7.1 and 8.7.3 shall be located in any public right-of-way.

D. The maximum allowable gross area of a sign, in square feet, shall not exceed three times the lineal frontage of the lot upon which the sign is located, however, under no circumstances, shall a sign exceed 32 square feet in area.

E. No sign shall exceed 8 feet in length except where signs over 8 feet in length shall require a conditional use permit.

F. No free standing sign shall exceed 25 feet in height from the ground and no attached sign shall be higher than four feet above the top of the roof line or in any case exceed the maximum height limitation of the District.

G. When any sign is illuminated the light shall be shaded or concealed so that it will not interfere with the vision of motor vehicle operators or shine directly upon any residential property located in a Residential District.

H. Rotating, moving or flashing signs are prohibited.

I. Free standing signs shall be spaced no closer than 300 feet from any other free standing sign whether or not such sign is located on the same premises, except that (1) when a property has frontage of less than 300 feet, one sign shall be permitted for each individual property ownership, and (2) on corner lots a free standing sign may be located along each street provided that all other sign regulations are followed.

J. All signs shall be mounted in one of the following manners:

1. Back to back;
2. Flat against a building or wall;
3. Or otherwise mounted so that the backs of all signs or sign structures shall be painted and maintained in a neutral color, or a color that blends with the surrounding environment.

8.9 SPECIAL SIGN PROVISIONS AND STANDARDS FOR SHORELANDS

8.9.1 No sign shall contain, include or be illuminated by a flashing or rotating light, nor include or be composed of any conspicuous moving or animated part.

8.9.2 All signs within 300 feet of navigable waters shall not be erected to a height greater than 25 feet, and they shall be subject to the following conditions:

Location or Use	Permitted Signs and Conditions
For signs located between the normal high-water line and the water setback line established for any use, or 75 feet, which ever distance is greatest	Residential identification, no trespass or hunting, river directional, and temporary for sale or for rent signs. Such signs shall not exceed 6 square feet in gross area nor be erected to a height greater than 8 feet.
For allsigns on the side of commercial services, public facilities, resorts, marina, boat liveries, bait shops or other uses that provide public docking facilities, which face the water	No more than 2 signs attached to a dock or docks, neither sign shall exceed 6 square feet in gross area nor be erected to a height greater than 8 feet, and 1 sign attached to the principal or accessory building of a gross area not to exceed 16 square feet; and not erected to a height greater than 16 feet. No sign except those forming a part of gas pumps, that are intended to be read from the water shall be illuminated internally.
For all signs attached to principal or an accessory building that are intended to be read from the landward side.	Signs shall be erected as to not be visible from the water.

9.0 NONCONFORMING USES AND STRUCTURES

9.1 NONCONFORMING USE

9.1.1 BUILDING REPAIR: Provisions of this Ordinance shall not be construed to prevent the customary and necessary maintenance or repairs of buildings, utilities, and property.

9.1.2 CONTINUATION OF NONCONFORMING USE: Any nonconforming building, structure or use which existed lawfully at the time of the adoption of the Ordinance and which remains nonconforming and any building, structure or use which shall become nonconforming upon the adoption of this Ordinance or of any subsequent amendment thereto may be continued as provided in this Section.

9.2 NONCONFORMING STRUCTURE

9.2.1 LIMITATIONS: No such structure shall be expanded or enlarged in excess of 50 percent of its current fair market value except in conformity with the regulation of this Ordinance.

9.2.2 REPAIR: When such structure is damaged to the extent of more than 50 percent of its fair market value, it shall not be restored except in conformity with the regulations of the District in which it is located, unless Section 9.5 applies.

9.2.3 RELOCATION: Should such structure be moved, it shall thereafter conform to the regulations of the District to which it is moved.

9.2.4 LOT LINES: The size and shape of a lot shall not be altered in any way so as to increase the degree of nonconformity of a building or use.

9.3 NONCONFORMING USE OF STRUCTURE

9.3.1 LIMITATIONS: No such use shall be expanded or enlarged. No use shall be expanded within a structure which, as of the effective date of this Ordinance, or amendment, was only partially designed for or devoted to carrying on such use.

9.3.2 DISCONTINUANCE: If a nonconforming use is discontinued for a period of 12 months or more, any future use of the building, structure or property shall conform to this Ordinance.

9.3.3 TERMINATION: If the building in which such use is carried on is damaged to the extent of more than 50 percent of its current fair market value, it shall not be restored for use except in conformity with the regulations of the District in which it is located.

9.4 NONCONFORMING USE OF LAND

9.4.1 LIMITATIONS: No such use shall be expanded or enlarged.

9.4.2 DISCONTINUANCE: If any nonconforming use of land is discontinued for 12 consecutive months, any further use of the land shall conform to the regulations of the District in which it is located unless otherwise specifically stated.

9.5 NONCONFORMING STRUCTURES DAMAGED OR DESTROYED BY VIOLENT WIND, FIRE, FLOOD, OR VANDALISM

As required by Section 59.692(1s) of the Wisconsin Statutes, if a landowner can establish that a nonconforming structure has been destroyed or damaged after October 14, 1997 by violent wind, vandalism, fire or flood, the structure may be reconstructed or repaired to the size, location and use it had immediately before the damage occurred, subject to the following conditions:

9.5.1 A structure that is destroyed or damaged due to a deliberate act by the landowner or by his or her agent, or due to general deterioration or dilapidated condition, may not be reconstructed or repaired, except in conformance with the standards of this Ordinance.

9.5.2 Except as provided in Section 87.30(1d) of the Wisconsin Statutes, nonconforming buildings that are subject to regulation under a Floodplain Zoning Ordinance may not be reconstructed or repaired except in compliance with the Floodplain Zoning Ordinance.

9.5.3 A plan to mitigate the adverse effects of nonconformity shall be developed and submitted prior to repair or reconstruction of any destroyed or damaged nonconforming structure. The plan shall be approved by the Zoning Administrator prior to the issuance of a zoning permit. The plan shall include an implementation schedule and shall comply with the requirements in Section 10.0.

9.5.4 The landowner shall bear the burden of proof as to the size, location or use a destroyed or damaged nonconforming structure had immediately before the destruction or damaged occurred.

9.5.5 Repairs are authorized under this provision only to the extent that they are necessary to repair the specific damage caused by violent wind, vandalism, fire or flood, and only that portion of the nonconforming structure that has been destroyed may be reconstructed.

9.6 BURDEN OF PROOF

Any property owner asserting a defense to a charge of violating this Ordinance that the property was a valid nonconforming use has the burden of demonstrating to a reasonable certainty by the greater weight of credible evidence that:

9.6.1 The nonconforming use was legally in existence at the time the Ordinance was passed or amended, and

9.6.2 That the use of the property prior to the Ordinance was so active and actual that it can be said the property owner acquired a vested interest in its continuance. For purposes of this Ordinance, a property owner shall be deemed to have vested right in the use of the property where that use at the time of the effective date of this Ordinance or amendment thereto is both active and actual (not just contemplated) and a substantial degree of activity or expense had been undertaken prior to the effective date of this Ordinance or amendment thereto.

9.6.3 Permits issued prior to the existence of this Ordinance shall be deemed to have created a vested right in the property owner to the extent provided in Section 2.2 of this Ordinance.

9.6.4 That the use is substantially the same use that existed prior to the enactment of the Ordinance or amendments thereto.

10.0 SITE PLAN REQUIREMENTS

10.1 PRELIMINARY SITE PLAN SUBMITTAL

A preliminary site plan shall be submitted in sufficient quantity to the Zoning and Planning Administrator who shall enter the date of receipt upon the copy of the site plan to be retained in his files.

10.2 PRELIMINARY SITE PLAN CONTENTS

The preliminary site plan shall contain maps and drawings of a suitable scale to indicate the following items, as applicable:

10.2.1 Topography of the site including slopes, drainage courses, adjacent navigable waters, wetland areas and elevations of the proposed building sites.

10.2.2 Existing tree and other vegetative cover.

10.2.3 The normal high-water elevation of abutting navigable waters and the proposed waterline.

10.2.4 The exact location of the lot lines and the area of the lot.

10.2.5 The site of all proposed structures and buildings on the subject property including underground and surface storage areas, sanitary facilities and the location of all structures and buildings within 100 feet on adjoining properties.

10.2.6 The proposed uses.

10.2.7 The engineering design for all work in respect to waterways or to flood-proofing.

10.2.8 The dimensions and location of areas to be graded including the original and final elevations and the type of fill material to be used.

10.2.9 The location and dimensions of areas to be filled including the original and final elevations and the type of fill material to be used.

10.2.10 Landscaping including proposed tree cutting and/or walls or fences used for screening.

10.2.11 Design of the ingress and egress.

10.2.12 Off-street parking.

10.2.13 Height of all structures where height standards prevail.

10.2.14 The locations and types of all signs.

10.2.15 Locations and widths of existing and proposed right-of-ways.

10.3 APPROVAL

A site plan may be approved, or conditionally approved, or denied by the Planning and Zoning Committee provided the site plan conforms to all applicable provisions of this Ordinance and in accordance with administrative policies of the County Planning and Zoning Committee.

10.4 SURETIES

The Planning and Zoning Committee may impose time schedules for the completion of buildings, parking areas, open space utilization, and landscaping. The Planning and Zoning Committee may require that a performance bond or letter of credit be provided for the benefit of the County and filed with the County so as to ensure compliance with the site plan, the terms of this Ordinance or required permit, and to guarantee that improvements will be completed on schedule.

10.5 FEES

The County Board may further require a fee equal to the cost of any legal, engineering, administrative, or fiscal work undertaken by the County in their review of a development project.

10.6 FILING OF FINAL SITE PLAN

Upon granting of the zoning permit a FINAL SITE PLAN shall be filed as part of the records for the permit issued. This final site plan shall include information listed in Section 10.2 and all recommendations stipulated by the Planning and Zoning Committee.

11.0 PERFORMANCE STANDARDS

11.1 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 lot lines or District. All structures, land, air, and waters, shall hereafter, in addition to their use and site regulations, comply with the following performance standards.

11.2 AIR POLLUTION

No person or activity shall emit any fly ash, dust, fumes, vapors, mists, or gases in such quantities so as to substantially contribute to exceeding state or federal air pollution standards.

11.3 WATER QUALITY PROTECTION

11.3.1 No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that might run off, seep, percolate, or wash into surface or subsurface waters so as to contaminate, pollute, or harm such waters or cause nuisances such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.

11.3.2 In addition, no activity shall withdraw water or discharge any liquid or solid materials so as to exceed, or contribute toward the exceeding of, the minimum standards set forth in Chapter NR 102 of the Wisconsin Administrative Code.

11.4 LIGHTING

No exterior lighting used for parking lots, recreational facilities, product display, or security shall be permitted to spill over on operators of motor vehicles, pedestrians, and uses of land in abutting lots or public rights-of-way. These requirements shall not apply to lighting placed in a public right-of-way for public safety. Accent lighting and low voltage lighting (12 volts or less) are exempt from these requirements.

11.4.1 ORIENTATION. No exterior lighting fixture shall be oriented so that the lighting element (or a transparent shield) is visible from a property in a residential District. Light rays shall not be directed into street rights-of-way or upward into the atmosphere. The use of shielded luminaries, or luminaries with cutoff optics, and careful fixture placement is encouraged to facilitate compliance with this requirement.

11.4.2 MINIMUM LIGHTING STANDARDS. All areas designated on approved site plans for vehicular parking, loading, or circulation and used for any such purpose after sunset shall provide artificial illumination in such areas at a minimum intensity of 0.4 foot-candles, exclusive of approved anti-vandal lighting.

11.4.3 INTENSITY OF ILLUMINATION. The intensity of illumination, measured at the property line, shall not exceed 0.5 foot-candles.

11.4.4 FLASHING, FLICKERING, AND OTHER DISTRACTING LIGHTING which may distract motorists is prohibited.

11.4.5 NONCONFORMING LIGHTING. All lighting fixtures approved prior to the adoption of this Ordinance not meeting the above criteria shall be treated and regulated as legal nonconforming uses under Section 9.0.

12.0 ADMINISTRATION

12.1 COUNTY ZONING AND PLANNING ADMINISTRATOR

12.1.1 DESIGNATION: The County Planning and Zoning Committee shall appoint a County Zoning and Planning Administrator for the administration and enforcement of the provisions of this Ordinance. The County Planning and Zoning Committee may authorize the Town Chairperson of each township to appoint a deputy-zoning agent to assist in the enforcement and administration of this Ordinance. Compensation for the deputy-Zoning and Planning Administrator will be the responsibility of the town.

12.1.2 DUTIES: In administering and enforcing this Ordinance, the County Zoning and Planning Administrator and any of his deputies shall perform the following duties:

A. Provide necessary forms for applications for use permits.

B. Issue land use permits, conditional use permits and certificates of compliance where the provisions of this Ordinance have been complied with.

C. Survey the County, upon adoption of this Ordinance and, when necessary upon the passage of amendments, identify and record information relative to nonconforming use and structures.

D. Maintain files of applications, permits and other relevant information.

12.1.3 POWERS: The County Zoning and Planning Administrator and his duly appointed deputies shall have the powers and authority including but not limited to the following:

A. At any reasonable time, and for any proper purpose, to enter upon any public or private premises and make inspection thereof.

B. Upon reasonable cause or question as to proper compliance, to revoke any land use permit and issue cease and desist orders requiring the cessation of any building, moving, alteration or use which is in violation of the provisions of this Ordinance.

12.2 STATE REVIEW AND FLOODPLAIN AMENDMENTS

A copy of applications for conditional use permits, variances and amendments within the shorelands shall be forwarded to the Wisconsin Department of Natural Resources for review purposes. The methods and procedures for this review shall be agreed upon in writing between the County Zoning Committee and/or Board of Adjustment and the Wisconsin Department of Natural Resources. Upon agreement, the methods and adjustment as official rules of procedure.

13.0 BOARD OF ADJUSTMENT

13.1 CREATION

There is hereby created a Board of Adjustment as authorized by Section 59.694 of the Wisconsin Statutes. The County Board shall adopt such rules for the conduct of business of the board of adjustment as required by Section 59. 694 (3) of the Wisconsin Statutes.

13.2 MEMBERSHIP

13.2.1 SIZE AND APPOINTMENT: The Chairperson of the County Board shall appoint a board of adjustment consisting of three members and two alternate members with the approval of the County Board of Supervisors under Section 59.694(2) of the Wisconsin Statutes. Annually, the Chairperson of the County Board shall designate one of the alternate members as the first alternate and the other, the second alternate.

13.2.2 ELIGIBILITY: Members of the Board of Adjustment shall reside in the unincorporated areas of the Florence County and no two members shall reside in the same town.

13.2.3 TERMS OF OFFICE. The term of office shall be three years beginning July 1. However, these terms of office shall be staggered such that no more than one members' term of office expires in any one year.

13.2.4 OFFICERS. The Board of Adjustment shall choose its own chairperson, vice-chairperson, and secretary.

13.2.5 REMOVAL. Members may be removed by the chairperson of the County Board of Supervisors for cause upon written charges. Cause may include excessive absenteeism.

13.3 ORGANIZATION

The Board of Adjustment shall organize and adopt rules for the conduct of its business and to carry out into effect the provisions of this Ordinance and Section 59.694 of the Wisconsin Statutes.

13.3.1 MEETINGS OF THE BOARD OF ADJUSTMENT shall be held at the call of the chairperson and at such other times other time as the Board of Adjustment may determine, at a fixed time and place.

13.3.2 OPEN MEETINGS: All meetings of the Board of Adjustment shall be open to the public, unless otherwise authorized by Wisconsin law.

13.3.3 MINUTES. The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board of adjustment and shall be public record.

13.3.4 VOTING:

A. Majority Rule: A majority vote of the board of adjustment shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter which it is required to pass under this Ordinance to effect any such variation to this Ordinance.

B. The first alternate shall act, with full power, only when a member of the board of adjustment refuses to vote because of a conflict of interest or when a member is absent. The 2nd alternate shall act only when the first alternate refuses to vote because of a conflict of interest or is absent, or if more than one member of the board of adjustment refuses to vote because of a conflict of interest or is absent.

13.3.5 THE CHAIRPERSON or in his or her absence the acting chairperson, may administer oaths and compel the attendance of witnesses.

13.4 POWERS OF THE BOARD

The Board of Adjustment shall have the following powers:

13.4.1 To hear and decide appeals when it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of Section 59.69 of the Wisconsin Statutes or of any ordinance adopted pursuant thereto. In exercising the above-mentioned powers, the Board of Adjustment may, in conformity with the provisions of this Section, reverse of affirm, wholly or partly, or may modify the order, requirement, decision or determination as ought to be made, and to that end shall have all powers of the officer from whom the appeal is taken.

13.4.2 To authorize upon appeal in specific cases such variance from the terms of the Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship, and so that the spirit of the Ordinance shall be observed and substantial justice done.

13.4.3 To grant variances for renewable energy resource systems as provided in Section 59.694(7) (d) of the Wisconsin Statutes. If the board denies an application for variance for such a system, the board shall provide a written statement of its reasons for denying the application. In this paragraph, "renewable energy resource system" means a solar energy system, a waste conversion energy system, a wind energy system or any other energy system which relies on a renewable energy resource.

13.4.4 A variance shall not grant or increase any use of property which is prohibited in the zoning district.

13.4.5 The Board of adjustment may grant a variance from the dimensional standards of this Ordinance.

13.4.6 The power to grant special exceptions and conditional uses is a power granted by the County Board solely to the Planning and Zoning Committee.

13.4.7 The Board is bound to accept this Ordinance and map as being correct.

13.5 VARIANCE FROM THE REQUIREMENTS OF THIS ORDINANCE

13.5.1 PETITION

A petition for a variance shall be filed by the property owner, or the owner's agent, using forms furnished by the Florence County Planning and Zoning Department. Such petition shall include the following:

A. Name and address of the property owner and petitioner (if different).

B. Signature of petitioner.

C. Location of property involved in the petition.

D. Proposed use or structure in question, including a site plan showing the preferred arrangement for which the variance is sought.

E. Sections(s) of this Ordinance from which a variance is requested.

F. Details as to the narrowness, shallowness, shape, topography, or other characteristics of the land or the physical conditions applying to the building, structure, use or intended use which make it not merely inconvenient but extremely difficult, if not impossible, to comply with the provisions of the Ordinance.

G. A statement that the conditions detailed above is unique to this property and does not generally exist on other properties in the same zoning district.

H. A statement that the unnecessary hardship was not caused neither by the applicant nor by any persons still having an interest in the property.

I. Fee. A petition for a variance shall be accompanied by a fee established by the County Board of Supervisors.

13.5.2 PROCESSING

A. Public Hearing. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal and publish a class 2 notice thereof under Ch. 985 Wis. Stats., as well as give due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, a party may appear in person or by agent or attorney.

B. Decision. Within a reasonable time, the Board of Adjustment shall render a decision to either grant or deny the request for variance.

1. A variance granted shall be the minimum to permit a use of the property and may contain conditions or guarantees attached thereto by the Board of Adjustment.

2. A variance denied shall be accompanied by the reasons for denial.

3. In an action involving a historic property, as defined in Section 44.31 (3) of the Wisconsin Statutes, the Board of

Adjustment shall consider any suggested alternatives or recommended decision submitted by the landmarks commission or the planning and zoning committee.

C. Standards for variance. The Board of Adjustment shall consider the following standards for granting a variance. The burden of proof at all times remains with the applicant to establish that the proposed variance meets the following standards:

1. Unnecessary hardship. That there are present actual physical conditions applying to the lot, parcel, building, structure, use or intended use on that parcel which are creating the unnecessary hardship in the application of this Ordinance, as distinguished from a mere inconvenience to the owner if the strict letter of the regulations are required.

2. Unique condition. That the conditions are unique, exceptional, extraordinary, or unusual circumstances applying only or primarily to the property under consideration and are not of such a general or recurrent nature elsewhere in the same zoning district as to suggest or establish the basis for Ordinance changes or amendments, or of having that effect if relied upon as the basis for granting a variance.

3. Conditions not self-created. That the condition creating the hardship or difficulty was not caused by the petitioner nor by any person still having an interest in the property.

4. Public interest. That in granting the variance there will not be a substantial detriment to neighboring property and the grant of variance will not be contrary to the purpose of this Ordinance and the public interest.

5. Effect on uses. No variance shall have the effect of allowing in any district a use not permitted in that district.

13.5.3 DEPARTMENT OF NATURAL RESOURCES NOTIFICATION

Pursuant to NR 115.05(6)(h), Wis. Admin. Code, a copy of any variance decision of the Board of Adjustment which affects shorelands shall be provided to the district office of the Department of Natural Resources within 10 days of the date such decision is rendered.

13.5.4 RESUBMISSION

A variance petition that has been heard and decided shall not be eligible to be resubmitted during the 6 months following the decision. The 6-month period may be waived by the Board of Adjustment provided that the petitioner submits a written report identifying how the new petition differs materially from the previous petition or identifying substantial new evidence that will be offered and provided that the Board of Adjustment

votes by simple majority that the changes or new evidence would be of such significance that the Board might consider changing the previous decision.

13.5.5 ROAD PROJECTS

When a structure becomes a nonconforming structure as to setback from a road, because the road was widened or relocated by the county, a town, or the Wisconsin Department of Transportation, such structure shall not require a variance and shall not be considered a nonconforming structure in regards to setback from a road or highway. However, no such structure shall thereafter be enlarged or rebuilt in such a manner that it will be closer to the right-of-way of the road.

13.5.6 REPAIRS AND RESTORATION

A structure that was authorized by a variance that is damaged or destroyed by fire, explosion, flooding, storm damage, or similar calamity may be repaired or restored provided either 1) the repair or restoration would bring the structure into compliance with this Ordinance; or 2) the repair or restoration of the structure conforms fully to the structure authorized by the variance.

13.6 APPEALS

13.6.1 GENERAL PROVISIONS

A. Where it is alleged there is error in any order, requirement, decision, or determination made by the, Zoning and Planning Administrator or Planning and Zoning Committee, an appeal may be taken to the Board of Adjustment by any person aggrieved, or by any officer, department, board, or bureau of the municipality affected.

B. Such appeals shall be filed with the Planning and Zoning Department within 30 days after the date of written notice of the decision or order of the Zoning and Planning Administrator, or Planning and Zoning Committee.

C. Stays. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken shall certify to the Board of Adjustment, after the notice of appeal shall have been filed, that by reason of facts stated in the certificate a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order, which may be granted by the Board of Adjustment or by a court of record on application on notice to the officer from whom the appeal is taken and on due cause shown.

13.6.2 APPEAL PETITION

Petitions for appeals shall include:

A. Name, address, and signature of the appellant.

B. Location of property affected by the appeal.

C. The decision being appealed and the grounds claimed for the appeal. The burden of proof at all times remains with the appellant.

D. Such additional information as may be required by the Board of Adjustment.

E. Fee. An appeal shall be accompanied by a fee established by the County Board of Supervisors.

F. The Florence County Planning and Zoning Department shall forthwith transmit to the Board of Adjustment the appeal and all the documents constituting the record upon which the action appealed from was taken.

13.6.3 APPEAL PUBLIC HEARING AND DECISION

A. Public hearing. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal and publish a class 2 notice thereof under Ch. 985 Wis. Stats., as well as give due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, a party may appear in person or by agent or attorney.

B. In an action involving a historic property, as defined in Section 44.31 (3) of the Wisconsin Statutes., the board of adjustment shall consider any suggested alternatives or recommended decision submitted by the landmarks commission or the planning and zoning commission.

C. Decision. The Board of Adjustment decision of the appeal shall be rendered in writing within 30 days after the public hearing. Such decision shall:

1. State the specific facts which are the basis for the Board's decision.

2. Either affirm, reverse, vary, or modify the order, requirement, decision or determination appealed from. The Board may also dismiss the appeal for lack of jurisdiction.

13.6.4 DEPARTMENT OF NATURAL RESOURCES NOTIFICATION

Pursuant to NR 115.05(6)(h), Wis. Admin. Code, a copy of any appeal decision of the Board of Adjustment which affects shorelands shall be provided to the district office of the Department of Natural Resources within 10 days of the date such decision is rendered.

13.7 COURT REVIEW

Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment, or any taxpayer, or any officer, department, board or bureau of the municipality, may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of illegality. Such petition shall be presented to the court within thirty days after the filing of the decision of the Board of Adjustment.

13.8 CERTIORARI

Upon the presentation of such petition the court may allow a writ of certiorari directed to the Board of Adjustment to review such decision of the Board of Adjustment, and shall prescribe therein the time within which a return thereto must be made and served upon the realtor's attorney, which shall not be less than ten days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may on application, on notice to the board and on due cause shown, grant a restraining order.

13.9 RETURN WRIT

The Board of Adjustment shall not be required to return the original papers acted upon it, but shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

13.10 COURT DECISION

If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

13.11 COSTS

Costs shall not be allowed against the board unless it shall appear to the court that it acted with gross negligence, or in bad faith, or with malice in making the decision appealed from. All issues in any proceeding under this Section shall have preference over all civil action and proceedings.

14.0 AMENDMENT PROCEDURE

14.1 AUTHORITY

The regulations imposed and the zoning districts created under authority of this Ordinance may be amended from time to time by ordinance in accordance with the Wisconsin Statutes Section 59.69(5) (e) and 59.69 (9). An amendment shall be granted or denied by the County Board only after a public hearing before the County Planning and Zoning Committee and a report of its findings and recommendations has been submitted to the County Board.

14.2 PETITION FOR AMENDMENT

14.2.1 Changes to the District boundaries or amendments to the regulations may be proposed by the County Board, by the County Planning and Zoning Committee, by the town board of any town that the Ordinance is in effect or by a resident or owner of property in Florence County.

14.2.2 The petitioner filing the amendment shall submit, with the application:

A. A list containing the names of the property owners who own property within 300 feet of the property or properties proposed to be rezoned. Such list shall be obtained from the approved county tax rolls.

B. List of reasons justifying the amendment.

C. Plot Plan drawn to a scale of one inch equals 100 feet showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent Zoning Districts, and the location and existing use of all properties within 300 feet of the area proposed to be rezoned.

D. Owner's Names and Addresses of all properties lying within 300 feet of the area proposed to be rezoned.

E. Additional Information required by the Planning and Zoning Committee or County Board.

14.3 FEE

A petition for an amendment shall be accompanied by a fee established by the Florence County Board of Supervisors. Such fee shall be paid by person filing the amendment to the County Clerk to defray the cost of administration, investigation, advertising and processing of the amendment application.

14.4 PROCESSING

An application for amendment shall be filed with the County Clerk and thereafter introduced into the County Board. Such application shall be forwarded from the County Board by the County Clerk to the County Planning and Zoning Committee with a request to hold a public hearing in accordance with the applicable Statutes of the State of Wisconsin (Section 59.69 (5)) and thereafter to submit a report of its findings and recommendations to the County Board.

14.5 NOTICE OF PUBLIC HEARING

14.5.1 The County Planning and Zoning Committee shall send written notice of the proposed public hearing to all owners of real property which lies within three hundred (300) feet of the property on which the proposed zoning action is to take place. This notice shall be sent at least ten (10) days prior to the date of the public hearing. The notice shall contain the time and place of the public hearing, the legal description and street or road address of the property involved, and a statement of the proposed zoning action requested. Failure to receive such notice shall not invalidate the hearing, or the results thereof.

14.5.2 Notice of the proposed public hearing shall be given by publication in the County of a class 2 notice, under Ch. 985 of the Wis. Stats. The notice shall specify the time and place of such hearing. A copy of the notice shall be mailed by registered mail to the town clerk of each town affected by the proposed amendment at least 10 days prior to the date of such hearing.

14.6 DECISIONS

14.6.1 The County Board, after receiving the report of the County Planning and Zoning Committee, and without further public hearing, may grant or deny any proposed amendment in accordance with applicable Statutes of the State of Wisconsin, or it may refer it back to the Planning and Zoning Committee for further consideration.

14.6.2 Whenever this Ordinance is amended, a duplicate copy of the amendment shall be certified by the County Clerk and sent to the municipal clerks of the municipalities affected thereby. Town Zoning Committee shall be advised within 10 days of the public hearing of any district change within their town.

14.7 ZONING OF COUNTY-OWNED LANDS

The County Board may zone or rezone lands owned by the County in accordance with the provisions of Wisconsin Statutes Section 59.69 (9).

15.0 PUBLIC HEARING REQUIREMENTS

15.1 NOTICE

Adequate notice shall be given of any public hearing required by the provisions of this Ordinance, stating the time and place of such hearing and the purpose for which it is being held.

15.2 PROCEDURE

15.2.1 Notice of public hearing shall be given as per Wisconsin Statutes Section 59.69 (2) (e).

15.2.2 In addition, when the hearing involves a proposed change in the zoning district classification of any property, or the granting of a conditional use, the town in which the affected land is located shall be notified as per Wisconsin Statutes Section 59.69 (5) (e) 2. Also, a copy of the notice shall be posted in the vicinity of the proposed change or conditional use where practical, and notice of the public hearing shall be mailed to the owners of all lands within 300 feet of any part of the land included in such proposed change or conditional use at least 10 days before such public hearing. The failure of such notice to reach any property owner shall not invalidate any amending ordinance or grant of conditional use.

16.0 VIOLATIONS

16.1 PENALTY PROVISIONS

16.1.1 GENERAL PENALTY

Except as otherwise provided, any person who shall violate any of the provisions of this Code shall, upon conviction of such violation, be subject to a penalty, which shall be as follows:

A. FIRST OFFENSE: Any person who shall violate any provision of this Code shall, upon conviction thereof, forfeit not less than $500.00 nor more than $2,500.00, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution, shall be subject to imprisonment in the County Jail until such forfeiture and costs are paid, but not exceeding 30 days.

B. SECOND OFFENSE: Any person found guilty of violating any section or part of this Ordinance, who has previously been convicted of a violation of this Ordinance, shall, upon conviction thereof, forfeit not less than $2,500.00 nor more than $5,000.00 for each such offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs shall be subject to imprisonment in the County Jail until such forfeiture and costs are paid, but not exceeding 90 days.

16.1.2 CONTINUED VIOLATIONS

Each violation, and each day a violation continues or occurs, shall constitute a separate offense. Nothing in this Code shall preclude the County from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.

16.1.3 EXECUTION AGAINST DEFENDANT'S PROPERTY

Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of any court for violation of any ordinance of the County the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for such forfeiture and costs.

16.1.4 CITATION METHOD OF ENFORCEMENT

Citations may be issued for violations of this General Code, other than traffic and those for which a statutory counterpart exists.

A. The issuance of citations is expressly limited to the following County Officials and employees, and the authority delegated to a County Official, or employee to issue citations, may only be granted or revoked by the County Board:

1. The Administrator of the Planning and Zoning Department, his Designated Deputies and Law Enforcement Officers may issue

citations for violations of the Florence County Minimum Housing Code Standards, Zoning, Nuisance, Sanitary, Shoreland and Wetland, and Floodplain ordinances.

2. The County Forester or his Deputy for violations of the Park Ordinances.

3. The Health Officer for violation of the Health Department Ordinance.

4. Any law enforcement officer.

B. The citation shall contain the following:

1. The name and address of the alleged violator.

2. Statements describing the alleged violation.

3. The time and place of the offense.

4. The Section of the code violated.

5. A designation of the offense in such manner as can readily be understood by a person making a reasonable effort to do so.

6. The time at which the alleged violator may appear in court.

7. A statement which, in essence, informs the alleged violator.

(a) That a cash deposit based on the schedule established by the County Board, from time to time, and on file in the office of the County Clerk, may be made to and deposited with the Clerk of County Court or the Sheriff's Department prior to the time of the scheduled court appearance.

(b) That is a deposit is made, no appearance in court is necessary unless he is subsequently summoned.

(c) That is a cash deposit is made and the alleged violator does not appear in court, he will be deemed to have entered a plea of no contest or, if the court does not accept the plea of no contest, a summons will be issued commanding him to appear in court to answer the complaint.

(d) That if no cash deposit is made and the alleged violator does not appear in court at the time specified, an action may be commenced to collect the forfeiture.

8. A direction that if the alleged violator elects to make a cash deposit, the statement which accompanies the citation shall be signed to indicate that the statement required under subparagraph 7 above has been read. Such statement shall be sent or brought with the cash deposit.

9. Such other information as the County deems necessary.

C. SCHEDULE OF DEPOSITS: The schedule of cash deposits for use with citations issued under this Section shall be as adopted by the County Board from time to time and such schedule shall be on file in the offices of the Sheriff and the Clerk and in Table 2 within this ordinance.

D. PROCEDURE: Section 66.0113 (3), Wisconsin Statutes, relating to violator's options and procedure on default, is adopted and incorporated herein by reference.

E. NONEXCLUSIVITY: Other Ordinance. This Section does not preclude the County or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.

17.0 DEFINITIONS OF WORDS OR PHRASES

The following words, phrases and terms, wherever they occur in the Ordinance shall be interpreted as herein defined:

ACCESSORY STRUCTURE - see STRUCTURE, ACCESSORY.

ANIMAL FEEDING OPERATION OR AFO - means a feedlot or facility, other than a pasture, where animals have been, confined, maintained or stabled for a total of 45 consecutive days or more in any 12-month period. Two or more animal feeding operations under common ownership are deemed to be a single animal feeding operation if they are adjacent to each other or if they utilize a common area or system for the disposal of wastes.

ASSISTED LIVING UNIT – With their range of services, assisted living communities provide a senior housing solution for adults who can live independently but need some assistance.

AUTOMOBILE SERVICE STATION - Any building or premises that sells gasoline, oil and related products to the motoring public. This shall include repairs, washing and lubrication, but shall not include body work, painting or dismantling.

AUTOMOBILE SALVAGE YARD - Any area of land where two or more inoperative vehicles, and/or accumulation of parts thereof, are stored in the open and are not being restored to operation; or any land, building, or structure used for the wrecking or storing of such motor vehicles. On an area of land of more than three (3) acres, an unlicensed, unregistered motor vehicle does not apply.

BAR AND/OR COCKTAIL LOUNGE - Any premises wherein alcoholic beverages are sold at retail for consumption on the premises and minors are excluded therefrom by law. It shall not mean a premise wherein such beverages are sold in conjunction with the sale of food for consumption on the premises and the sale of said beverages comprises less than 25 percent of the gross receipts.

BASIL AREA - The cross-sectional area 4 ½ feet above the ground expressed in square feet per acre of all trees with a diameter of 5 inches or larger.

BASIL AREA PER ACRE - Is the total area in square feet of the cross-section of all trees 4 ½ feet above ground with a diameter of 5 inches or larger on an acre.

BED AND BREAKFAST INN - A house, or portion thereof, where short-term lodging rooms and meals are provided. The operator of the inn shall live on the premises or in adjacent premises.

BOARDING HOUSE - A building where meals and lodging are offered for compensation for five but not more than 12 persons and where no more than five sleeping rooms are provided for such purpose. An establishment where meals are served for compensation for more than 12 persons shall be deemed a restaurant.

BOATHOUSE - Any structure located on the same lot as the principal building and used for protecting or storing of boats, and related equipment used for non-commercial purposes in conjunction with a residence, and not for human habitation.

BUFFER AREA - A landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.

BUILDABLE AREA - The specified portion of a lot within the building and setback lines.

BUILDING - Any structure which is built for the support, shelter or enclosure of persons, animals, chattels or movable property of any kind and which is permanently affixed to the land.

BUILDING ACCESSORY - A subordinate building or a portion of a principal building, the use of which is incidental and customary to that of the principal building.

BUILDING AREA - The area bounded by the exterior dimensions of the outer walls at the ground line.

BUILDING, PRINCIPAL - The main building on a lot, intended for primary use as permitted by the regulations of the District in which it is located.

BULK SAMPLING- means bulk sampling for nonferrous metallic minerals as the definition is set forth in Wis. Stat. § 293.01(2m), as may be amended.

BULKHEAD LINE - A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department pursuant to s. 30.11, Wis. Stats., and which allows limited filling between this bulkhead line and the original ordinary high-water mark, except where such filling is prohibited by the floodway provisions of this Ordinance.

CAMP - An area, including buildings, used for the accommodation of members of various organizations or groups for institutional, religious, recreational or business purpose.

CAMPING AREA - Any public or private premises established for day and overnight habitation by persons using equipment designed for the purpose of temporary camping.

CAMPGROUND - Any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or which is advertised or represented as a camping area.

CAMPING UNIT - Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, tent or other mobile recreational vehicle.

CHANNEL - A natural or artificial water course of perceptible extent, with definite bed and banks, to confine and conduct continuously or periodically flowing water.

CHAPTER 20 – Chapter 20 of the Florence County Code of Ordinances, as may be amended, relating to metallic mining. Note that any capitalized terms relating to mining that are not defined in this Ordinance shall be defined as set forth in Chapter 20.

CLASS 2 NOTICE - A notice that must be published in an official newspaper or paper of general circulation in the county. It must be published once a week for 2 consecutive weeks with the last publication being 1 week prior to the hearing. See Chapter 985 Wis. Stats.

CLUB OR LODGE - An association, of persons who are bona fide members, which owns, hires, or leases a building or portion thereof, the use of such premises being restricted to members and their guests.

CLUSTER DEVELOPMENT - A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.

COMMERCIAL ENTERTAINMENT FACILITIES:

A. Commercial establishments which display, sell, have in their possession for sale, offer for view, publish, disseminate, give, lease, or otherwise deal in any written or printed matter, pictures, films, sound recordings, machines, mechanical devices, models, facsimiles, or other material and paraphernalia depicting sexual conduct or nudity and which exclude minors by reason of age.

B. Commercial establishments which display for viewing any film or pictures depicting sexual conduct or nudity and which exclude minors by reason of age.

C. Commercial establishments in which any person appears or performs in a manner depicting sexual conduct or involving nudity and from which minors are excluded by reason of age.

COMMUNITY BASE RESIDENTIAL FACILITY (CBRF) – A place where 5 or more unrelated people live together in a community setting. Services provided include room and board, supervision, support services, and may include up to 3 hours of nursing per week.

CONDITIONAL USE (SPECIAL EXCEPTION) - A use which is permitted by this Ordinance provided that certain conditions specified in the Ordinance are met and that a permit is granted by the board of adjustment or, where appropriate, the planning and zoning committee or county board.

CONTINUING CARE RETIREMENT COMMUNITY (CCRC) – Continuing Care Retirement Communities (CCRC) provide a variety of senior housing options and services to meet the challenging needs of its residents. Depending on the CCCR facility, there options can include living, assisted living, and skilled nursing care.

COUNTY ZONING AGENCY / PLANNING AND ZONING COMMITTEE - That committee or commission created or designated by the county board under s. 59.69(2)(a), Wis. Stats, to act in all matters pertaining to county planning and zoning.

DEPARTMENT - The Wisconsin Department of Natural Resources (WDNR).

DEVELOPMENT - Any man-made change to improved or unimproved real estate, including, but not limited to the construction of building, 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.

DISTRICT - A part or parts of the County for which the regulations of this Ordinance governing the use and location of land and buildings are uniform.

DISTRICT, OVERLAY - Overlay districts provide for the possibility of superimposing certain additional requirements upon a basic zoning district without disturbing the requirements of the basic district. In the instance of conflicting requirements, the stricter of the conflicting requirements shall apply.

DOMICILE - Means a place of permanent residence evidenced by voting, personal income tax, or driver's license record.

DRAINAGE SYSTEM - One or more artificial ditches, tile drains or similar devices which collect surface runoff of groundwater and convey it to a point of discharge.

DWELLING UNIT - A group of rooms constituting all or part of a dwelling, which are arranged, designed, used or intended for use exclusively as living quarters for one-family and not more than an aggregate of two roomers, and which includes complete kitchen facilities permanently installed.

DWELLING, DETACHED - A residential building which is entirely surrounded by open space on the same lot.

DWELLING, SINGLE-FAMILY - A residential building containing one dwelling unit.

DWELLING, DUPLEX (TWO-FAMILY) - A residential building containing two dwelling units.

DWELLING, MULTIPLE-FAMILY (APARTMENT) - A building containing three or more dwelling units.

DWELLING, TEMPORARY - A dwelling occupied no more than 30 consecutive days.

EXPLORATION- means exploration of nonferrous metallic materials as defined in Wis. Admin. Code Ch. NR 130, and as described in Chapter 20, as may be amended.

FAMILY - One or more persons related by blood, marriage or adoption, or group of not more than five persons not so related, maintaining a common household in a dwelling unit.

FORESTRY - The production and management of trees as a crop.

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

FLOOD-PROOFED - A special design, engineering or construction treatment of land or structures to prevent the entrance of water and/or the displacement of material or structures by flow of flood water and it shall be construed to include the following, without limitation because of enumeration:

A. Raising the ground level of a building or site, by filling or grading, by use of piles, so that the lowest floor of the building shall be at an elevation not less than two feet above the highest recorded water level; water supply systems shall be constructed so as to prevent the entrance of flood waters; and essential utility systems shall be flood-proofed.

B. Keeping flood water away from a building site or reducing the height or the frequency of flooding thereon, by dikes, levees, floodwalls or the like.

C. Making structural modifications in a building to prevent the entrance of flood waters or to reduce the height or frequency of flooding therein, such as the following:

   1. Anchorage of structures to foundations.

   2. Installation of watertight doors, bulkheads and shutters.

   3. Reinforcement of walls to resist water pressures.

   4. Use of paints, membranes or mortars to reduce seepage of water through walls.

   5. Addition of mass or weight to structures to resist flotation.

   6. Installation of pumps to lower water levels in structures.

D. Constructing of water supply and waste treatment systems to prevent the entrance of flood waters.

E. Providing for prompt removal of structure or contents in time of flooding.

FLOOR AREA, GROSS - For the purpose of determining requirements for off-street parking and off-street loading, the floor area shall mean the sum of the gross horizontal areas of the several floors of the building, or portion thereof, devoted to such use, including accessory storage areas located within selling or working space, such as counters, racks or closets, and any basement floor area devoted to retailing activities to the production or processing of goods, or to business or professional offices.

FUR FARM - A tract of land or buildings devoted in whole or part to the raising of fur bearing animals for commercial purposes.

GARAGE, PRIVATE - A structure primarily intended for and used for the enclosed storage or shelter of the private motor vehicles of the family's resident upon the premises. Carports are considered garages.

GARAGE, PUBLIC OR COMMERCIAL - Any garage other than a private garage.

HEIGHT, BUILDING - Building height is the vertical distance measured from grade to the highest point of the roof; adjacent to the street walk for flat roofs; to the deck line of mansard roofs; and, to the mean height between eaves and ridges for gable, hip gambrel or pent roofs.

HOME BUSINESS - A business, profession, occupation, or trade conducted for gain or support in conjunction with a residence and in a manner that meets the requirements of Section 6.15 of this Ordinance. Examples of businesses that may be permitted as home businesses include trade or contractors establishments (such as plumbing, heating and air conditioning, excavating, carpentry and woodworking, liquid waste hauling, painting, electrical, and well-drilling), veterinary offices, kennels, and automotive and farm implement repair shops.

HOME OCCUPATION - A gainful occupation conducted by a member of the family, within his or her place of residence, where the space used is incidental to residential use and no article is sold or offered for sale except such as is produced by such home occupation which does not alter the exterior of the property or affect the residential character of the neighborhood.

HOME OCCUPATION, RURAL - An accessory use to a customary farming operation or a nonfarm household located in a rural area designed for gainful employment involving the sale of goods and services that is conducted either from within the dwelling and/or from accessory buildings located within 500 linear feet of the dwelling unit occupied by the family conducting the home occupation.

HOME OFFICE/STUDIO - Home office/studio. A business, profession, occupation, or trade conducted for gain or support in conjunction with a residence and in a manner that meets the requirements of Section 6.15 of this Ordinance. Examples of businesses that may be permitted as home offices/studios include any business where transactions with customers are conducted entirely by telephone, facsimile machine, and computer; or any business where the home serves only as the office or storage space and all services or work is performed off-site.

HOTEL - A building containing lodging rooms, a common entrance lobby, halls and stairway, where each lodging room does not have a doorway opening directly to the outdoors, except for emergencies and where more than 50 percent of the lodging rooms are for rent to transient guests, with or without meals, for a continuous period of less than 30 days.

HUNTING OR FISHING SHELTER - A building or structure without permanent toilet or kitchen facilities, intended solely for fishing, hunting or trapping and only for temporary occupancy.

IMPERVIOUS SURFACE - A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes surfaces such as compacted sand, rock, or clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots, and other similar structures.

INDEPENDENT LIVING UNIT (ILU) – Independent living is frequently referred to as retirement communities, retirement homes, senior apartments, or senior housing. May also be known as congregate living facility.

JUNK YARD - An open area or fenced-in enclosure, where used or second-hand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. For the purpose of this Ordinance, junk yard includes an auto salvage yard but does not include uses established entirely within enclosed buildings. Two or more inoperative pieces of equipment shall constitute a salvage yard. On an area of land of more than 3 acres, an unlicensed, unregistered motor vehicle does not apply.

KENNEL - An establishment licensed to operate a facility housing dogs, cats, or other household pets, which is conducted as a business.

LARGE ANIMAL FEED OPERATION - Means an animal feeding operation which feeds, confines, maintains or stables 100 animal units or more of Dairy Cattle; 100 or more animal units of Beef Cattle, Swine, Sheep, Horses, Ducks, Chickens, Turkeys; or 100 or more combined animal units as listed in Table 1 Number of Animal Types Equivalent to 1000 Animal Units and Animal Equivalency Factor in Chapter NR 243.11, Wisconsin Administrative Code.

LOT - A parcel of land, whether legally described or subdivided as one or more lots or parts of lots, and which is occupied or intended for occupancy by one principal building or principal use, together with any accessory buildings and such open spaces as are required by this Ordinance; and having its principal frontage upon a street or road.

LOT AREA - The area of contiguous land bounded by lot lines, exclusive of land provided for public thoroughfares.

LOT, DEPTH - The average horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries.

LOT LINES - A property boundary line of any lot held in single or separate ownership; except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley right-of-way line.

LOT, WIDTH - The average horizontal distance between the side lot lines of a lot measured within the lot boundaries and the minimum distance between the side lot lines within the buildable area.

MANUFACTURED HOME - A structure certified and labeled as a manufactured home under 42 USC 5401 through 5425, which, when placed on a site:

A. is set on an enclosed foundation in accordance with Section 70.043 (1), Wis. Stats., and sub-chapters III, IV, and V of Ch. SPS 321, Wis. Admin. Code, or is set on a comparable enclosed foundation system approved by the County Zoning and

Planning Administrator/Deputy. The County Zoning and Planning Administrator/Deputy may require a plan to be certified by a registered architect or engineer to ensure proper support for the home;

B. is installed in accordance with the manufacturer's instructions;

C. is properly connected to utilities.

D. All manufactured homes shall comply with regulations set forth in the zoning district which they are located.

MANUFACTURED HOME PARK - Any premises on which are parked two or more mobile homes or manufactured homes for seasonal or permanent habitation.

MINING OR MINING OPERATION means, subject to the provisions and definitions set forth in Chapter 20, all or part of the process involved in the mining of metallic and nonferrous metallic minerals, on or as part of the Mining Site, other than for Exploration, Bulk Sampling, or Prospecting, including, but not limited to:

A. Extraction from the earth of metallic mineral aggregates or metallic minerals for off-site use or sale, including drilling and blasting, as well as associated activities such as excavation, grading and dredging of such materials.

B. Manufacturing or processing operations that may involve the use of equipment for the crushing, screening, separation or blending of the metallic mineral aggregates or metallic minerals obtained by extraction from the Mining Site or with materials transferred from off-site.

C. Manufacturing processes aimed at producing metallic products for sale or use by the operator.

D. Stockpiling or storage of metallic products for sale or use off-site and stockpiling of waste materials.

E. Transport of the extracted metallic materials, finished products or waste materials to or from the extraction site.

F. Disposal of waste materials.

G. Reclamation of the extraction site.

H. Prospecting or Exploration for metallic minerals is not mining under the terms of this Ordinance.

I. Commercial extraction, agglomeration, beneficiation, construction of roads, removal of overburden and the production of refuse.

MOBILE HOME - means a vehicle manufactured or assembled before June 15, 1976, designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, with walls of

rigid un-collapsible construction, which has an overall length in excess of 45 feet. “Mobile home" includes the mobile home structure, its plumbing, heating, air conditioning and electrical systems, and all appliances and all other equipment carrying a manufacturer's warranty.

MOTEL - A building or group of buildings containing rooms which are offered for compensation for the temporary accommodation of transients, and where there is no permanent occupancy of any unit except by the owner, his agent or his employees.

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 s. 281.31(2)(d), Wis. Stats, notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under s. 59.692, Wis. Stats, and Ch. NR 115, Wis. Adm. Code, do not apply to lands adjacent to farm drainage ditches if:

A. Farm drainage ditches where such lands are not adjacent to a natural navigable stream or river and such lands were not navigable streams before ditching; and

B. Artificially constructed drainage ditches, ponds or storm water retention basins that are not hydrologically connected to a natural navigable water body

NONCONFORMING STRUCTURE - A dwelling or other building that existed lawfully before the current zoning Ordinance was enacted or amended, but that does not conform to one or more of the development regulations in the current shoreland zoning ordinance.

NONCONFORMING USE - An existing lawful use or accessory use of a structure, building or development which is not in conformity with the provisions of this Ordinance.

NORMAL HIGHWATER ELEVATION -

A. For lakes and ponds: The average of the high-water elevations for the period of record.

B. For flowage: The same as (A), or the highest water elevation as determined by a control structure or dam.

OPEN SPACE - An area that is intended to provide light and air, and is designed for either environmental, scenic, or recreational purposes. Open space may include, but is not limited to, lawns, decorative planting, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, wooded areas, and water courses. Open space shall not be deemed to include driveways, parking lots, or other surfaces designed or intended for vehicular travel.

ORDINANCE – This Chapter 10, which is the Zoning Ordinance of the Florence County Code of Ordinances, as may be amended.

ORDINARY HIGH-WATER MARK (OHWM) - 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.

PLANNED UNIT DEVELOPMENT (PUD) - A development of land that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.

PRIVATE SEWAGE DISPOSAL SYSTEM - A sewage disposal system other than a public sewage disposal system, including septic tank, soil absorption systems, privies, holding tanks, and privately owned common sewerage facilities including package treatment plants, lagoons and irrigation systems.

PROPSPECTING- means exploration as defined in Wis. Admin. Code Ch. NR 130, as may be amended.

PUBLIC AND SEMI-PUBLIC BUILDINGS - Public and semi-public buildings in the sense of this Ordinance are structures principally of an institutional nature and serving a public need such as: churches, hospitals, rest homes, schools, including private academic schools and nursery schools, libraries, museums, post offices, police and fire stations, public and private utilities and other public services; but not including the operation of a public bar, restaurant or recreational facility as commercial enterprise.

PUBLIC OPEN SPACE - Any publicly-owned area; including but not limited to the following: parks, playgrounds, forest preserves, beaches, waterways, parkways and streets.

PUBLIC SEWAGE DISPOSAL SYSTEM - Sewers and sewage treatment facilities used in connecting therewith which are maintained and operated by a municipality or sanitary District.

QUARRYING - The removal of rock, slate, gravel, sand, top soil or other nonmetallic natural material from the earth by excavating, stripping, leveling or any other such process.

RECREATIONAL AREA - Shall include park, playground, ball field, ski hill, sport field, swimming pool, riding stables or riding academies or other facilities and area constructed for recreational activities and open for uses by the public or private organizations.

RECREATIONAL VEHICLES - A vehicle having an overall length of 45 feet or less and a body width 8 feet or less primarily designed as temporary living quarters for recreational, camping or travel use, which has its own motive power or is mounted or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper and motor home. (Includes all classes of recreational vehicles used for a temporary dwelling).

REGIONAL FLOOD - A flood determined to be representative of the largest flood known to have generally occurred in Wisconsin and which may be expected to occur on a particular stream because of like physical characteristic, once in every 100 years.

RESIDENTIAL CARE APARTMENT COMPLEX (RCAC) – Independent apartment units in which the following services are provided: Room and Board, up to 28 hours per week of supportive care, personal care, and nursing services.

RESORT - An area containing one or more permanent buildings utilized principally for the accommodation of the public for recreation purposes.

RESTAURANT - A business establishment whose principal business is the selling of unpackaged food to the customer in a ready-to-consume state, in individual servings, or in nondisposable containers, and where the customer consumes these foods while seated at tables or counters located within the building.

RESTAURANT, DRIVE-IN - A retail outlet where food or beverages are sold to a substantial extent for consumption by customers in parked motor vehicles.

ROADSIDE STAND - A farm building used or intended to be used solely by the owner or tenant of the farm on which such building is located for the sale of farm products.

SANITARY LANDFILL - A waste disposal operation which consists of dumping garbage, rubbish and other debris into a depression or trench, compacting it, and promptly covering it with a layer of earth of suitable thickness.

SCENIC CORRIDOR - A strip of land on each side of a stream or roadway that is generally visible to the public traveling on such route.

SCENIC EASEMENT - An easement, the purpose of which is to limit development in order to preserve a view or scenic area.

SCREENING - The method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, or other features.

SEASONAL RESIDENCE - A dwelling unit to be used only for part-time occupancy during certain periods of the year, and not intended for permanent year-around use or occupancy as a domicile.

SETBACK - The minimum allowable horizontal distance from a given point or line of reference, such as a thoroughfare right-of-way, water line, or prospective line to the nearest vertical wall or other element of a building or structure.

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 floodplain, whichever distance is greater.

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

SHORELAND - WETLAND DISTRICT - The zoning district, created as a part of the county shoreland and wetland zoning ordinance, comprised of shorelands that are designated as Wetlands on the wetland maps which have been adopted and made a part of the *Shoreland and Wetland Zoning Ordinance for Florence County, Wisconsin*.

SHOOTING RANGE - An area designed and constructed for the discharge of firearms that is open for club members or public use, excluding individual owned and used target and archery ranges.

SIGN - A name, identification, description, display or illustration which is affixed to or painted or represented directly or indirectly upon a building or other outdoor surface or piece of land; and which directs attention to an object, product, place, activity, person, institution, organization or business. However, a sign shall not include any display of official court or public office notices nor shall it include a sign located completely within an enclosed building unless the context shall be exposed to view from a street. Each display surface of a sign shall be considered to be a separate sign.

SIGN, ACCESSORY - A sign which is utilized in conjunction with a sign of a principal use.

SIGN, GROSS SURFACE AREA OF - The entire area within a single-continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of same. However, such perimeter shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display.

SITE PLAN, FINAL - A final drawing or design which will show the land use, construction or practice as set forth by the County Planning and Zoning Committee.

SITE PLAN PRELIMINARY - A drawing or design which shows the proposed land use, construction or practice that will affect the present land form of the site and its vegetation.

STREET, (AVENUE, PLACE, ROAD, TERRACE, PARKWAY, BOULEVARD OR COURT) - A right-of-way of a required width, which affords a primary means of access to abutting property. Any vehicular way that is an existing State, County, or Town roadway; is shown upon a subdivision plat or certified survey map approved pursuant to law; or is approved by other official action. The street includes all land within the right-of-way, whether improved or unimproved.

STREET LINE - The dividing line between a lot and a continuous street.

STRUCTURE - A principal structure or any accessory structure including a garage, shed, boathouse, sidewalk, walkway, patio, deck, retaining wall, porch or fire pit. Any human man-made object with form, shape, and utility, either permanently or temporarily attached to, or placed upon the ground, river bed and stream, or lake bed

STRUCTURE, ACCESSORY - A subordinate structure on the same property as the principal structure which is devoted to a use incidental to the principal use of the property. Accessory structures include, but are not limited to, detached garages, sheds, barns, gazebos, patios, decks (both detached and attached), swimming pools, hot tubs, retaining walls, fences, playground apparatus, driveways, parking lots and parking facilities, sidewalks, stairways, lifts, recreational courts and private emergency shelters.

A. In a Residential District within the shoreland area, no accessory building, structure or use shall be used for human habitation.

B. In a Residential District within the shoreland area, no accessory building, structure or use shall contain living quarters.

C. In a Residential District within the shoreland area, the combined total floor area of such accessory buildings shall not exceed the area of the building foot print of the principal on the lot.

STRUCTURE ALTERATION - Any change in the supporting members of a building such as bearings, wall column, beams or girders or any substantial changes in the roof and exterior wall.

STRUCTURE, PRINCIPAL - The main structure not including accessory structures on a lot, intended for primary use as permitted by the regulations of the district in which it is located. A lot on which more than one principal use is permitted may have more than one principal structure.

STRUCTURE, TEMPORARY - A structure which is built of such materials and in such a way that it would commonly be expected to have a relatively short useful life, or is built for a purpose that would commonly be expected to be relatively short-term.

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

TAVERN - An establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises and where sandwiches and snacks are available for consumption on the premises.

TEMPORARY AMUSEMENT PARK - Any facilities, mobile structure, or structures used for recreation, entertainment; such as carnivals and circuses, which are located on a site for a period not longer than 30 days.

TOXIC MATERIALS - Toxic materials are materials which are capable of causing injury to living organisms by chemical means.

TOURIST ROOMING HOUSE - Any lodging, place, tourist cabin, or cottage where sleeping accommodations are offered for pay to tourist or transients, or to persons who stay or intend to stay for thirty (30) days or less.

TRAILER, CAMPING - Mobile units designed to be used for temporary living or commercial purposes.

TRANSIENT OCCUPANCY - The right to use, occupy or possess, a single family dwelling unit for a period of 30 consecutive days or less.

TRANSIENT RENTAL - The renting of a dwelling unit for transient occupancy.

UNNECESSARY HARDSHIP - A 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.

USE, ACCESSORY - A subordinate use which is clearly and customarily incidental to the principal use of a building or premises and which is located on the same lot as the principal building or use except for such accessory parking facilities as are specifically authorized to be located elsewhere.

USE, PRINCIPAL - The primary use of a property or structures.

VARIANCE - An authorization granted by the board of adjustment to construct, alter or use a building or structure in a manner that deviates from the dimensional standards of this Ordinance.

WATERCOURSE - Any depression serving to give direction to a current of water at least six months of the year, having a bed and well-defined banks; provided, however, that it shall upon the order of the Department of Natural Resource, also include any particular depression which would not otherwise be within the definition of watercourse.

WATER LINE - The shortest straight line at the waterfront end of a lake or stream lot that lies wholly within the lot, provided that not less than 75 percent of the length of such water line shall be on, or on the landward side of, the high-water mark of such lake or stream.

WATERWAY - Shall include navigable water, rivers, streams, ditches, lagoons, canals and channels.

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

WORK IN RESPECT TO WATERWAYS, which shall include the following activities:

A. To construct, dredge, commence or do any work with respect any artificial waterway, channel, ditch, lagoon, pond, lake, or similar waterway where the purpose is ultimate connection with an existing navigable stream, lake or other body of navigable water, or where any part of such artificial waterway is located within 500 feet of the normal high-water mark of an existing navigable lake or flowage, or 300 feet of navigable streams, rivers, channels, or canals.

B. To connect any natural or artificially constructed waterway, canal, channel, ditch, lagoon, pond, lake or similar waterway with an existing body of navigable water.

C. To change or alter the course of a river or stream.

D. To remove materials from the bed of navigable waters.

E. To deposit any material or to place any structure upon the bed of any navigable water where no bulkhead line has been established, or beyond a lawfully established bulkhead line.

YARD - An open space on a lot which is unoccupied and unobstructed from its lowest level to the sky. A yard extended along a line and at right angles to such lot line to a depth

or width specified in the yard regulations for the Zoning District in which such lot is located.

YARD, FRONT - A yard extending along the full width of the front lot line between side lot lines.

YARD, REAR - The portion of the yard on the same lot with the principal building, located between the rear line of the building and the rear lot line and extending for the full width of the lot.

YARD, SIDE - A yard extending along a side lot between the front and rear yards.

ZONING AND PLANNING ADMINISTRATOR - The official appointed to administer this Ordinance and whose duties are outlined in the administration section of the Ordinance.

APPENDICES

Table 1
Number of Animal Types Equivalent to 100 Animal Units

Number Equivalent to 1,000 Animal Units	Animal Type	Number Equivalent to 100 Animal Units
	Dairy Cattle:	
700	Milking and Dry Cow	70
910	Heifers (800 to 1,200 lbs.)	91
1,670	Heifers (400 to 800 lbs.)	167
5,000	Calves (under 400 lbs.)	500
	Beef Cattle:	
1,000	Steers or Cows (600 lbs. to Mkt)	100
2,000	Calves (under 600 lbs.)	200
700	Bulls	70
	Swine:	
2,500	Pigs (55 lbs. to Mkt)	250
10,000	Pigs (up to 55 lbs.)	1,000
2,500	Sows	250
2,000	Boars	200
	Sheep:	
10,000	Per Animal	1,000
	Horses:	
500	Per Animal	50
	Ducks:	
5,000	Per Bird (Wet Lot)	500
100,000	Per Bird (Dry Lot)	10,000
	Chickens:	
100,000	Layers	10,000
200,000	Broilers	20,000
100,000	Broilers (continuous overflow watering)	10,000
30,000	Layers or Broilers (liquid manure system)	3,000
	Turkeys:	
55,000	Per Bird	5,500

APPENDICES

Table 2 SCHEDULE OF CASH DEPOSITS FOR CITATIONS

Whereas, Section 16.1.4 B 7 (a) of The Florence County Zoning Ordinance references a schedule of cash deposits to be set by the County Board of Supervisors.

SANITARY: Failure to obtain permit	$500.00	$5,000.00
All other violations	$500.00	$5,000.00
SHORELAND/WETLAND: Failure to obtain permit	$500.00	$5,000.00
All other violations	$500.00	$5,000.00
ZONING: Failure of obtain permit	$500.00	$5000.00
All other violations	$500.00	$5000.00
SUBDIVISION: Failure to obtain permit.....	$500.00	$5000.00
All other violations	$500.00	$5000.00
FLOODPLAIN: Failure to obtain permit.....	$500.00	$5,000.00
All other violations	$500.00	$5,000.00
NUISANCE: Failure to obtain permit	$500.00	$5,000.00
All other violations	$500.00	$5,000.00
HEALTH & SAFETY: Failure to obtain permit.....	$500.00	$5,000.00
All other violations	$500.00	$5,000.00

AFTER THE FACT PERMITS (ATF Permits)

All ATF Permit shall be assessed an additional charge due to additional administrative costs such as; phone calls, letters, site visits, etc. The additional charge shall be 3 times the permit fee as established by the governing county board committee.

Permits shall be considered after-the-fact when any physical work has been done or activity has commenced prior to obtaining a permit. This shall include the following examples and any similar activities; excavation of any type, placement of footings of forms, grading, land clearing, building a structure, installing a sewer, constructing a well, drainage system installation, operating a licensed business, etc. It shall not include surveying, soil testing, or other work done to evaluate the site for a proposed activity.

Private sewage system permits issued are after-the-fact if any portion of the system started without a permit is used in the subsequently legally permitted system. If no portion of the system begun or modified without a permit is allowed when the permit is issued, it will not be an after-the-fact permit.

APPENDICES

Table 3

Fee Schedule

FEES FOR LAND USE, BUILDING AND SANITARY PERMITS, HEARINGS AND MINING

Payable to: **Florence County Zoning**

BUILDING OR LAND USE

Commercial	$0.20 per total square foot ($100 Minimum)
Residential	$0.20 per total square foot ($50 Minimum)
Uniform Dwelling Code Permit	$0.20 per total square foot ($200 Minimum)
Accessory	$0.20 per total square foot ($50 Minimum)
Communication Tower	$1,500.00 Initial application, $250 Co-location
Tourist Rooming House (TRH)	$150 initial application
Tourist Rooming House (TRH)	$100 annual renewal
Temporary Use Fee - Tiered Schedule	Year 1 $400
	Year 2 $600
	Year 3 $800
	Year 4+ $1000

Permits are required for structural alterations when the value of the project exceeds $4,000.00.

(This is based on a $500 increase in value for each 100 point increase of the Consumer Price Index and will be adjusted by the Planning and Zoning Committee at the 100 point intervals in the future.)

SANITARY PERMITS

Septic: Conventional	$400
***Non-Plumbing	$150
Septic Tank Only	$250
Mound/At Grade Systems	$500
In-Ground Pressure	$450
System in Fill	$400
Holding Tank	$500
Holding Tank Plan Review	$100
System Inspection	$250
Reconnection/Existing System	$150
Transfer (Owner/Plumber)	$75
Renewal/Sanitary Permit	$75

HEARINGS

Variance	$650
Conditional Use	$400
Zoning Amendment	$600
Appeal	$600

Certified Survey Map	$200
Soil Evaluation Report Review	$50
Site Inspection	$100
Sub-Division Review	$100 per Parcel
E-911/Fire Number	$100

After-The-Fact Permit fees are set as triple the normal fee.

*****Non-Plumbing Agreement Recording Fee of $30 Separate check payable to: Florence Co Register of Deeds**

NON-METALLIC MINING ANNUAL FEE SCHEDULE

(Mine Size in Un-reclaimed Acres)

1 to 5 Acres	$450	16 to 25 Acres	$1200
6 to 10 Acres	$525	26 to 50 Acres	$2000
11 to 15 Acres	$800	51 Acres or larger	$2500

METALLIC MINERAL MINING (NON-FERROUS) FEE SCHEDULE

Mining Permit Application	$1000	Exploration Permit	$2000
Bulk Sampling Permit	$500	Prospecting Permit	$500

The above fees may be adjusted by resolution of the Florence County Board of Supervisors and such action is exempt from procedures for amendment. Fees shall be waived for government agencies and non-profit organizations, per Public Hearing 96-ZA-10 and the December 17, 1996 meeting of the Florence County Board of Supervisors.