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# Chapter 405

## Comprehensive Zoning

3 **[HISTORY: Adopted by the Board of Supervisors of Adams County 1-18-1983 by Ord. No. 1-1983;**  
4 **amended 6-19-1990 by Ord. No. 09-1990; 7-28-1993 by Ord. No. 14-1993; 3-18-1998 by Ord. No. 3-**  
5 **1998; 2-23-1999 by Ord. No. 7-1999; 1-17-2006 by Ord. No. 7-2006; 9-19-2006 by Ord. No. 46-2006; 9-**  
6 **19-2006 by Ord. No. 47-2006; 12-21-2010 by Ord. No. 17A-2010; 4-15-2014 by Ord. No. 02-2014; 6-20-**  
7 **2017 by Ord. No. 18-2017; 9-18-2018 by Ord. No. 24-2018. Subsequent amendments noted where**  
8 **applicable.]**

9 **GENERAL REFERENCES**

10 Citations — See Ch. 17.

11 Agricultural practices — See Ch. 130.

12 Building construction — See Ch. 166.

13 Sexually oriented businesses — See Ch. 296.

14 Comprehensive Plan — See Ch. 365.

15 Floodplain zoning — See Ch. 370.

16 Land division — See Ch. 382.

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

18 Planning and zoning permits — See Ch. 391.

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

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20 Article I  
21 **Introduction**

22 **§ 405-1 Authority.**

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

25 **§ 405-2 Title.**

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

28 **§ 405-3 Purpose.**

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

31 **§ 405-4 Intent.**

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

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

24 **§ 405-5 Severability.**

- 25 A. This chapter and the various parts, sections, subsections, and clauses are declared to be severable. If any  
26 part, section, subsection, clause, provision, or portion of this chapter is adjudged unconstitutional or  
27 invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected.

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

4 § 405-6 **Abrogation and greater restrictions.**  
5 It is not intended by this chapter to repeal, abrogate, annul, impair, or interfere with any existing easements,  
6 covenants, deed restrictions, agreements, ordinances, rules, regulations, or permits previously adopted or  
7 issued pursuant to law. However, wherever this chapter imposes greater restrictions, the provisions of this  
8 chapter shall govern.

9 § 405-7 **Interpretation.**  
10 In their interpretation and application, the provisions of this chapter shall be held to be minimum  
11 requirements and shall be liberally construed in favor of the County and shall not be construed a limitation or  
12 repeal of any other power granted by the Wisconsin Statutes.

13  
14 **Article II**  
**Word Usage and Definitions**

15 § 405-8 **Word usage.**  
16 For the purpose of this chapter, certain words or phrases shall have meanings that either vary somewhat from  
17 their customary dictionary meanings or are intended to be interpreted to have a specific meaning. Words used  
18 in the present tense include the future. The word "person" includes a firm, association, partnership, trust,  
19 company, or corporation as well as an individual. The word "shall" is mandatory, the word "should" is  
20 advisory, and the word "may" is permissive. Any words not defined in this article shall be presumed to have  
21 their customary dictionary definitions.

22 § 405-9 **Definitions.**  
23 As used in this chapter, the following terms shall have the meanings indicated:

24 **ACCESSORY USE OR STRUCTURE**  
25 A use or structure customarily incidental to another use or structure and on the same lot or parcel as the  
26 principal use or structure.

27 **ACCESS STRIP**  
28 Any portion of a parcel that is 33 feet or less in width.

29 **AGRICULTURAL USE**  
30 As provided in § 91.01(2), Wis. Stats., any of the following:

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

32 ~~(1) Crop or forage production; ~~\_~~~~

33 ~~(2) Keeping livestock; ~~\_~~~~

34 ~~(3) Beekeeping; ~~\_~~~~

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1 ~~(4)~~ Nursery, sod, or Christmas tree production;—

2 ~~(5)~~ Floriculture;—

3 ~~(6)~~ Aquaculture;—

4 ~~(7)~~ Fur farming;—

5 ~~(8)~~ Forest management;—

6 ~~B(9)~~ Enrolling land in a federal agricultural commodity payment program or a federal or state  
7 agricultural land conservation payment program.

8 ~~CB.~~ Any other use that the Department of Agriculture, Trade and Consumer Protection, by rule,  
9 identifies as an agricultural use.

10 **ANIMAL SERVICES**

11 Includes commercial animal shelters, commercial kennel services, pet resorts or hotels, dog training centers,  
12 doggie day cares, animal rescue shelters, and principal uses where animals are bred for sale to other persons  
13 or entities. Does not include residential kennels.

15 **ANIMAL UNIT**

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

21 **BASEMENT**

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

24 **BOARDINGHOUSE**

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

28 **BOATHOUSE**

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

31 **BUILDING**

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

3 **CAMPGROUND**

4 A contiguous parcel of land upon which three or more ~~recreational vehicles~~ camping units are placed,  
5 located or parked or a parcel of land where 1 or more camping units or camping spaces exist and the  
6 property owner (or designee) receives compensation for a non-property owner to use such units or  
7 spaces.

**Commented [DG4]:** All references of recreational vehicles (or similar) are changed to camping unit for consistency.

**Commented [DG5]:** Clarifies definition to show that renting a camper is not permitted.

8 **CAMPING**

9 Temporary recreational occupancy of a parcel for more than 24 hours utilizing a camping unit ~~or~~  
10 ~~recreational vehicle~~ as a means of shelter and/or the placement of a camping unit on a parcel.

**Commented [DG6]:** Clarifies that the placement, not the use, of the camper is what is being regulated.

11 **CAMPING UNIT**

12 Any portable device no more than four hundred (400) square feet in area, having an overall length of 45  
13 feet or less, and a body width of eight feet six inches or less, primarily designed as temporary living  
14 quarters for recreational, camping or travel use, including but not limited to a camping trailer, motor  
15 home, recreational vehicle, bus, park model, van, truck camper, tent, and popup-type camping trailer.  
16 ~~Includes recreational vehicles. The basic entities are: conventional travel trailer, popup-type camping~~  
17 ~~trailer, truck camper, motor home and tent.~~

**Commented [DG7]:** Change to state definition of camping unit.

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18 **CAR WASH**

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

21 **CLASS A HIGHWAYS**

22 All state and federal highways.

23 **CLASS B HIGHWAYS**

24 All County trunks.

25 **CLASS C HIGHWAYS**

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

27 **CLINIC**

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

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30 **COMMERCIAL KENNEL**

31 Includes animal shelters, commercial kennel services, pet resorts or hotels, dog training centers, doggie  
32 day cares, animal rescue shelters, and principal uses where animals are bred for sale to other persons or

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1 entities. This use may include training, boarding, grooming, sales of food, sales of supplies, and other  
2 customary uses.

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

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

6 **CONDITIONAL USES**

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

10 **CORNER LOT**

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

13 **DAY-CARE CENTER**

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

16 **DISTRICT**

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

18 **DOMESTIC ANIMAL**

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

20 **DRIVE-IN ESTABLISHMENT**

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

24 **EFFECTIVE DATE**

25 The date this chapter became effective in the particular town.

26 **ESSENTIAL SERVICES**

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

33 **FARM**

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

2 **FARM CONSOLIDATION**

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

Commented [DG9]: Term is unused in ordinance

4 **FARM FAMILY BUSINESS**

5 ~~A business operated by the owner or operator, or resident family member of the owner or operator, of a~~  
6 ~~farm, that is not associated with an agricultural use, that requires no buildings, structures, or~~  
7 ~~improvements other than those described in § 91.01(1)(a) or (c), Wis. Stats., that employs no more than~~  
8 ~~four full-time nonfamily employees annually, and that does not impair or limit the current or future~~  
9 ~~agricultural use of the farm or of other protected farmland.~~

Commented [DG10]: Term is used in ordinance, but is defined in that section. No need to include here.

10 **FARM RESIDENCE**

11 A single-family or duplex residence that is the only residential structure on the farm or is occupied by  
12 any of the following:

- 13 A. The owner or operator of the farm.
- 14 B. A parent or child of the owner or operator of the farm.
- 15 C. An individual who earns more than 50% of his or her gross income from the farm.

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16 D. A parent or child of an owner who resides on the farm and who previously conducted more than 50%  
17 of the farm operations on the parcel.

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18 **FEED LOT**

19 A lot or facility used or proposed to be used for the confined feeding or holding of animals, exceeding  
20 25 animal units per acre, for 30 or more continuous days per year on a twenty-four-hour per day basis.

21 **FENCE**

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

23 **FRONTAGE**

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

25 **FRONT LOT LINE**

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

28 **FRONT YARD**

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

1 **FUR-BEARING ANIMAL**

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

4 ~~**GARAGE, PRIVATE**~~

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

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7 ~~**GARAGE, PUBLIC OR COMMERCIAL**~~

8 ~~Any garage other than a private garage.~~

Commented [DG12]: Unnecessary

9 **GROUND COVERAGE**

10 Percent of a parcel that is occupied by all primary and accessory structures whether temporary or permanent.  
11

Commented [DG13]: Added for clarity

12 **HEIGHT**

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

Commented [DG14]: Matches definition in Shoreland Zoning.

16 **HOME OCCUPATION**

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

24 **HOTEL**

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

27 **JUNKYARD**

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

31 ~~**KENNEL**~~

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

Commented [DG15]: Redefined elsewhere. In conjunction with other changes.

1 **LIVESTOCK**

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

5 **LOADING AREA**

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

8 **LOT**

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

12 **LOT AREA**

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

15 **LOT LINE**

16 A line marking a boundary of a lot.

17 **MANUFACTURED HOME**

18 A structure that is designed to be used as a dwelling with or without a permanent foundation and that is  
19 certified by the Federal Department of Housing and Urban Development as complying with the  
20 standards established under 42 U.S.C. §§ 5401 to 5424, and includes any additions, annexes,  
21 foundations and appurtenances. A HUD-inspected, factory-constructed, portable dwelling unit  
22 assembled on or after June 15, 1976, and having a minimum width of 14 feet and a minimum 720 square  
23 feet of living area. It must be built to the Federal HUD Code (24 CFR Part 3280). It must be installed in  
24 accordance with Wisconsin Administrative Code, § 321.40. Beginning 6-19-2018, the following  
25 manufactured home requirements shall apply:

- 26 A. Must have a pitched roof; and
- 27 B. Must have residential siding, such as vinyl, wood, composite or newly engineered products

28 **MANUFACTURED HOME LOT**

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

32 **MANUFACTURED HOME PARK**

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

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

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

5 **MANUFACTURED HOME PARK MANAGEMENT**

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

7 **MANUFACTURED HOME PARK STORAGE STRUCTURE**

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

10 **MANUFACTURED HOME PARK STREET**

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

13 **MINIMUM LIVABLE AREA**

14 The minimum livable floor area of any dwelling unit shall include only livable floor space, as measured  
15 from outside of wall to outside of wall

16 **MOBILE HOME**

17 ~~Beginning 6/19/2018, mobile homes will no longer be allowed to be placed.~~ A portable dwelling unit  
18 constructed prior to June 15, 1976, having an overall length in excess of 27 feet or a body width of more  
19 than eight feet designed to be towed on its own chassis (comprised of frame and wheels) as a single unit  
20 upon a highway by a motor vehicle and equipped and used or intended to be used for residential  
21 occupancy and designed to be connected to utilities, excluding, however, recreational vehicles. Any  
22 such vehicle or structure shall be deemed a mobile home whether or not the frame and/or wheels have  
23 been removed therefrom and whether or not resting upon a temporary or permanent foundation.

24 **MODULAR HOME**

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

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

31 **MULTIPLE-FAMILY DWELLING**

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

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1 **NONCONFORMING USES, LOTS OR STRUCTURES**

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

9 **NUISANCE**

10 A. An unreasonable activity or use of property that interferes substantially with the comfortable  
11 enjoyment of life, health, or safety of others.

12 B. A substance or condition that is known to have the potential to cause acute or chronic illness or  
13 death if exposure to the substance, activity or condition is not abated.

14 **NURSING HOME**

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

19 **ORDINARY HIGH-WATER MARK**

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

23 **PARKING LOT**

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

25 **PARK MODEL TRAILERS**

26 Recreation vehicles primarily designed as temporary living quarters for recreation, camping or seasonal  
27 use. They are built on a single chassis, mounted on wheels and have a gross trailer area not exceeding  
28 400 square feet in the setup mode. They require registration, tags and insurance. Two different types of  
29 park model trailers are offered. One type is less than eight feet six inches in width and is designed for  
30 frequent travel on highways, while the other and more-popular type is wider than eight feet (usually 12  
31 feet in width) and must be transported with special movement permits from the State Department of  
32 Transportation. Park model trailers are typically commercially constructed, and the manufacturer  
33 certifies them compliant with ANSI A119.5 standards for recreational park trailers. Park model trailers  
34 are allowed only in licensed campgrounds.

35 **PARTIES IN INTEREST**

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

3 **PASSIVE RECREATION AREA**

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

6 **PRIMARY FLOOR AREA**

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

11 **PROFESSIONAL HOME OFFICES**

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

16 **REAR LOT LINE**

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

18 **REAR YARD**

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

22 ~~**RECREATIONAL VEHICLE PARK**~~

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

25 ~~**RECREATIONAL VEHICLE (SELF-CONTAINED)**~~

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

31 **RESIDENTIAL KENNEL SMALL:**

32 Includes the breeding, rearing, or boarding of between six~~five~~ and 12 (Inclusive) dogs or cats, in  
33 association with a residential principal use of land and related buildings or structures. A litter of pups or  
34 kittens, kept for less than 6 months from birth shall not contribute to the limit of five, provided there is  
35 not more than one litter per year on the premises. Does not include commercial boarding kennels as

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1 defined above.

2 **RESIDENTIAL KENNEL LARGE:**

3 Includes the breeding, rearing, or boarding of more than 12 dogs or cats, in association with a residential  
4 principal use of land and related buildings or structures. A litter of pups or kittens, kept for less than 6  
5 months from birth shall not contribute to the limit of five, provided there is not more than one litter per  
6 year on the premises. Does not include commercial boarding kennels as defined above.

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7 **RETAIL USE**

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

9 **RIGHT-OF-WAY**

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

12 **SALVAGE YARD**

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

19 **SETBACK**

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

21 **SIDE LOT LINE**

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

23 **SIDE YARD**

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

25 **SIGN**

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

30 **SINGLE-FAMILY DWELLING**

31 A detached structure designed for and exclusively occupied by one family and containing a minimum of  
32 720 square feet of livable floor area, with at least one portion able to contain a square 24 feet on a side.  
33 Single-family dwellings include manufactured dwellings, conventional site-constructed dwellings, site-  
34 assembled panel constructed dwellings and sectional manufactured homes. Single-family dwellings do

1 not include rooming or boarding houses, community-based residential facilities, fraternity or sorority  
2 homes, or similar uses, or nonsectional manufactured homes.

3 **STREET**

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

5 **STRUCTURAL ALTERATIONS**

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

8 **STRUCTURE**

9 Any erection or construction, such as buildings, building additions and appurtenances, towers, masts,  
10 poles, fences, booms, signs, decorations, machinery, equipment and ponds. The term structure does not  
11 include small objects that are easily moved by hand by one person

Commented [DG20]: Added to clearly exempt small structures

12 **SUBSTANTIAL WORK COMMENCED**

13 50% or more of the project is complete.

14 ~~**TEMPORARY RENT OR LEASE**~~

15 ~~The renting or leasing of residential property for a period of 30 continuous days or less.~~

Commented [DG21]: Regulated by another ordinance

16 **TINY HOME**

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

20 **TOTAL FLOOR AREA**

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

23 **TWO-FAMILY DWELLING**

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

26 **USE CONSISTENT WITH AGRICULTURAL USE**

27 Any activity that meets all of the following conditions:

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

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1 D. The activity will not conflict with agricultural operations on other properties.

2 **UTILITIES**

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

8 **VEHICLE**

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

11 **YARD**

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

14 Article III  
15 **General Provisions**

16 **§ 405-10 Jurisdiction.**

17 A. This Article shall be effective in every town in the County, in which the County has received the approval  
18 of the Town Board and upon its passage by the County Board and publication. The use of any land, the size,  
19 type and location of structures on lots, and other provisions regulated herein shall be in full compliance with  
20 the terms of this Article.

Commented [DG22]: More clearly defining.

21 B. Unless specifically exempted by law, all cities, villages, towns and counties are required to obtain all  
22 necessary permits for projects undertaken by them within this chapter's geographic jurisdiction. State  
23 agencies are required to similarly comply when Wis. Stats. § 13.48(13) applies. ~~The jurisdiction of this~~  
24 chapter shall include all lands and waters within Adams County, Wisconsin, except those lands incorporated  
25 in any city or village within the County.

26 **§ 405-11 Site restrictions.**

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

Commented [DG23]: Regulated by another ordinance. This keeps it more consistent by referencing the other ordinance.

36 B. All lots shall be provided access as required in the Adams County Land Division and Parcel

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1 Modification Ordinance (Chapter 382), ~~abut upon a public street, and each lot shall have a minimum~~  
2 ~~frontage of 33 feet.~~

3 C. No lot area shall be reduced so as to create a lot of less than the required size or so that the existing  
4 setbacks, open space, or lot area would be reduced below that required by the regulations for the district  
5 in which such lot is located. No lot, yard, parking area, building area, or other space shall be reduced in  
6 area or dimension so that it does not meet the provisions of this chapter. No part of any lot, yard,  
7 parking area, or other space required for a structure or use shall be used for any other structure or use.

Commented [DG24]: Moved from another section with no changes.

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8  
9 ~~C. No zoning permit shall be issued for a lot which abuts a public street dedicated to only a portion of its~~  
10 ~~proposed width if the lot is on that side of the roadway from which the required dedication has not been~~  
11 ~~secured.~~

Commented [DG25]: Unnecessary and unclear language

12 § 405-12 Use restrictions.

13 The following use restrictions and regulations shall apply:

14 A. Only those principal uses specified for a district and their essential services shall be permitted in that  
15 district.

16 B. Only one principal structure shall be located, erected or moved onto a lot, except as provided in  
17 certain districts. in the following districts: A-1, A-1(15), A-2, B-1 and R-3. Exception: Residential  
18 condominiums, where permitted, may have multiple dwelling units on a single parcel.

Commented [DG26]: Cleaning up language

19 -  
20 ~~CC.~~ Accessory Structures

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21 1. Customary accessory uses and structures are permitted in any district.

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22 2. Accessory structures shall not consist of truck bodies or trailers, buses, camping units,  
23 shipping containers or mobile or manufactured homes.

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24 a. Shipping containers that have been completely covered with a peaked roof and  
25 residential siding are allowed subject to the following:

Commented [DG27]: This is new. This was added by request over the years by property owners.

26 1. An Administrative Review Permit must be obtained to place the shipping  
27 container on the property.

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28 a. To obtain a permit, the following items must be included:

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29 i. Application form

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30 ii. Items listed in 391-10 (Zoning Permit requirements)

31 iii. Fee set by County Board

1 iv. Approval from the Town Board on a form supplied by the  
2 Zoning Department.

3 b. An Administrative Review Permit requires an annual inspection for  
4 compliance with the Zoning Ordinance.

5 i. An Administrative Review Permit can be revoked if the  
6 property is found to be in violation of any Adams County  
7 Ordinance.

8 2. No part of the exterior of the shipping container can be visible.

9 3. Only 1 shipping container is allowed under this exemption on a parcel.

10 4. Paragraphs (C)(3-6) below apply.

11 3. An accessory structure may not be constructed or placed in any residential district until its  
12 principal use or structure is present or under construction, unless exempt below; both the  
13 principal structure and accessory structure may be commenced at the same time.

14 a. Enclosed structures under 150 square feet in total area, including overhangs are  
15 permitted:

16 1. Only 2 structures are allowed under this exemption on a parcel.

17 2. The maximum wall height of the structure is 12'

18 3. The maximum peak height is 16'

19 4. No more than 1 story is allowed.

20 5. All applicable ordinance requirements must be maintained

21 b. On parcels with no principal structure, a special exception permit must be obtained to  
22 place an accessory enclosed structure 150 sq. ft. or larger in size

23 c. Open air structures (i.e. decks, roofs with no sides) under 300 sq. ft. are permitted;

24 1. Only 2 structures are allowed under this exemption on a parcel ~~or group of~~  
25 ~~adjacent parcels under similar ownership or control.~~

26 2. All applicable ordinance requirements must be maintained

27 d. On parcels with no principal structure, a special exception permit must be obtained to  
28 place an open air structure 300 sq. ft. or larger in size.

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Commented [DG29]: Open air structures were not clearly regulated previously. Enforcement was done by utilizing regulations for sheds.

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1 4. Residential, public and semipublic accessory uses shall not involve the conduct of any  
2 business, trade, or industry, except that in a residential district home occupations and  
3 professional home offices are permitted.

4 5. An accessory Structure may not contain multiple elements listed below if the sum of points is  
5 greater than 6.

<u>Element</u>	<u>Points</u>
<u>Installed/In-use Appliances (Refrigerator, Oven/Stove, Microwave, Wine Cooler, TV, etc)</u>	<u>1 Point for each appliance</u>
<u>Bathroom/toilet</u>	<u>3 Points</u>
<u>Cable TV/Satellite Dish</u>	<u>2 Points</u>
<u>More than 1 room (not counting Bathroom)</u>	<u>3 Points</u>
<u>No door larger than 48"</u>	<u>2 Points</u>
<u>Air Conditioner/Heater</u>	<u>2 Points</u>
<u>Attached porch</u>	<u>3 Points</u>

**Commented [DG31]:** This is a new inclusion. People turning garages and sheds into cabins is becoming more common. This is an attempt to address that concern. There really isn't much addressing across the State.

6 ~~Customary accessory uses and structures are permitted in any district. Accessory structures shall not consist~~  
7 ~~of truck bodies or trailers, buses, recreational vehicles, shipping containers or mobile or manufactured~~  
8 ~~homes. An accessory structure may not be constructed or placed in any residential district until its~~  
9 ~~principal use or structure is present or under construction; both the principal structure and accessory~~  
10 ~~structure may be commenced at the same time. A special exception must be granted to place an~~  
11 ~~accessory structure with no principal structure. Residential and public and semipublic accessory uses~~  
12 ~~shall not involve the conduct of any business, trade, or industry, except that in a residential district home~~  
13 ~~occupations and professional home offices are permitted.~~

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**Commented [DG32]:** Removed and restated in section C above.

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15 D. No person shall deposit or cause to be deposited or stored on any property unless paragraph 4 of this  
16 section applies:

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17 1. Refuse, garbage, litter, waste or salvage material (including but not limited to: metals, paper,  
18 rags, tires, bottles, building materials, car parts), in excess of normal residential use or  
19 periodic maintenance or remodeling.

**Commented [DG33]:** Clearly defines items that are not permitted. Added to eliminate the need to call a property in violation a "salvage yard" which causes confusion. Also, clarifies items that are considered a violation.

20 2. Any inoperable appliances.

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1 3. Greater than one (1) ~~disassembled, unlicensed, junked or wrecked motor vehicle, camping~~  
2 unit, boat, snowmobile, or bus, unless it is in connection with a properly licensed automotive,  
3 appliance sales, repair, or storage business enterprise located in a properly zoned district,  
4 unless entirely enclosed within a building. This Section shall not apply to farm machinery or  
5 equipment, on the premises of an operating farm, located in a properly zoned district.

**Commented [DG34]:** This is a big change. Previously, only unlicensed vehicles were prohibited. This now includes junked, wrecked, or disassembled vehicles.

6 4. Fenced-In Area Alternative: If all of the following items are met, certain items can be kept on  
7 the property:

8 a. A fenced-in area, no larger than 40' x 40' in size is installed on the property

9 1. The fence must be a solid privacy wood fence.

10 a. The maximum height of the fence is 10'

11 b. The good side of the fence must face outward.

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12 2. No items within the fenced area can be visible from any road or any other  
13 property.

14 3. One fenced-in area is allowed per parcel.

15 4. The fenced-in area must be at least 30' from all property lines and road right-  
16 of-ways.

17 5. The following items are permitted within the fenced-in area:

18 a. ~~Unlimited disassembled, unlicensed, junked or wrecked motor vehicles,~~  
19 camping units, boats, or snowmobiles.

**Commented [DG35]:** This is a big change. Previously, only unlicensed vehicles were prohibited. This now includes junked, wrecked, or disassembled vehicles.

20 b. Vehicle parts

21 c. A maximum of 12 un-mounted tires

22 d. Scrap metal

23 e. Lumber

24 f. Aluminum cans

25 g. Appliances

26 6. An Administrative Review Permit must be obtained.

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27 a. To obtain a permit, the following items must be included:

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28 i. Application form

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1 ii. Items listed in 391-10 (Zoning Permit requirements)

2 iii. Fee set by County Board

3 iv. Approval from the Town Board on a form supplied by the  
4 Zoning Department.

5 b. An Administrative Review Permit requires an annual inspection for  
6 compliance with the Zoning Ordinance.

7 i. An Administrative Review Permit can be revoked if the  
8 property is found to be in violation of any Adams County  
9 Ordinance.

10 ~~D. Conditional uses and their accessory uses are considered as special uses requiring review, public~~  
11 ~~hearing, and approval by the County Planning and Zoning Committee in accordance with § 405-21 of~~  
12 ~~this chapter.~~

14 ~~E.E.~~ The regular outside parking of more than one truck, other than panel or pickup trucks, or of other  
15 vehicular equipment, which exceeds 30 feet in length shall be prohibited in all residential districts.

16 ~~E.F.~~ Unclassified or unspecified uses similar to listed permitted or conditional uses shall not be permitted or  
17 conditional. Such uses may be allowable with issuance of a special exception permit shall require a  
18 condition use permit.

19 ~~G.G.~~ Temporary uses, such as real estate sales field offices or shelters for materials and equipment being used  
20 in the construction of a permanent structure primary commercial structure or dwelling, are permitted  
21 upon obtaining a zoning permit from the Planning and Zoning Department. ~~A shipping container cannot~~  
22 ~~be used under this section.~~ Such temporary uses shall not exceed a period of two years.

23 ~~H.H.~~ If space and soil conditions are adequate, private on site waste treatment systems (POWTS) must be  
24 placed on the same parcel as the structure(s) served by the POWTS.

25 ~~I.I.~~ It shall be unlawful for any person to place, locate, or park any manufactured home in any district other  
26 than a B-1 District site conducting such home sales, unless the appropriate permits have been issued.

27 ~~J.J.~~ Mobile Wireless Communication towers are a conditional use in all zoning districts.

28 ~~K.K.~~ Mobile homes, single-wide manufactured homes, and camping units not occupied on a regular basis  
29 (left vacant more than 12 months at a time) or that have been abandoned are prohibited.

30 ~~L.~~ Shipping Containers can not be used as a dwelling.  
31

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Commented [DG36]: Unnecessary language

Commented [DG37]: Language clarification

Commented [DG38]: Added to be consistent with other regulations.

Commented [DG39]: The use of easements for septic systems on other properties is very common, enforceable, and recorded with the deed.

Commented [DG40]: Changed for consistency

Commented [DG41]: Moved out of each individual district. Also added camping units to the list of items.

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1 § 405-13 **Setback requirements and exceptions.**

2 A. Setbacks from navigable waters. All buildings and structures, stairways, walkways, piers and patios  
3 shall be set back at least 75 feet from the ordinary high-water mark (OHWM) unless otherwise specified  
4 by Chapter 370, Floodplain Zoning, or Chapter 396, Shoreland, Wetland and Habitat Protection, of this  
5 Code.

6 B. Setbacks from public roads. All structures, unless specifically exempted, shall meet the following  
7 minimum setbacks:

Commented [DG42]: Taken out of each district.

8 [1] Class A highway (state highway): 110 feet from center line or 50 feet from lot line, whichever measures  
9 furthest into the lot.

10 [2] Class B highway (County trunk): 83 feet from center line or 50 feet from lot line, whichever measures  
11 furthest into the lot.

12 [3] Class C highway (town road): 63 feet from center line or 30 feet from lot line, whichever measures  
13 furthest into the lot.

14

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15 ~~B.C.~~ Setbacks from access easements. The setback from private roads and easements serving more than one  
16 residence or parcel shall be 30 feet from the described easement; in case of an easement that does not  
17 have a legal description, 30 feet from the nearest point on the edge of the traveled way.

18 ~~E.D.~~ Corner lots. Corner lots shall have two front yards, and a rear yard shall be provided opposite the front  
19 yard of the street from which the building or structure obtains its primary access.

20 ~~D.E.~~ Fences, hedges, and certain accessory structures.

21 (1) Residential fences, hedges, and tree plantings are permitted along the inside of property lines or in the  
22 yards of residential districts. Residential fences shall not exceed a height of six feet. No height limitation  
23 shall be placed on tree plantings or hedges except those applicable in § 405-50. The "good" side of the  
24 fence must face to the outside.

25 (2) Security fences are permitted on the property lines in all districts but shall not exceed 10 feet in height  
26 and shall be of an open type similar to woven wire or wrought iron fencing.

27 (3) Farm-related fencing is permitted along the property lines or in the yards of agricultural districts,  
28 provided that a substantial impediment to visibility is not thereby created (see § 405-50).

29 (4) Vegetation and certain accessory items used for landscaping and decorating may be placed in the  
30 required front, rear and side yards. Such items include, but are not limited to, flagpoles, ornamental light  
31 standards, ornamental ponds and fountains, lawn furniture, sundials, bird baths, trees, shrubs and  
32 flowers.

~~(5) Structural fences as described in Subsection D(1) and (2) above require a zoning permit.~~

**Commented [DG43]:** The regulations still apply, but not the need for a permit.

~~E.~~ Maintenance and use of setback area. Any such required setback area shall be kept clean and free from the accumulation of debris and refuse. Such required setback areas shall not be used for the storage or display of equipment, products, vehicles, or other materials.

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

A. Maximum height. In any district, no buildings or structures shall be erected or structurally altered to a height in excess of that specified by the regulations for that district.

B. Exceptions. The following shall be ~~excepted~~ exempted from regulation in ~~of~~ all districts:

(1) Chimneys and flues.

(2) Electric power and communication transmission lines.

C. Increase permitted. Subject to the approval of a conditional use permit and including any conditions placed by the Planning and Zoning Committee and Airport Commission as applicable:

(1) The maximum height of silos and windmills in agricultural districts and water towers and tanks in the Public and Semi-Public District may be increased above the maximum allowed in the district, provided that all required setbacks for the silos, windmills, and water towers or tanks are increased by one foot for each foot by which such silo, windmill, or water tower or tank exceeds the height limit.

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

~~(3) Any increase in height beyond the scope of Subsection C(1) and (2) above shall require a variance.~~

**Commented [DG44]:** This is automatic, making language unnecessary

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

~~A. Maximum ground coverage permitted. The maximum total ground coverage of the principal building and all accessory buildings and structures shall not exceed that specified by the regulations for the district in which such buildings are located.~~

**Commented [DG45]:** Unnecessary language.

~~B. Minimum dwelling size. The minimum livable floor area of any dwelling unit shall include only livable floor space, as measured from outside of wall to outside of wall, and may also include minimum structure widths, as provided for in individual districts.~~

**Commented [DG46]:** Defined elsewhere

~~C. Lot size.~~

1 (1) ~~No building shall be erected on a lot of less area or lot width than as specified by the regulations of the~~  
2 ~~district in which such building is located. Exceptions: See § 400.65.~~

**Commented [DG47]:** Already addressed in another code section

3 (2) ~~No lot area shall be reduced so as to create a lot of less than the required size or so that the existing~~  
4 ~~setbacks, open space, or lot area would be reduced below that required by the regulations for the district~~  
5 ~~in which such lot is located.~~

**Commented [DG48]:** Moved to early section in ordinance

6 ~~§ 405-16 Reduction or joint use.~~  
7 ~~No lot, yard, parking area, building area, or other space shall be reduced in area or dimension so that it does~~  
8 ~~not meet the provisions of this chapter. No part of any lot, yard, parking area, or other space required for a~~  
9 ~~structure or use shall be used for any other structure or use.~~

**Commented [DG49]:** redundant

10 **§ 405-17 Recreational vehicles and eCamping Units and Camping.**

11 ~~A. A. — In districts where recreational vehicles camping is~~ are a permitted use, a self-contained  
12 recreational vehicle camping units may be placed on a parcel provided the following requirements are  
13 met: n individual lot without a permit.

**Commented [DG50]:** Changed for consistency

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14 ~~— provided that it is not a permanent installation, remains mobile, and is licensed for highway use.~~

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15 1. B. — General regulations. Park Models, tiny homes, buses, construction trailers, truck bodies  
16 and trailers and other similar items not manufactured or intended for use as camping units  
17 are prohibited from such use.

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18 2. Park model trailers are allowed only in licensed campgrounds.

19 3. No more than two camping units shall be located on any parcel.

**Commented [DG51]:** Removed reference to Group of Parcels.

20 4. The unit is not a permanent installation (e.g., no continuous connection to sanitary system ,  
21 no foundation, etc.);

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

23 6. The camping unit shall at all times remain currently licensed, road worthy and able to be  
24 legally towed or driven on a public road.; and

**Commented [DG52]:** Expands requirement for remaining mobile.

25 7. An acceptable method of sewage and gray water disposal is provided as required in Chapter  
26 294.

**Commented [DG53]:** New regulation prohibiting someone from living in a camper.

27 8. Occupation of a camping unit by a person having no other regular place or abode at the time  
28 the unit is so occupied is prohibited

**Commented [DG54]:** Places a setback to property lines for camping units.

29 9. The placement of the camping unit must comply with all “accessory structure” setback  
30 requirements;

**Commented [DG55]:** Regulation on time only applies to vacant properties or properties where the house is uninhabitable. Places a limit of 7 days a month for the unit to be on the property. On parcels 5 acres or larger and not in a subdivision, a long term camping permit can be issued. Then the unit can remain on the property year round. Could remove 5 acre portion. This would then eliminate campers in subdivisions, but not necessarily on very small lake lots. Properties that already have campers on them and the use has been established, would be considered legal non-conforming uses. They can continue to use as is. If changes to use occur later, then the property would need to come into compliance.

31 10. See section 405-12 (C) for allowable structures associated with camping units

32 B. In districts where camping units are a permitted use and where no habitable dwelling exists, a

1 camping unit may be placed on a lot subject to the following conditions:

2 1. All provisions of 405-15 (A) are met;

3 2. **If in a Platted Subdivision**, the unit remains on the property for a period of 7 days or less per  
4 calendar month unless exempt below;

5 i. **An Administrative Review Permit must be obtained to keep the camping unit on the**  
6 property year-round.

7 1. To obtain a permit, the following items must be included:

8 a. **Application form**

9 b. **Items listed in 391-10 (Zoning Permit requirements)**

10 c. **Fee set by County Board**

11 d. **Approval from the Town Board on a form supplied by the Zoning**  
12 Department.

13 2. **An Administrative Review Permit requires an annual inspection for compliance**  
14 with the Zoning Ordinance.

15 a. **An Administrative Review Permit can be revoked if the property is**  
16 found to be in violation of any Adams County Ordinance.

17  
18  
19 **Article IV**  
20 **Administration**

21 ~~§ 405-18 Administrative standards.~~

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

26 ~~§ 405-19 Planning and Zoning Administrator.~~

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

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

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

**Commented [DG56]:** Removed Camping Permit. And changed provision that the only place the 7 day limit is in effect is in a Platted Subdivision. If not in a Subdivision, there is no length of time a unit can stay on a property.

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**Commented [DG57]:** Entire section was moved to the Zoning Administration Ordinance that applies to all Zoning Ordinances.

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

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

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

6 ~~§ 405-20 Compliance required; zoning permit.—~~

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

13 ~~B.— Permit required. Any permit issued in conflict with the provisions of this chapter shall be null and void.—~~  
14 ~~All permits shall be granted or denied in writing by the Planning and Zoning Administrator or his~~  
15 ~~designee within 30 days of application. All permits shall expire two years from the date of issuance.—~~

16 ~~(1) Zoning permit. No building shall be used, erected, moved, placed, altered, or enlarged, unless exempted~~  
17 ~~by Subsection C of this section, or until after the issuance of a zoning permit. Applications for a zoning~~  
18 ~~permit shall be made to the Planning and Zoning Administrator on forms furnished by the Planning and~~  
19 ~~Zoning Administrator and shall include the following where applicable:~~

20 ~~(a) Names and addresses of the applicant, owner of the site, architect, professional engineer, and/or~~  
21 ~~contractor.—~~

22 ~~(b) Legal description of the subject site, address of the subject site, type of structure, existing and proposed~~  
23 ~~operation or use of the structure or site, and the zoning district within which the subject site lies.—~~

24 ~~(c) A location sketch showing the location, boundaries, dimensions, elevations, uses, and size of the~~  
25 ~~following:~~

26 ~~{1} Subject site;—~~

27 ~~{2} Existing and proposed structures;—~~

28 ~~{3} Existing and proposed easements, streets, and other public ways;—~~

29 ~~{4} Off street parking, loading areas and driveways;—~~

30 ~~{5} Existing highway access restrictions; and—~~

1 ~~{6} Existing and proposed front, side and rear yards.~~

2 ~~(d) Additional information as may be required by the County Planning and Zoning Committee or Planning~~  
3 ~~and Zoning Administrator.~~

4 ~~(2) Other permits. Permits are required and not limited to the following: placement of structures, including~~  
5 ~~buildings, signs and fences; removal of structures; relocating structures; sanitary system installation;~~  
6 ~~conditional uses; special exceptions, including filling and grading; and special land uses, including pond~~  
7 ~~construction.~~

8 ~~C. Uses not requiring a zoning permit. Any work not requiring a zoning permit shall comply with the~~  
9 ~~applicable setback, yard, height, and other requirements of this chapter. A zoning permit shall not be~~  
10 ~~required in any of the following instances:~~

11 ~~(1) For erecting or placing an accessory building of less than 150 square feet in area.~~

12 ~~(2) For normal repairs and maintenance (not including repairs to supporting members of the structure).~~

13 ~~§ 405-21 Conditional use permit~~

14 ~~The County Planning and Zoning Committee may authorize the Planning and Zoning Administrator to issue~~  
15 ~~a conditional use permit for uses specified in each district in Article V. Such permit shall only be issued after~~  
16 ~~giving public notice thereof, due notice to the parties in interest, review and a public hearing, and a finding~~  
17 ~~that such conditional uses and structures are in accordance with the purpose and intent of this chapter and are~~  
18 ~~not hazardous, harmful, offensive, or otherwise adverse to the environment or the value of the neighborhood~~  
19 ~~or the community.~~

20 ~~A. Application. Applications for conditional use permits shall be made on forms furnished by the Planning~~  
21 ~~and Zoning Administrator and shall include the following:~~

22 ~~(1) The information required under § 405-20B of this chapter.~~

23 ~~(2) Additional information as may be required by the County Planning and Zoning Committee or Planning~~  
24 ~~and Zoning Administrator.~~

25 ~~B. Review and approval:~~

26 ~~(1) The County Planning and Zoning Committee shall review the site, existing and proposed structures,~~  
27 ~~architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic~~  
28 ~~generation and circulation, drainage, sewerage and water systems, and the proposed operation.~~

29 ~~(2) Conditions such as landscaping, architectural design, type of construction, construction commencement~~  
30 ~~and completion dates, sureties, lighting, fencing, planting screens, operations control, hours of~~  
31 ~~operations, improved traffic circulation, deed restrictions, highway access restrictions, increased yards,~~  
32 ~~or parking requirements may be required by the County Planning and Zoning Committee upon its~~

1 ~~finding that these are necessary to fulfill the purpose and intent of this chapter.~~

2 ~~(3) Compliance with all other provisions of this chapter, such as lot width and area, yards, height, traffic,~~  
3 ~~parking, loading, and highway access, shall be required of all conditional uses. Variances shall only be~~  
4 ~~granted as provided in § 405-23.~~

5 ~~C. Denial and reapplication. No application for a conditional use which has been denied wholly or in part~~  
6 ~~by the County Planning and Zoning Committee shall be resubmitted for a period of one year from the~~  
7 ~~date of said denial, except on the grounds that substantial new evidence or proof of change to comply~~  
8 ~~with the applicable conditions is included in the resubmitted application.~~

9 ~~D. Revocation.~~

10 ~~(1) A conditional use permit may be revoked if:~~

11 ~~(a) The use does not conform to the conditions of approval within the time limits established in the permit;~~

12 ~~(b) The use does not continue to conform to the conditions of the original approval;~~

13 ~~(c) The character of the use itself has changed, causing the use to be incompatible with the surrounding~~  
14 ~~area; or~~

15 ~~(d) The use no longer conforms to public health, safety, and welfare needs.~~

16 ~~(2) Action to terminate a conditional use permit may be taken by the County Planning and Zoning~~  
17 ~~Committee.~~

18 ~~(3) After revocation of the conditional use permit, such use shall be classified as a nonconforming use.~~

19 ~~§ 405-22 Changes and amendments.~~

20 ~~A. Authority. Whenever the public necessity, convenience, general welfare or good zoning practice~~  
21 ~~requires, the County Board may, by ordinance, change the district boundaries or amend, change, or~~  
22 ~~supplement the regulations established by this chapter or amendments thereto. Such change or~~  
23 ~~amendment shall be made in accordance with the procedures prescribed in § 59.69, Wis. Stats.~~

24 ~~B. Petitions. Petitions for any change to the district boundaries or amendments to the regulations shall be~~  
25 ~~filed with the County Clerk, describe the premises to be rezoned or the regulations to be amended, list~~  
26 ~~the reasons justifying the petition, specify the proposed use, and have attached the following:~~

27 ~~(1) A plot plan showing the area proposed to be rezoned, its location and its dimensions.~~

28 ~~(2) Additional information as required by the County Planning and Zoning Committee or County Board.~~

1 ~~§ 405-23 Board of Adjustment.~~

2 ~~A. Establishment. There is hereby established a Board of Adjustment for Adams County for the purpose of~~  
3 ~~hearing appeals and applications and granting variances and exceptions to the provisions of this chapter~~  
4 ~~in harmony with the purpose and intent of this chapter.~~

5 ~~B. Membership. The Board of Adjustment shall be appointed in accordance with § 59.694, Wis. Stats. No~~  
6 ~~member shall be a member of the Planning and Zoning Committee, a member of the County Board of~~  
7 ~~Supervisors, or a member of a town board. The members shall serve with compensation and shall be~~  
8 ~~removable for cause by the County Board Chairperson upon written charges and after a public hearing.~~

9 ~~C. Procedure.~~

10 ~~(1) The Board of Adjustment shall organize and adopt rules of procedure for its own government in~~  
11 ~~accordance with the provisions of this chapter and consistent with the Wisconsin Statutes.~~

12 ~~(2) Meetings shall be held at the call of the Chairperson and shall be open to the public.~~

13 ~~(3) Minutes of the proceedings and a record of all actions shall be kept by the Planning and Zoning~~  
14 ~~Administrator showing the vote of each member upon each question, the reasons for the Board's~~  
15 ~~determination, and its findings of fact. These records shall be filed in the office of the Planning and~~  
16 ~~Zoning Administrator and shall be a public record.~~

17 ~~(4) A concurring vote of a majority of the members of the Board shall be necessary to reverse the order,~~  
18 ~~requirements, decision, or determination appealed from, to decide in favor of the applicant on any~~  
19 ~~matter on which it is required to pass, or to effect a variance.~~

20 ~~D. Powers. The Board of Adjustment shall have the following powers:~~

21 ~~(1) Errors. To hear and decide appeals where it is alleged there is error in any order, requirement, decision,~~  
22 ~~or determination made by the Planning and Zoning Administrator.~~

23 ~~(2) Variances. To hear and grant appeals for variances as will not be contrary to the public interest where,~~  
24 ~~owing to the special conditions, a literal enforcement will result in practical difficulty or unnecessary~~  
25 ~~hardship, so that the spirit and purposes of this chapter shall be observed and the public safety, welfare,~~  
26 ~~and justice secured. Use variances shall not be granted.~~

27 ~~(3) Permits. This Board may reverse, affirm wholly or partly, and may modify the requirements appealed~~  
28 ~~from, and may issue or direct the issuance of a permit.~~

29 ~~(4) Interpretations. To hear and decide applications for interpretations of the zoning regulations and the~~  
30 ~~boundaries of the zoning districts.~~

31 ~~(5) Assistance. This Board may request assistance from other County officers, departments, commissions,~~  
32 ~~and boards.~~

1 ~~(6) Oaths. The Chairperson or, in his absence, the Acting Chairperson may administer oaths and compel the~~  
2 ~~attendance of witnesses.~~

3 ~~E. Appeals and applications:~~

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

11 ~~(a) Name and address of the appellant or applicant.~~

12 ~~(b) A location sketch showing all of the information required under § 405-20B of this chapter.~~

13 ~~(c) Specify the grounds for appeal or application.~~

14 ~~(d) A receipt from the County Planning and Zoning Administrator indicating that the required fee has been~~  
15 ~~paid.~~

16 ~~(e) Additional information as required by the County Planning and Zoning Committee, Board of~~  
17 ~~Adjustment, or Planning and Zoning Administrator.~~

18 ~~(2) An appeal stays all legal proceedings in furtherance of the action except by the certification of the~~  
19 ~~officer or a restraining order by the Board or the court of record.~~

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

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

27 ~~(1) Exceptional circumstances. There must be exceptional, extraordinary, or unusual circumstances or~~  
28 ~~conditions applying to the lot, use, structure, or intended use that do not apply generally to other~~  
29 ~~properties or uses in the same district and the granting of the variance would not be of so general or~~  
30 ~~recurrent a nature as to suggest that this chapter should be changed.~~

31 ~~(2) Preservation of property rights. The variance is necessary for the preservation and enjoyment of~~  
32 ~~substantial property rights possessed by other properties in the same zoning district and same vicinity.~~

1 ~~(3) Absence of detriment. The variance will not create substantial detriment to adjacent property and will~~  
2 ~~not materially impair or be contrary to the purpose or spirit of this chapter or the public interest.~~

3 ~~(4) Preservation of intent. No variance shall be granted that is inconsistent with the purpose and intent of~~  
4 ~~the regulations for the district in which the use is located. No variance shall be granted if issuance would~~  
5 ~~have an adverse effect on the Farmland Preservation Plan, Adams County, Wisconsin.~~

6 ~~(5) Economic hardship and self-imposed hardship not grounds for variance. No variance shall be granted~~  
7 ~~solely on the basis of economic gain or loss. Self-imposed hardships shall not be considered as grounds~~  
8 ~~for the granting of a variance.~~

9 ~~H. Decision. The Board of Adjustment shall decide all appeals and applications within 30 days after the~~  
10 ~~final hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant,~~  
11 ~~Planning and Zoning Administrator, County Planning and Zoning Committee, and Corporation Counsel.~~

12 ~~(1) Conditions may be placed upon any zoning permit ordered or authorized by this Board.~~

13 ~~(2) Variances, substitutions, or use permits granted by the Board shall expire within two years unless~~  
14 ~~substantial work has commenced. (See § 405.9.)~~

15 ~~I. Review by court of record. Any person or persons aggrieved by any decision of the Board of~~  
16 ~~Adjustment may present to the court of record a petition duly verified setting forth that such decision is~~  
17 ~~illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within~~  
18 ~~30 days after the filing of the decision in the office of the Board of Adjustment.~~

19 ~~§ 405.24 Fees.~~

20 ~~A. Fees shall be required of all persons, firms, or corporations requesting an ordinance amendment,~~  
21 ~~interpretation, variance, or appeal. Fees shall also be required of all persons, firms, or corporations~~  
22 ~~performing work for which this chapter requires a permit. Such fees defray the County's cost of~~  
23 ~~administration, investigation, legal advertisement, and processing. The fees shall be as set from time to~~  
24 ~~time by the Adams County Board of Supervisors.~~

25 ~~B. A double fee or \$200, whichever is greater, shall be charged by the Planning and Zoning Administrator~~  
26 ~~if work is started before a permit is applied for and issued. Such double fee shall not release the~~  
27 ~~applicant from full compliance with this chapter nor from prosecution for violation of this chapter.~~

28 ~~§ 405.25 Violations.~~

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

33 ~~§ 405.26 Penalties.~~

34 ~~Any person, firm, or corporation who or which fails to comply with the provisions of this chapter shall, upon~~  
35 ~~conviction thereof, forfeit not less than \$50 nor more than \$500 and costs of prosecution for each violation.~~

**Commented [58]:** Editor's Note: The Farmland Preservation Plan adopted by the County Board of Supervisors in November 1980, as amended, is available at [www.ncwrpc.org/Adams/index.html](http://www.ncwrpc.org/Adams/index.html).

1 ~~and, in default of payment of such forfeiture and costs, shall be imprisoned in the County jail until payment~~  
2 ~~thereof, but not exceeding 30 days. Each day a violation exists or continues shall constitute a separate~~  
3 ~~offense.~~

4 ~~§ 405-27 Public hearing notice.~~

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

9  
10 **Article V**  
**Zoning Districts**

11 **§ 405-28 Zoning districts established; boundaries.**

12 A. Districts. For the purpose of this chapter, Adams County is divided into basic and overlay zoning  
13 districts and informational overlay districts as defined herein as named and described in the following  
14 subsections:

15 (1) Basic zoning districts provide all primary regulations for land use. These regulations are  
16 supplemented with more restrictive or more permissive regulations in the case of those properties which  
17 are placed into an overlay district.

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18 (2) Overlay zoning districts are established for the purpose of superimposing additional  
19 regulations upon lands already zoned in a basic zoning district. The regulations of the overlay may in  
20 some cases be more permissive, thereby allowing uses or requirements not allowed by the underlying  
21 basic district. The overlay district may be more restrictive, imposing regulations more stringent than  
22 those of the underlying district.

23 (3) Informational overlay districts of themselves do not ordinarily impose regulations. They exist  
24 primarily to alert users of the Zoning Map to the existence of conditions on or near various properties, or  
25 of regulations by other jurisdictions. Since such districts are primarily informational, they are a public  
26 service, and not meant to be definitive when referring to other agencies. The map user should always  
27 consult the other regulatory agency for exact boundaries, regulations, and permit requirements.

28 B. Boundaries.

29 (1) The boundaries of these districts are hereby established as shown on the map titled "Zoning  
30 Map, Adams County, Wisconsin," dated March 1982 (revised March 18, 1998), as periodically updated,  
31 which accompanies and is part of this chapter.

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32 (2) Where uncertainty exists with respect to the boundaries of the various districts as shown on  
33 the Zoning Map, the following rules shall apply:

34 (a) Except for the various conservancy districts, boundaries shown as approximately following  
35 city or village limits, United States Public Land Survey lines, lot or property lines, center lines of streets,

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1 highways, easements, and railroad rights-of-way and such lines extended shall be construed to follow  
2 such lines unless otherwise noted on the Zoning Map. In order to reflect specific existing uses, some  
3 district boundaries do not follow these lines. These district boundaries shall be determined by the use of  
4 the scale shown on the Zoning Map and as interpreted by the Planning and Zoning Administrator.

5 (b) The various conservancy districts include environmentally sensitive areas such as areas of  
6 floodplain, vegetative buffer, wetlands, woodlands, areas near water bodies, areas of steep slope and  
7 unique topography and areas that recharge public groundwater wells. These areas usually do not  
8 coincide with section, quarter section, property lines, etc., described in Subsection **B(2)(a)**. Precise  
9 boundaries of these districts shall be determined by the use of the scale shown on the Zoning Map as  
10 interpreted by the Planning and Zoning Administrator.

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

13 **§ 405-29 Zoning Map.**

14 A copy of the Zoning Map shall be adopted and approved as part of this chapter and shall be available to the  
15 public in the office of the Planning and Zoning Administrator.

16 ~~§ 405-30 Ag-1(35) and Ag-1(15) Exclusive Agricultural/Farmland Preservation Districts with-~~  
17 ~~Farmland Preservation Overlay.~~

18  
19 **A. Purpose and intent.**

- 20 (1) The purposes and intention of the Ag-1 Districts are to:
- 21 (a) Preserve agricultural land for food and fiber production.
  - 22 (b) Protect productive farms.
  - 23 (c) Maintain a viable agricultural base to support agricultural processing and service industries.
  - 24 (d) Prevent conflicts between incompatible uses.
  - 25 (e) Reduce costs of providing services to scattered nonfarm uses.
  - 26 (f) Pace and shape urban growth.
  - 27 (g) Implement the provisions of the County Farmland Preservation Plan.
- 28 (2) Farming operations should be conducted in substantial accordance with an approved soil and  
29 water conservation plan.

Commented [DG59]: Language Cleanup and the "A" district is now "Ag".

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- 1 (3) This district is generally intended to apply to lands in productive farm operations, including:
- 2 (a) Lands historically producing good crop yields or capable of such yields.
- 3 (b) Lands productive for dairying, livestock raising, and grazing.
- 4 (c) Other lands which are integral parts of such farm operations.
- 5 (d) Land used to produce specialty crops such as cranberries, mint, sod, tree crops, fruits and
- 6 vegetables.
- 7 (e) Lands capable of productive use through economically feasible improvements such as
- 8 irrigation or agricultural conservation practices.

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9 B. Permitted uses. All uses and structures in this district are restricted to agricultural uses and uses

10 consistent with agricultural use as specified in Subsections A to D of the definition of "use consistent

11 with agricultural use" in § 405-9. The following uses and their customary accessory uses are permitted:

12 (1) Agricultural uses and associated structures.

Commented [DG60]: Specific items are listed in the definition

13 ~~(a) Beekeeping.~~

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14 ~~(b) Dairying.~~

15 ~~(c) Floriculture (cultivation of ornamental flowering plants).~~

16 ~~(d) Grazing.~~

17 ~~(e)~~ (2) Livestock raising (fewer than 25 animal units per acre).

18 ~~(f) Poultry raising.~~

19 ~~(g) Plant nurseries and orchards.~~

20 ~~(h) Raising of grain, grass, mint, and seed crops.~~

21 ~~(i) Raising of tree fruit, nuts, and berries.~~

22 ~~(j) Sod farming.~~

23 ~~(k) Tree farming, including Christmas trees and pulp wood.~~

24 ~~(l) Vegetable raising.~~

25 ~~(m) Viticulture (grape growing).~~

1 ~~(n) Forest and game management.~~

2 (3e) Commercial feed lots.

3 ~~(p) Egg production.~~

4 (4e) Placing land in federal programs in return for payments in kind; owning land, at least 35 acres of which  
5 is enrolled in the conservation reserve program under 16 U.S.C. §§ 3831 to 3836; participating in the  
6 milk conservation reserve program under 7 U.S.C. § 1446(d).

7 (5f) Filling and grading of productive agriculture fields to level topography and not for the purpose  
8 of nonmetallic mining.

9 (2g) Residential uses [see also Subsection F(1), (2) and (3)].

10 (a) ~~Single and two family dwellings and single wide manufactured homes (Note: See definition~~  
11 ~~of "manufactured home") that have a use consistent with agricultural use and that are occupied by any of~~  
12 ~~the following:~~

13 [1] ~~An owner of the farm.~~

14 [2] ~~A person who, or a family at least one adult member of which, earns more than 50% of his or~~  
15 ~~her gross income from conducting the farm operations on the farm.~~

16 [3] ~~A parent or child of an owner who conducts more than 50% of the farm operations on the~~  
17 ~~farm.~~

18 [4] ~~A parent or child of an owner who resides on the farm and who previously conducted more~~  
19 ~~than 50% of the farm operations on the parcel. (a) Single Family Dwelling meeting the requirements~~  
20 ~~of "Farm Residence."~~

21 (b) ~~A second single family dwelling or single-wide manufactured home meeting the definition of~~  
22 ~~a "Farm Residence."~~

23 (cb) Preexisting residences, including mobile and manufactured homes, located in areas subject to  
24 zoning under this section, which do not conform to Subsection B(2)(a) above may be continued in  
25 residential use and shall not be subject to any limitations imposed or authorized under § 59.69(10),  
26 Nonconforming uses, of the Wisconsin Statutes. The residences must have existed prior to January 1,  
27 2014.

28 [1] Such preexisting residences may be altered, repaired, rebuilt or replaced, but are subject to  
29 setback, height, and other dimensional requirements.

30 [2] New residences that do not conform to Subsection B(2)(a) or B(6)(b) above must be rezoned

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Commented [DG61]: Clarifying language

1 to a different zoning district.

2 ~~(3) Other agricultural structures and improvements.~~

Commented [DG62]: Moved to above

3 ~~(4) Permitted other uses. The following nonagricultural uses are allowed:~~

Commented [DG63]: Unnecessary line

4 ~~(a) Kennels [capacity not exceeding one animal unit per acre; over one animal unit per acre, see Subsection~~  
5 ~~C(1)(u)] [consistent with § 91.01(1)(d), Wis. Stats.]~~

Commented [DG64]: Changed to Residential Kennel Small

6 ~~(7b) Camping—nonpermanent~~ (see § 405-17).

7 (8e) Nature trails and walks.

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8 (9d) Greenhouses.

9 (10e) Shooting, hunting and game preserves, both private and for hire – allowed as nonstructural  
10 open space use only.

11 (11f) One roadside stand per farm used solely for the sale of agricultural products produced on the  
12 premises or adjoining premises and not employing more than two nonfamily members (see "farm family  
13 business" in § 405-9 herein).

14 (12) Residential Kennel Small

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

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

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23 (a) Farm family business: a business operated by the owner or operator, or resident family  
24 member of the owner or operator, of a farm, that is not associated with an agricultural use, that requires  
25 no buildings, structures, or improvements other than those described in § 91.01(1)(a) or (c), Wis. Stats.,  
26 that employs no more than four full-time nonfamily employees annually, and that does not impair or  
27 limit the current or future agricultural use of the farm or of other protected farmland. [See Ch. ATCP  
28 49.01(11), Wis. Adm. Code.]

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29 (b) Temporary housing for seasonal farm labor.

30 (c) Feedlots/concentrated feeding operations (CAFOs) involving more than 25 animal units per

1 acre occupied, excluding cattle, swine, poultry, sheep and goats regulated under Ch. ATCP 51, Wis.  
2 Adm. Code. Note: "Animal unit" definition in § 405-9 applies.

3 (d) Permanent saw mills.

4 ~~(e) Fur farms.~~

**Commented [DG65]:** In definition of Agricultural use.  
Resulted in being listed in both Permitted and CUP

5 (f) Noncommercial stables and paddocks.

6 (g) Noncommercial equestrian trails.

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7 (h) Fish farms.

8 (i) Dams and flowages.

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

12 (k) Religious uses such as churches, schools, and cemeteries [consistent with § 91.46(5), Wis.  
13 Stats.].

14 (l) Gas and electric utility uses not requiring authorization under § 196.491, Wis. Stats.  
15 [consistent with § 91.46(4), Wis. Stats.].

16 (m) The sale and service of machinery used in agricultural production if operated as a farm family  
17 business and remaining a secondary use on an operating farm.

18 (n) Facilities operated as a farm family business but remaining secondary to an operating farm for  
19 the centralized bulk collection and storage of agricultural products before transportation to further  
20 processing or to wholesale and retail markets.

21 (o) The regular commercial storage and sale of seed, feed, fertilizer, and other products essential  
22 to agricultural production as distinguished from on-farm storage or occasional farmer to farmer sales  
23 that qualify as "agricultural use" under Subsection **B(1)** where the operation is a farm family business  
24 but still is secondary to operating farm activities.

25 (p) Facilities used to provide veterinarian services for livestock.

26 (q) Facilities secondary to an operating farm used in original but not final processing of  
27 agricultural products, such as grain drying bins, on a fee commercial basis but not exceeding a farm  
28 family business in scope, as distinguished from on-farm processing, or occasional processing of off-  
29 farm produce that qualifies as "agricultural use" under Subsection **B(1)**.

1 (r) Nonmetallic mineral extraction in excess of one acre, for which a reclamation plan that  
2 provides for restoration of the site to agricultural use has been approved by the Adams County Land and  
3 Water Conservation Department [consistent with § 91.46(6), Wis. Stats.].

4 (s) Veterinarian services involving outdoor keeping of patient animals, serving primarily farm  
5 livestock.

6 (t) Other agricultural-related, religious, utility, institutional, or governmental uses similar to those  
7 listed in Subsections B and C which are compatible with the purposes of this district, which are uses  
8 consistent with agricultural use, and which are found necessary in light of alternative locations available  
9 for such uses.

10 (u) Veterinarian services involving outdoor keeping of patient animals, serving small animals and  
11 nonfarm livestock [consistent with § 91.01(1), Wis. Stats.].

12 (v) ~~Nonveterinarian kennels with capacity to breed, raise, or board more than six animals at~~  
13 ~~once~~ Residential Kennels - Large [consistent with § 91.01(1), Wis. Stats.].

14 (w) Chapter ATCP 51, Wis. Adm. Code, defined "livestock facilities" of 500 animal units and  
15 larger. Note: "Animal unit" has the meaning given in § NR 243.03(5), Wis. Adm. Code, as of April 27,  
16 2004.

17 (2) Permits for existing livestock facilities.

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

21 [1] The applicable size threshold for a conditional use permit established in the zoning district  
22 where the facility is located.

23 [2] The maximum number previously approved or, if no maximum number was previously  
24 approved, a number that is 20% higher than the number kept on September 20, 2006.

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

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

Commented [DG66]: Added to more clearly define kennel/animal usage. In conjunction with other changes.

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1 (d) Application procedure. A livestock operator must complete the application and worksheets  
2 prescribed by Ch. ATCP 51, Wis. Adm. Code, including any authorized local modifications. The  
3 application requirements specified in Ch. ATCP 51, Wis. Adm. Code, are hereby incorporated by  
4 reference. The application form and worksheets establish compliance with the standards in Ch. ATCP  
5 51, Wis. Adm. Code, and this chapter. The operator must provide four duplicate copies of the  
6 application form, including worksheets, maps and documents (other than engineering design  
7 specifications) included in the application. Note: Section ATCP 51.30, Wis. Adm. Code, provides that  
8 an applicant may be required to file up to four duplicate copies of a permit application. One copy must  
9 be filed after a final decision on the application with the Department of Agriculture, Trade and  
10 Consumer Protection. If approved, one duplicate copy marked "Approved" must be given back to the  
11 applicant. The applicant may wish to record the approved application with the Register of Deeds.

12 (e) Application fee. A nonrefundable application fee as set by the County Board shall accompany  
13 an application.

14 (f) Application review procedure.

15 [1] Within 45 days after the County receives an application, it shall notify the applicant whether  
16 the application is complete. If the application is not complete, the notice shall describe the additional  
17 information needed. Within 14 days after the applicant provides all of the required information, the  
18 County shall notify the applicant that the application is complete. This notice does not constitute an  
19 approval of the proposed livestock facility.

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20 [2] Within 14 days after the County notifies an applicant that the application is complete, the  
21 County shall notify adjacent landowners of the application. The County shall use the approved notice  
22 form in Ch. ATCP 51, Wis. Adm. Code, and mail a written notice to each adjacent landowner.

23 [3] The County shall grant or deny an application within 90 days after the notice of a complete  
24 application is provided as required above. The County may extend this time limit for good cause,  
25 including any of the following:

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

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27 [b] The applicant materially modifies the application or agrees to an extension. The  
28 County shall give written notice of any extension. The notice shall specify the reason for the  
29 extension and the extended deadline date by which the County will act on the application.

30 (g) Public hearing. The County shall schedule a public hearing on the application within 90 days  
31 after issuing notice of a complete application.

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32 (h) Standards. The standards for issuing a permit are as follows:

33 [1] The state livestock facility siting standards adopted under Ch. ATCP 51, Wis. Adm. Code.  
34 These standards are hereby incorporated by reference.

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1 [2] Setbacks authorized by this chapter.

2 (i) Criteria for issuance of a permit.

3 [1] A permit shall issue if the application for the proposed livestock facility contains sufficient  
4 credible information to show, in the absence of clear and convincing information to the contrary, that  
5 the proposed livestock facility meets the standards specified in this chapter. Note: If the application  
6 and worksheets prescribed by Ch. ATCP 51, Wis. Adm. Code, are properly completed, there is a  
7 rebuttable presumption that the applicant has met the application requirements.

8 [2] A permit may be denied if any of the following apply:

9 [a] The application, on its face, fails to meet the standard for approval.

10 [b] The County finds, based on other clear and convincing information in the record, that  
11 the proposed livestock facility does not comply with applicable standards in this chapter.

12 [c] Other grounds authorized by § 93.90, Wis. Stats., that warrant disapproving the  
13 proposed livestock facility.

14 [3] No conditions may be imposed on a permit other than standards provided by ordinance.

15 (j) Record of decision.

16 [1] The Planning and Zoning Committee shall issue its decision in writing. Its decision shall be  
17 based on written findings of fact supported by evidence in the record.

18 [2] In the event that a permit is approved, the applicant shall receive a duplicate copy of the  
19 approved application, marked "Approved." The duplicate copy must include worksheets, maps and  
20 other documents (other than engineering specifications) included in the application.

21 (k) Notice to Department. The County Clerk, as required by Ch. ATCP 51.34, Wis. Adm. Code,  
22 within 30 days of the County decision on the application, shall do all of the following:

23 [1] Give the Department of Agriculture, Trade and Consumer Protection written notice of the  
24 County's decision.

25 [2] File with the Department a copy of the final application granted or denied, if the County has  
26 granted or denied an application under this Subsection C(2). (The copy shall include all of the  
27 worksheets, maps and other attachments included in the application, except that it is not required to  
28 include the engineering design specifications.)

29 [3] If the County has withdrawn a local approval under this Subsection C(2), file with the  
30 Department a copy of the County final notice or order withdrawing the local approval.

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1 (l) Expiration of permit. A permit remains in effect regardless of the amount of time that elapses  
2 before the livestock operator exercises the authority granted under the permit and regardless of whether  
3 the livestock operator exercises the full authority granted by the approval. However, the County may  
4 treat a permit as lapsed and withdraw the permit if the permit holder fails to do all of the following  
5 within two years after issuance of permit:

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6 [1] Begin populating the new or expanded livestock facility.

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7 [2] Begin constructing all of the new or expanded livestock housing or waste storage structures  
8 proposed in the permit application.

9 (m) Permit modifications. The operator may make reasonable changes that maintain compliance  
10 with the standards in this chapter, and the County shall not unreasonably withhold authorization for  
11 those changes.

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12 (n) Compliance monitoring.

13 [1] The County shall monitor compliance with this chapter as follows:

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14 [a] Upon notice to the livestock facility owner, request the right of the Planning and  
15 Zoning Administrator or his designee to personally view the permitted facility at a reasonable  
16 time and date to ensure that all commitments of the application as approved are being complied  
17 with.

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18 [b] If the livestock facility owner refuses the Planning and Zoning Administrator or his  
19 designee the right to view the permitted facility, the Planning and Zoning Administrator or his  
20 designee may request the assistance of the Sheriff or a Deputy Sheriff to obtain an inspection warrant  
21 from the Circuit Court to inspect the permitted facility for the purpose of protection of the public  
22 health and safety under § 66.0119, Wis. Stats.

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23 [2] If a permitted facility is found not to be in compliance with the commitments made in the  
24 approved application, the Planning and Zoning Administrator or his designee shall issue a written  
25 notice to the livestock facility owner stating the conditions of noncompliance and directing that the  
26 commitments of the approved application be complied with in a reasonable amount of time stated in  
27 this written notice.

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28 [3] If noncompliance with the permit conditions as described in the written notice given by the  
29 Planning and Zoning Administrator or his designee continues past the stated reasonable time to  
30 comply, the Planning and Zoning Administrator or his designee may take further action as provided in  
31 this chapter, including, but not limited to, issuance of a citation or seeking of injunctive relief.

32 [4] If the livestock facility owner disputes that the conditions of the permit have not been  
33 complied with, the livestock facility owner may request, in writing, a hearing within five days of  
34 receipt of the notice of noncompliance. The Planning and Zoning Committee shall schedule a hearing

1 within five days to determine if the conditions of the permit have been complied with or whether  
2 noncompliance with the commitments of the approved application and local approval exists.

3 (o) Terms of the permit. A permit and the privileges granted by a permit issued under this  
4 Subsection C(2) are conditioned on the livestock operator's compliance with the standards in this  
5 chapter and with commitments made in the application for a permit. The County is authorized to  
6 suspend a permit or seek other redress provided in this chapter for noncompliance.

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7 (p) Transferability. A permit and the privileges granted by the permit run with land and remain in  
8 effect, despite a change in ownership of the livestock facility, as long as the new operator does not  
9 violate the terms of the local approval. An applicant may record with the Register of Deeds, at the  
10 applicant's expense, the duplicate copy of the approved application. Upon change of ownership of the  
11 livestock facility, the new owner of the facility shall file information with the County Clerk providing  
12 pertinent information, including, but not limited to, such information as the name and address of the new  
13 owner and date of transfer of ownership.

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

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18 (a) The statement of purposes of this chapter and the A-1 District.

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19 (b) Potential for conflict with agriculture use.

20 (c) Need of the proposed use for a location in an agricultural area.

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21 (d) Availability of alternative locations.

22 (e) Compatibility with existing or permitted uses on adjacent lands.

23 (f) Productivity of the lands involved.

24 (g) Location of the proposed use so as to reduce to a minimum the amount of productive agricultural  
25 land converted to such use as to meet the definition of "use consistent with agricultural use" in  
26 § 405-9 hereof.

27 (h) Need for public services created by the proposed use.

28 (i) Availability of adequate public services and the ability of affected local units of government to  
29 provide them without an unreasonable burden.

30 (j) The effect of the proposed use on water or air pollution, soil erosion, and rare or irreplaceable  
31 natural resources.

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(4) Conditions which may be attached to conditional uses. Upon a consideration of information supplied at the public hearing and a review of the standards contained in Subsection C(3), the following conditions may be attached to the granting of a conditional use: increased setbacks and yards; specifications for water supply, liquid waste, and solid waste disposal facilities; landscaping and planting screens; sureties; operational controls and time of operation; air pollution controls; erosion prevention measures; location of the use; and similar requirements found necessary to fulfill the purpose and intent of this chapter. Violation of these conditions shall constitute a violation of this chapter as provided in § ~~405-25391~~ of this chapter.

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D. Yard/setback requirements.

(1) Chapter ATCP 51, Wis. Adm. Code, regulated livestock facilities of 500 animal units and larger. All buildings, structures, or enclosures, including pastures which house or confine animals, including, but not limited to, animal hospitals, kennels, barnyards, feedlots, and stables, shall meet the following minimum setback requirements:

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(a) Zoning district setbacks.

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[1] Residential, business, planned residential and public and semipublic zoned parcels: minimum of 350 feet for nonresidential structures and livestock.

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

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

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

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

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

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

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

(c) Waste storage structures.

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[1] New waste storage structure:

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[a] Property line: 350 feet.

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

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

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- A. Located on the same tax parcel as a waste storage structure in existence before September 20, 2006.
- B. No larger than the existing structure.
- C. No further than 50 feet from the existing structure.
- D. No closer to the road or property line than the existing structure.

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

(d) Water quality and related setbacks.

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

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

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

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

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(a) All buildings, structures, or enclosures which house or confine animals, including, but not limited to, animal hospitals, kennels, barnyards, feedlots, and stables, shall ~~be setback a~~ ~~meet the following minimum of 100 feet from all property lines.~~ ~~setback requirements:~~

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~~[1] Front yard: 100 feet.~~

~~[2] Side yard: 100 feet.~~

~~[3] Rear yard: 100 feet.~~

Commented [DG67]: In all other districts, this was removed and moved to a standalone section above.

(b) All other ~~buildings, structures, or enclosures~~ ~~uses~~ shall ~~meet the following~~ ~~be setback a~~ minimum of 30 feet from all property lines. ~~setback requirements:~~

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

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

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

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

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

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

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

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

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

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

(b) Detached accessory structures: 20 feet.

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

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

(1) Minimum lot area.

~~(a) District A-1(35). Newly created lots and lots or parcels remaining after a land division shall provide a lot area of not less than thirty five (35) acres and a minimum lot width of three hundred (300) feet at the building line. To establish a farm residence or farm operation (as allowed in Subsection B): 35 acres.~~

(b) District A-1(15). Newly created lots and lots or parcels remaining after a land division shall provide a lot area of not less than fifteen (15) acres and a minimum lot width of three hundred (300) feet at the building line. ~~To establish a farm residence or farm operation (as allowed in Subsection B): 15 acres.~~

(2) Maximum additional dwelling area.

(a) To establish a dwelling area for an additional residence as allowed in Subsection B(2): 20,000 square feet per dwelling.

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1 (b) Where an additional residence for persons specified in Subsection **B(2)** is established, the  
2 residence shall be at least 40 feet from other residences.

3 (c) Dwelling areas created under Subsection **F(2)(a)** above shall not, in order to preserve the  
4 maximum land for farm use, exceed the maximum unless required to meet sanitary code requirements.

5 ~~(3) Minimum lot width.~~

6 ~~(a) To establish a residence or farm operation (as allowed in Subsection **B**): 300 feet.~~

7 ~~(b) To establish a separate dwelling area for an additional residence as allowed in Subsection **B(2)**: 150 feet.~~

Commented [DG70]: Moved to section 1 on previous page

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

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

10 I. Standards for rezoning.

11 (1) Decisions on petitions for rezoning areas zoned Exclusive Agriculture, but not in a Farmland  
12 Preservation Area, shall be based on findings which consider:

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13 (a) Adequate public facilities to serve the development are present or will be provided.

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14 (b) Provision of these facilities will not be an unreasonable burden to local government.

15 (c) The land is suitable for development.

16 (d) Development will not cause unreasonable air and water pollution, soil erosion, or adverse effects  
17 on rare or irreplaceable natural areas.

18 (e) The potential for conflict with remaining agricultural uses in the area.

19 (f) The need of the proposed development location in an agricultural area.

20 (g) Availability of alternative locations.

21 (2) Preservation Zoning District.

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22 (a) The County will, by March 1 of each year, provide the Department a report of the number of  
23 acres that it has rezoned from the Certified Farmland Preservation Zoning District per  
24 § 91.48(2), Wis. Stats.

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25 (b) A political subdivision with a Certified Farmland Preservation Zoning Ordinance may rezone  
26 land out of a Farmland Preservation Zoning District without having the rezoning certified under  
27 § 91.48, Wis. Stats., if the political subdivision finds all of the following, after public hearing:

- [1] The land is better suited for a use not allowed in the Farmland Preservation Zoning District.
- [2] The rezoning is consistent with any applicable Comprehensive Plan.
- [3] The rezoning is substantially consistent with the County Certified Farmland Preservation Plan.
- [4] The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

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(3) Parcels mapped in the A-1(35) and A-1(15) Districts without the FP Overlay are not planned for farmland preservation in the County Certified Farmland Preservation Plan and are not eligible for the farmland preservation credit.

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§ 405-30.1 **Ag-4 (35) and Ag-14 (15) Exclusive Agricultural Districts.**

A. Purpose and intent.

**Commented [DG71]:** Rename of district to avoid confusion

~~Same as 405-30 except 405-30 (A) (1) (g)~~

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

**Commented [DG72]:** Language simplification. This district is almost identical to Ag1. Redundant to relist all requirements. Now most sections reference Ag-1.

~~(a) Preserve agricultural land for food and fiber production.~~

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~~(b) Protect productive farms.~~

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~~(c) Maintain a viable agricultural base to support agricultural processing and service industries.~~

~~(d) Prevent conflicts between incompatible uses.~~

~~(e) Reduce costs of providing services to scattered nonfarm uses.~~

~~(f) Pace and shape urban growth.~~

~~(2) Farming operations should be conducted in substantial accordance with an approved soil and water conservation plan.~~

~~(3) This district is generally intended to apply to lands in productive farm operations, including:~~

~~(a) Lands historically producing good crop yields or capable of such yields.~~

~~(b) Lands productive for dairying, livestock raising, and grazing.~~

~~(c) Other lands which are integral parts of such farm operations.~~

~~(d) Land used to produce specialty crops, such as cranberries, mint, sod, tree crops, fruits and vegetables.~~

1 ~~(e) Lands capable of productive use through economically feasible improvements, such as irrigation or~~  
2 ~~agricultural conservation practices.~~

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

6 ~~(1) Agricultural uses.~~

7 ~~(a) Beekeeping.~~

8 ~~(b) Dairying.~~

9 ~~(c) Floriculture (cultivation of ornamental flowering plants).~~

10 ~~(d) Grazing.~~

11 ~~(e) Livestock raising (fewer than 25 animal units per acre).~~

12 ~~(f) Poultry raising.~~

13 ~~(g) Kennels [capacity not exceeding one animal unit per acre; over one animal unit per acre, see Subsection~~  
14 ~~C(1)(a)].~~

15 ~~(h) Plant nurseries and orchards.~~

16 ~~(i) Raising of grain, grass, mint, and seed crops.~~

17 ~~(j) Raising of tree fruit, nuts, and berries.~~

18 ~~(k) Sod farming.~~

19 ~~(l) Tree farming, including Christmas trees and pulp wood.~~

20 ~~(m) Vegetable raising.~~

21 ~~(n) Viticulture (grape growing).~~

22 ~~(o) Forest and game management.~~

23 ~~(p) Nature trails and walks.~~

24 ~~(q) Greenhouses.~~

25 ~~(r) Commercial feed lots.~~

- 1 ~~(s) Egg production.~~
- 2 ~~(t) Fish or fur farming.~~
- 3 ~~(u) Shooting, hunting and game preserves, both private and for hire.~~
- 4 ~~(v) Placing land in federal programs in return for payments in kind; owning land, at least 35 acres of which~~  
5 ~~is enrolled in the conservation reserve program under 16 U.S.C. §§ 3831 to 3836; participating in the~~  
6 ~~milk conservation reserve program under 7 U.S.C. § 1446(d).~~
- 7 ~~(w) One roadside stand per farm used solely for the sale of agricultural products produced on the premises~~  
8 ~~or adjoining premises and not employing more than two nonfamily members (see "farm family~~  
9 ~~business" in § 405-9 herein).~~
- 10 ~~(x) Filling and grading of productive agriculture fields to level topography and not for the purpose of~~  
11 ~~nonmetallic mining. The spoils may be transported off site.~~

12 (1) Same as 405-30 (B) with the following exception modification:

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13 \_\_\_\_\_

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

15 ~~(a) Single- and two-family dwellings and single-wide manufactured homes that have a use consistent~~  
16 ~~with agricultural use and that are occupied by any of the following:~~

- 17 [1] An owner of the parcel.
- 18 [2] A person who, or a family at least one adult member of which, earns the majority of his or her gross  
19 income from conducting the farm operations on the parcel.
- 20 [3] A parent or child of an owner who conducts the majority of the farm operations on the parcel.
- 21 [4] A parent or child of an owner who resides on the parcel and who previously conducted the majority of  
22 the farm operations on the parcel.

23 ~~(b) Preexisting residences, including mobile homes, located in areas subject to zoning under this section~~  
24 ~~which do not conform to Subsection B(2)(a) above may be continued in residential use and shall not be~~  
25 ~~subject to any limitations imposed or authorized under § 59.69(10), Nonconforming uses, of the~~  
26 ~~Wisconsin Statutes.~~

27 ~~[1] Such preexisting residences may be altered, repaired, rebuilt or replaced, but are subject to setback,~~  
28 ~~height, and other dimensional requirements.~~

1 ~~[2] New residences that do not conform to Subsection B(2)(a) above shall require a conditional use permit-~~

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

3 ~~(3) Other agricultural structures and improvements-~~

4 ~~(4) Camping (see § 405-17)-~~

5 C. Conditional uses. Same as 405-30 (C). ~~All uses and structures in this district are restricted to~~  
6 ~~agricultural uses and uses consistent with agricultural use as specified in Subsections A to D of~~  
7 ~~the definition of "use consistent with agricultural use" in § 405-9 and must be determined to be~~  
8 ~~necessary with regard to alternative locations. A conditional use permit is required for uses that~~  
9 ~~are not agricultural uses but are consistent with agricultural use and for agricultural uses with~~  
10 ~~potentially high impacts on land, water, or neighboring farms or land uses, where conditions~~  
11 ~~need to be set to mitigate the impacts.~~

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

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

18 ~~(b) Temporary housing for seasonal farm labor-~~

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

22 ~~(d) Permanent saw mills-~~

23 ~~(e) Fur farms-~~

24 ~~(f) Noncommercial stables and paddocks-~~

25 ~~(g) Noncommercial equestrian trails-~~

26 ~~(h) Fish farms-~~

27 ~~(i) Dams and flowages-~~

28 ~~(j) Governmental uses such as police and fire stations, highway storage garages, potable water wells~~  
29 ~~and treatment facilities, wastewater treatment plants, schools, parks and campgrounds, and-~~

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1 ~~airports and landing strips.~~

2 ~~(k) Religious uses such as churches, schools, and cemeteries.~~

3 ~~(l) Gas and electric utility uses not requiring authorization under § 196.491, Wis. Stats.~~

4 ~~(m) The sale and service of machinery used in agricultural production if operated as a farm family~~  
5 ~~business and remaining a secondary use on an operating farm.~~

6 ~~(n) Facilities operated as a farm family business but remaining secondary to an operating farm for~~  
7 ~~the centralized bulk collection and storage of agricultural products before transportation to~~  
8 ~~further processing or to wholesale and retail markets.~~

9 ~~(o) The regular commercial storage and sale of seed, feed, fertilizer, and other products essential to~~  
10 ~~agricultural production, as distinguished from on farm storage or occasional farmer to farmer~~  
11 ~~sales that qualify as "agricultural use" under Subsection B(1), where the operation is a farm~~  
12 ~~family business but still is secondary to operating farm activities.~~

13 ~~(p) Facilities used to provide veterinarian services for livestock.~~

14 ~~(q) Facilities secondary to an operating farm used in original but not final processing of agricultural~~  
15 ~~products, such as grain drying bins, on a fee commercial basis but not exceeding a farm family~~  
16 ~~business in scope, as distinguished from on farm processing, or occasional processing of off-~~  
17 ~~farm produce that qualifies as "agricultural use" under Subsection B(1).~~

18 ~~(r) Nonmetallic mineral extraction in excess of 2,500 square feet, for which a reclamation plan that~~  
19 ~~provides for restoration of the site to agricultural use has been approved by the Adams County~~  
20 ~~Land and Water Conservation Department.~~

21 ~~(s) Veterinarian services involving outdoor keeping of patient animals, serving primarily farm~~  
22 ~~livestock.~~

23 ~~(t) Other agricultural related, religious, utility, institutional, or governmental uses similar to those~~  
24 ~~listed in Subsections B and C which are compatible with the purposes of this district, which are~~  
25 ~~uses consistent with agricultural use, and which are found necessary in light of alternative~~  
26 ~~locations available for such uses.~~

27 ~~(u) Veterinarian services involving outdoor keeping of patient animals, serving small animals and~~  
28 ~~nonfarm livestock; nonveterinarian kennels with capacity to breed, raise, or board more than six~~  
29 ~~animals at once.~~

30 ~~(v) Chapter ATCP 51, Wis. Adm. Code, defined "livestock facilities" of 500 animal units and larger.~~  
31 ~~Note: "Animal unit" has the meaning given in § NR 243.03(5), Wis. Adm. Code, as of April 27,~~  
32 ~~2004.~~

1 ~~(2) Permits for existing livestock facilities.~~

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

5 ~~[1] The applicable size threshold for a conditional use permit established in the zoning district where~~  
6 ~~the facility is located.~~

7 ~~[2] The maximum number previously approved or, if no maximum number was previously~~  
8 ~~approved, a number that is 20% higher than the number kept on September 20, 2006.~~

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

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

17 ~~(d) Application procedure. A livestock operator must complete the application and worksheets~~  
18 ~~prescribed by Ch. ATCP 51, Wis. Adm. Code, including any authorized local modifications. The~~  
19 ~~application requirements specified in Ch. ATCP 51, Wis. Adm. Code, are hereby incorporated~~  
20 ~~by reference. The application form and worksheets establish compliance with the standards in~~  
21 ~~Ch. ATCP 51, Wis. Adm. Code, and this chapter. The operator must provide four duplicate~~  
22 ~~copies of the application form, including worksheets, maps and documents (other than~~  
23 ~~engineering design specifications) included in the application. Note: Ch. ATCP 51.30, Wis.~~  
24 ~~Adm. Code, provides that an applicant may be required to file up to four duplicate copies of a~~  
25 ~~permit application. One copy must be filed after a final decision on the application with the~~  
26 ~~Department of Agriculture, Trade and Consumer Protection. If approved, one duplicate copy~~  
27 ~~marked "Approved" must be given back to the applicant. The applicant may wish to record the~~  
28 ~~approved application with the Register of Deeds.~~

29 ~~(e) Application fee. A nonrefundable application fee as set by the County Board shall accompany an~~  
30 ~~application.~~

31 ~~(f) Application review procedure.~~

32 ~~[1] Within 45 days after the County receives an application, it shall notify the applicant whether the~~  
33 ~~application is complete. If the application is not complete, the notice shall describe the additional~~  
34 ~~information needed. Within 14 days after the applicant provides all of the required information,~~

1 the County shall notify the applicant that the application is complete. This notice does not  
2 constitute an approval of the proposed livestock facility.

3 ~~{2} Within 14 days after the County notifies an applicant that the application is complete, the County  
4 shall notify adjacent landowners of the application. The County shall use the approved notice  
5 form in Ch. ATCP 51, Wis. Adm. Code, and mail a written notice to each adjacent landowner.~~

6 ~~{3} The County shall grant or deny an application within 90 days after the notice of a complete  
7 application is provided as required above. The County may extend this time limit for good cause,  
8 including any of the following:~~

9 ~~{a} The County needs additional information to act on the application.~~

10 ~~{b} The applicant materially modifies the application or agrees to an extension. The County shall  
11 give written notice of any extension. The notice shall specify the reason for the extension and the  
12 extended deadline date by which the County will act on the application.~~

13 ~~{c} Public hearing. The County shall schedule a public hearing on the application within 90 days  
14 after issuing notice of a complete application.~~

15 ~~{d} Standards. The standards for issuing a permit are as follows:~~

16 ~~{1} The state livestock facility siting standards adopted under Ch. ATCP 51, Wis. Adm. Code. These  
17 standards are hereby incorporated by reference.~~

18 ~~{2} Setbacks authorized by this chapter.~~

19 ~~{e} Criteria for issuance of a permit.~~

20 ~~{1} A permit shall issue if the application for the proposed livestock facility contains sufficient  
21 credible information to show, in the absence of clear and convincing information to the contrary,  
22 that the proposed livestock facility meets the standards specified in this chapter. Note: If the  
23 application and worksheets prescribed by Ch. ATCP 51, Wis. Adm. Code, are properly  
24 completed, there is a rebuttable presumption that the applicant has met the application  
25 requirements.~~

26 ~~{2} A permit may be denied if any of the following apply:~~

27 ~~{a} The application, on its face, fails to meet the standard for approval.~~

28 ~~{b} The County finds, based on other clear and convincing information in the record, that the  
29 proposed livestock facility does not comply with applicable standards in this chapter.~~

30 ~~{c} Other grounds authorized by § 93.90, Wis. Stats., that warrant disapproving the proposed~~

1 ~~livestock facility.~~

2 ~~{3} No conditions may be imposed on a permit other than standards provided by ordinance.~~

3 ~~(j) Record of decision.~~

4 ~~{1} The Planning and Zoning Committee shall issue its decision in writing. Its decision shall be~~  
5 ~~based on written findings of fact supported by evidence in the record.~~

6 ~~{2} In the event that a permit is approved, the applicant shall receive a duplicate copy of the~~  
7 ~~approved application, marked "Approved." The duplicate copy must include worksheets, maps~~  
8 ~~and other documents (other than engineering specifications) included in the application.~~

9 ~~(k) Notice to Department. The County Clerk, as required by Ch. ATCP 51.34, Wis. Adm. Code,~~  
10 ~~within 30 days of the County decision on the application, shall do all of the following:~~

11 ~~{1} Give the Department of Agriculture, Trade and Consumer Protection written notice of the~~  
12 ~~County's decision.~~

13 ~~{2} File with the Department a copy of the final application granted or denied, if the County has~~  
14 ~~granted or denied an application under this Subsection C(2). (The copy shall include all of the~~  
15 ~~worksheets, maps and other attachments included in the application, except that it is not required~~  
16 ~~to include the engineering design specifications.)~~

17 ~~{3} If the County has withdrawn a local approval under this Subsection C(2), file with the~~  
18 ~~Department a copy of the County final notice or order withdrawing the local approval.~~

19 ~~(l) Expiration of permit. A permit remains in effect regardless of the amount of time that elapses~~  
20 ~~before the livestock operator exercises the authority granted under the permit and regardless of~~  
21 ~~whether the livestock operator exercises the full authority granted by the approval. However, the~~  
22 ~~County may treat a permit as lapsed and withdraw the permit if the permit holder fails to do all~~  
23 ~~of the following within two years after issuance of permit:~~

24 ~~{1} Begin populating the new or expanded livestock facility.~~

25 ~~{2} Begin constructing all of the new or expanded livestock housing or waste storage structures~~  
26 ~~proposed in the permit application.~~

27 ~~(m) Permit modifications. The operator may make reasonable changes that maintain compliance with~~  
28 ~~the standards in this chapter, and the County shall not unreasonably withhold authorization for~~  
29 ~~those changes.~~

30 ~~(n) Compliance monitoring.~~

1 ~~[1] The County shall monitor compliance with this chapter as follows:-~~

2 ~~[a] Upon notice to the livestock facility owner, request the right of the Planning and Zoning~~  
3 ~~Administrator or his designee to personally view the permitted facility at a reasonable time and~~  
4 ~~date to ensure that all commitments of the application as approved are being complied with.-~~

5 ~~[b] If the livestock facility owner refuses the Planning and Zoning Administrator or his designee the~~  
6 ~~right to view the permitted facility, the Planning and Zoning Administrator or his designee may~~  
7 ~~request the assistance of the Sheriff or a Deputy Sheriff to obtain an inspection warrant from the~~  
8 ~~Circuit Court to inspect the permitted facility for the purpose of protection of the public health~~  
9 ~~and safety under § 66.0119, Wis. Stats.-~~

10 ~~[2] If a permitted facility is found not to be in compliance with the commitments made in the~~  
11 ~~approved application, the Planning and Zoning Administrator or his designee shall issue a~~  
12 ~~written notice to the livestock facility owner stating the conditions of noncompliance and~~  
13 ~~directing that the commitments of the approved application be complied with in a reasonable~~  
14 ~~amount of time stated in this written notice.-~~

15 ~~[3] If noncompliance with the permit conditions as described in the written notice given by the~~  
16 ~~Planning and Zoning Administrator or his designee continues past the stated reasonable time to~~  
17 ~~comply, the Planning and Zoning Administrator or his designee may take further action as~~  
18 ~~provided in this chapter, including, but not limited to, issuance of a citation or seeking of~~  
19 ~~injunctive relief.-~~

20 ~~[4] If the livestock facility owner disputes that the conditions of the permit have not been complied~~  
21 ~~with, the livestock facility owner may request, in writing, a hearing within five days of receipt of~~  
22 ~~the notice of noncompliance. The Planning and Zoning Committee shall schedule a hearing~~  
23 ~~within five days to determine if the conditions of the permit have been complied with or whether~~  
24 ~~noncompliance with the commitments of the approved application and local approval exists.-~~

25 ~~(e) Terms of the permit. A permit and the privileges granted by a permit issued under this~~  
26 ~~Subsection C(2) are conditioned on the livestock operator's compliance with the standards in this~~  
27 ~~chapter and with commitments made in the application for a permit. The County is authorized to~~  
28 ~~suspend a permit or seek other redress provided in this chapter for noncompliance.-~~

29 ~~(f) Transferability. A permit and the privileges granted by the permit run with THE land and remain~~  
30 ~~in effect, despite a change in ownership of the livestock facility, as long as the new operator does~~  
31 ~~not violate the terms of the local approval. An applicant may record with the Register of Deeds,~~  
32 ~~at the applicant's expense, the duplicate copy of the approved application. Upon change of~~  
33 ~~ownership of the livestock facility, the new owner of the facility shall file information with the~~  
34 ~~County Clerk providing pertinent information, including, but not limited to, such information as~~  
35 ~~the name and address of the new owner and date of transfer of ownership.-~~

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

5 ~~(a) The statement of purposes of this chapter and the A-1 District.~~

6 ~~(b) Potential for conflict with agriculture use.~~

7 ~~(c) Need of the proposed use for a location in an agricultural area.~~

8 ~~(d) Availability of alternative locations.~~

9 ~~(e) Compatibility with existing or permitted uses on adjacent lands.~~

10 ~~(f) Productivity of the lands involved.~~

11 ~~(g) Location of the proposed use so as to reduce to a minimum the amount of productive agricultural~~  
12 ~~land converted to such use as to meet the definition of "use consistent with agricultural use" in~~  
13 ~~§ 405-9 hereof.~~

14 ~~(h) Need for public services created by the proposed use.~~

15 ~~(i) Availability of adequate public services and the ability of affected local units of government to~~  
16 ~~provide them without an unreasonable burden.~~

17 ~~(j) The effect of the proposed use on water or air pollution, soil erosion, and rare or irreplaceable~~  
18 ~~natural resources.~~

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

27 D. Yard/setback requirements. Same as 405-30 (D)

28 ~~(1) Chapter ATCP 51, Wis. Adm. Code, regulated livestock facilities of 500 animal units and larger.~~  
29 ~~All buildings, structures, or enclosures, including pastures which house or confine animals,~~  
30 ~~including, but not limited to, animal hospitals, kennels, barnyards, feedlots, and stables, shall~~  
31 ~~meet the following minimum setback requirements:~~

1 ~~(a) Zoning district setbacks.~~

2 ~~[1] Residential, business, planned residential and public and semipublic zoned parcels: minimum of~~  
3 ~~350 feet for nonresidential structures and livestock.~~

4 ~~(b) General setbacks (subject to Subsection D(1)(a)[1] above).~~

5 ~~[1] Property line fewer than 1,000 animal units: 100 feet.~~

6 ~~[2] Property line 1,000 animal units and greater: 200 feet.~~

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

10 ~~[3] Public road right of way fewer than 1,000 animal units: 100 feet.~~

11 ~~[4] Public road right of way 1,000 animal units and greater: 150 feet.~~

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

15 ~~(c) Waste storage structures.~~

16 ~~[1] New waste storage structure:~~

17 ~~[a] Property line: 350 feet.~~

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

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

- ~~A. Located on the same tax parcel as a waste storage structure in existence before~~  
~~September 20, 2006.~~
- ~~B. No larger than the existing structure.~~
- ~~C. No further than 50 feet from the existing structure.~~
- ~~D. No closer to the road or property line than the existing structure.~~

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

19 ~~(d) Water quality and related setbacks.~~

20 ~~[1] Navigable waters and wetlands. A livestock facility shall comply with setback and related~~  
21 ~~requirements in any applicable shoreland or wetland zoning ordinances enacted within~~  
22 ~~the scope of authority granted under § 59.692, 61.351 or 62.231, Wis. Stats.~~

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1 ~~[2] Floodplain. A livestock facility shall comply with setback and related requirements in~~  
2 ~~any applicable floodplain zoning ordinance that is enacted within the scope of statutory~~  
3 ~~authority under § 87.30, Wis. Stats.~~

4 ~~[3] Wells. All wells located within a livestock facility shall comply with Chs. NR 811 and~~  
5 ~~812, Wis. Adm. Code. New or substantially altered livestock structures shall be separated~~  
6 ~~from existing wells by the distances required in Chs. NR 811 and 812, Wis. Adm. Code,~~  
7 ~~regardless of whether the livestock facility operator owns the land on which the wells are~~  
8 ~~located. A livestock structure in existence on September 20, 2006, may be altered as long~~  
9 ~~as the alteration does not reduce the distance between the livestock structure and an~~  
10 ~~existing well.~~

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

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

15 ~~[1] Front yard: 100 feet.~~

16 ~~[2] Side yard: 100 feet.~~

17 ~~[3] Rear yard: 100 feet.~~

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

19 ~~[1] Class A highway (state highway): 110 feet from center line or 50 feet from lot line,~~  
20 ~~whichever measures furthest into the lot.~~

21 ~~[2] Class B highway (County trunk): 83 feet from center line or 50 feet from lot line,~~  
22 ~~whichever measures furthest into the lot.~~

23 ~~[3] Class C highway (town road): 63 feet from center line or 30 feet from lot line, whichever~~  
24 ~~measures furthest into the lot.~~

25 ~~[4] Front lot line: 30 feet for all structures.~~

26 ~~[5] Rear lot line: 30 feet for dwelling and attached accessory structures; 10 feet for detached~~  
27 ~~accessory building.~~

28 ~~[6] Side lot line: 10 feet for all structures.~~

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

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1 E. ~~\_\_\_\_\_~~ Height requirements. (See also § ~~405-14.~~) Same as 405-30 (E)

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

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

5 ~~(b) Detached accessory structures: 20 feet.-~~

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

7 F. ~~\_\_~~ Area requirements. (See also § ~~405-15.~~) All lots shall meet the following requirements. Same  
8 as 405-30 (F):-

9 ~~(1) Minimum lot area:~~

10 ~~(a) District A 1(35). To establish a farm residence or farm operation (as allowed in Subsection B):-~~  
11 ~~35 acres.-~~

12 ~~(b) District A 1(15). To establish a farm residence or farm operation (as allowed in Subsection B):-~~  
13 ~~45 acres.-~~

14 ~~(2) Maximum additional dwelling area:~~

15 ~~(a) To establish a dwelling area for an additional residence as allowed in Subsection B(2): 20,000-~~  
16 ~~square feet per dwelling.-~~

17 ~~(b) Where an additional residence for persons specified in Subsection B(2) is established, the~~  
18 ~~residence shall be at least 40 feet from other residences.-~~

19 ~~(c) Dwelling areas created under Subsection F(2)(a) above shall not, in order to preserve the~~  
20 ~~maximum land for farm use, exceed the maximum unless required to meet sanitary code~~  
21 ~~requirements.-~~

22 ~~(3) Minimum lot width:~~

23 ~~(a) To establish a residence or farm operation (as allowed in Subsection B): 300 feet.-~~

24 ~~(b) To establish a separate dwelling area for an additional residence as allowed in Subsection B(2):~~  
25 ~~450 feet.-~~

26 G. ~~\_\_~~ Parking and access regulations. (See Article VII.)

27 H. ~~\_\_~~ Sign regulations. (See Article VIII.)

1 I. Standards for rezoning. ~~Same as 405-30 (I)(1) Decisions on petitions for rezoning areas zoned for~~  
2 ~~exclusive agricultural use shall be based on findings which consider:~~

3 ~~(1) Adequate public facilities to serve the development are present or will be provided.~~

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4 ~~(2) Provision of these facilities will not be an unreasonable burden to local government.~~

5 ~~(3) The land is suitable for development.~~

6 ~~(4) Development will not cause unreasonable air and water pollution, soil erosion, or adverse~~  
7 ~~effects on rare or irreplaceable natural areas.~~

8 ~~(5) The potential for conflict with remaining agricultural uses in the area.~~

9 ~~(6) The need of the proposed development location in an agricultural area.~~

10 ~~(7) Availability of alternative locations.~~

11 ~~(8) Productivity of the agricultural lands involved.~~

12 ~~(9) The location of the proposed development to minimize the amount of agricultural land~~  
13 ~~converted.~~

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14  
15 § 405-31 Ag-2 Agricultural Transition District.

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16 A. Purpose and intent.

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17 (1) Purposes. The purposes of the Ag-2 District are to:

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18 (a) Provide for the orderly transition of agricultural land to other uses in areas planned  
19 for eventual urban expansion.

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20 (b) Defer urban development until the appropriate local government bodies determine  
21 that adequate public services and facilities can be provided at a reasonable cost.

22 (c) Ensure that urban development is compatible with local land use plans and policies.

23 (d) Provide periodic review to determine whether all or part of the lands should be  
24 transferred to another zoning district. Such review shall occur:

25 [1] A minimum of every five years.

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26 [2] Upon completion or revision of the County Farmland Preservation Plan or a

1 municipal land use plan which affects lands in the district.

2 [3] Upon extension of public services, such as sewer and water, necessary to serve  
3 urban development.

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

9 B. Permitted uses. Same as ~~Ag-14~~ Exclusive Agriculture (see § **405-30.1B**).

10 C. Conditional uses. Same as ~~Ag-14~~ Exclusive Agriculture (see § **405-30.1C**).

11 D. Yard requirements. Same as ~~Ag-14~~ Exclusive Agriculture (see § **405-30.1D**).

12 E. Height requirements. Same as ~~Ag-14~~ Exclusive Agriculture (see § **405-30.1E**).

13 F. Area requirements. Same as ~~Ag-14~~ Exclusive Agriculture (see § **405-30.1F**).

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

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

16 I. Standards for rezoning. Same as ~~Ag-14~~ Exclusive Agriculture (see § **405-30.1I**).

17 § 405-32 **Ag-3 Secondary Agricultural District.**

18 A. Purpose and intent.

19 (1) Purpose. The primary purposes of the Ag-3 District are to maintain, preserve, and enhance  
20 land historically used or suited for agricultural or agriculturally related purposes but which  
21 are not included within the A-1 Exclusive Agricultural District.

22 (2) Intent. This district is intended to include those lands best suited to smaller farm uses,  
23 including but not limited to truck farming, horse farming, hobby farming, and orchards.

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

25 (1) Uses permitted in § **405-30B** subject to these limitations:

26 (a) Livestock shall not exceed one livestock unit per acre.

27 (b) On parcels interrupted by a road, on any portion(s) smaller than two acres, no  
28 livestock shall be permitted.

**Commented [73]:** Editor's Note: The Farmland Preservation Plan adopted by the County Board of Supervisors in November 1980, as amended, is available at [www.ncwrpc.org/Adams/index.html](http://www.ncwrpc.org/Adams/index.html).

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1 (2) Single- and two-family ~~residential dwelling and seasonal dwellings~~ dwellings.

Commented [DG74]: There is nothing inherently different in this uses. Simplification

2 (3) Community-based residential facilities (CBRF) which serve eight or fewer residents.

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3 (4) ~~Recreational vehicles~~ Camping as provided in See § 405-17.

4 (5) Residential Kennel - Small

Commented [DG75]: Added to more clearly define kennel/animal usage. In conjunction with other changes.

5 ~~(5) Mobile homes and manufactured homes existing before June 27, 1990, on a lot in this A-~~  
6 ~~3-District may be continued in residential use provided they are not abandoned (see~~  
7 ~~§ 405-34D, Prohibited uses), meet the United States Department of Housing and Urban~~  
8 ~~Development (HUD) standards which became effective June 15, 1976, and the minimum~~  
9 ~~floor area of the definition of "manufactured home" in § 405-9.~~

Commented [DG76]: Already addressed elsewhere

10 (6) Home occupations.

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

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14 (1) Uses listed in § 405-~~30C~~18C(1)(a) through (p) and (s) subject to the limitations of  
15 livestock units and acreage of Subsection B(1) above.

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16 (2) Manufactured homes. ~~(Note: See definition of "manufactured home.")~~

17 (3) Residential Kennel – Large

18 (4) Commercial Kennel

Commented [DG77]: Added to more clearly define kennel/animal usage. In conjunction with other changes.

19 D. Yard requirements.

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

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23 ~~(a) Front yard: 100 feet.~~

24 ~~(b) Side yard: 100 feet.~~

25 ~~(c) Rear yard: 100 feet.~~

26 ~~(2) All other uses~~ buildings, structures, or enclosures shall be setback a meet the  
27 following minimum of setback requirements:

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

3 ~~(b) Class B highway (County trunk): 83 feet from center line or 50 feet from lot line,~~  
4 ~~whichever measures furthest into the lot.~~

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

7 ~~(d) Front lot line: 30 feet for all structures.~~

8 ~~(ae)~~ Rear lot line:

9 1. 30 feet for dwelling and attached accessory structures,

10 2. 10 feet for detached accessory building.

11 3. 100 feet for all buildings, structures, or enclosures which house or confine  
12 animals, including but not limited to animal hospitals, kennels, barnyards,  
13 feedlots, and stables.

14 ~~(bf)~~ Side lot line:

15 1. 10 feet for all structures except:

16 a. 100 feet for all buildings, structures, or enclosures which house or  
17 confine animals, including but not limited to animal hospitals, kennels,  
18 barnyards, feedlots, and stables.

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

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

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

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

24 (b) Detached accessory structures: 20 feet.

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

26 F. Area requirements. Newly created lots and lots or parcels remaining after a land division shall  
27 provide a lot area of not less than five (5) acres and a minimum lot width of three hundred (300)  
~~feet at the building line. All lots shall meet the following minimum requirements (see also § 405-~~

**Commented [DG78]:** More clearly defines setbacks

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**Commented [DG79]:** Clarification

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1 ~~65B):~~

2 ~~(1) Lot area: five acres.~~

3 ~~(2) Lot width: 300 feet.~~

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

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

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

7 § 405-33 **R-1C Single-Family Conservation Residence District.**

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

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14 B. Permitted uses.

15 (1) Development area.

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

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18 (b) Residential condominium.

19 (c) Accessory apartment.

20 (d) Accessory buildings.

21 (e) Home occupation.

22 (f) Professional home office.

23 (g) Essential utility services.

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

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26 (a) Park.

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27 (b) Playground.

- 1 (c) Sport and recreation court/field.
- 2 (d) Pond.
- 3 (e) Temporary use of an office or shelter for material and equipment being used in the
- 4 construction of a permanent structure may be permitted by the Planning and Zoning
- 5 Administrator.

6 C. Conditional uses.

- 7 (1) Preservation area.
- 8 (a) Association lodge.
- 9 (b) Public emergency shelter.
- 10 (c) Multifamily dwelling.
- 11 (d) Marina.

12 ~~(e) Temporary rental of dwelling (30 days or less).~~

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

- 14 ~~(1) Class A highway (state highway): 110 feet from center line or 50 feet from lot line, whichever~~
- 15 ~~measures furthest into the lot.~~
- 16 ~~(2) Class B highway (County trunk): 83 feet from center line or 50 feet from lot line, whichever~~
- 17 ~~measures furthest into the lot.~~
- 18 ~~(3) Class C highway (town road): 63 feet from center line or 30 feet from lot line, whichever measures~~
- 19 ~~furthest into the lot.~~
- 20 ~~(4) Front lot line: 30 feet for all structures.~~
- 21 (15) Rear lot line.

- 22 (a) Dwelling and attached accessory structures: 30 feet.
- 23 (b) Detached accessory building: 10 feet.

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

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

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

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1 (1) Residential structure and attached accessory structure: 35 feet.

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2 (2) Detached residential accessory structure: 35 feet.

3 (3) All other structures and facilities: 35 feet.

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4 (4) Exceptions. See § 405-14B.

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

6 (1) Project area: minimum 20 acres.

7 (2) Development lots.

8 (a) Area excluding access strips: minimum 20,000 square feet.

9 (b) Width: minimum of 100 feet, measured at the front yard building setback line.

10 (c) Road frontage: minimum ~~70~~<sup>66</sup> feet.

Commented [DG82]: Changed for consistency

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

13 (3) Preservation area.

14 (a) Fifty percent or more of the developable land and all undevelopable land area shall be designated as  
15 undivided permanent open space.

16 (b) All the land which is not divided into development land shall be designated as permanent open space,  
17 not to be further subdivided, and protected through conservation easement held by the County, by a  
18 recognized land trust or conservancy, or shall be held in common by equal shares by the owners of the  
19 development lots. All development lots capable of being further divided shall be restricted from further  
20 division by setting forth such restrictions in a recordable document naming the County as an interested  
21 party with standing to enforce such restrictions.

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

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

24 § 405-34 R-1 and R-1(LL) Single-Family Residential Districts.

25 A. Purpose and intent. The purpose of these districts is to establish and preserve quiet, single-family  
26 neighborhoods as desired by large numbers of people, free from uses except those which are both  
27 compatible with and convenient to the residents of such a district.

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

1 (1) Detached single-family dwellings.

2 ~~provided they contain the following minimum requirements:~~

3 ~~(a) Area: 720 square feet of livable floor area, with at least one portion able to contain a square 24 feet on a~~  
4 ~~side.~~

**Commented [DG83]:** Unnecessary. In definition

5 (2) Residential condominium.

6 (3) Home occupations and professional home office.

7 (4) Essential services.

8 (5) Community-based residential facilities which serve eight or fewer residents.

9 ~~(6) Recreational vehicles pursuant to § 405-17.~~

10 ~~(67)~~ Camping (see § 405-17).

11 ~~(8) Domestic/pet animals: maximum of five animals. (See also Subsection D, Prohibited uses.)~~

**Commented [DG84]:** Added to more clearly define kennel/animal usage. In conjunction with other changes.

12 ~~(79)~~ Chickens: maximum of five chickens per lot. No roosters.

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

15 ~~(1) Nonsectional (single wide) manufactured homes, provided they are a replacement for an existing mobile~~  
16 ~~home or manufactured home (Note: See definition of "manufactured home) and meet the following~~  
17 ~~minimum requirements:~~

18 ~~(a) Livable floor area: 720 square feet.~~

19 ~~(b) Width: 14 feet. Manufactured Home provided they are a replacement for a legally placed existing~~  
20 ~~mobile home or manufactured home.~~

**Commented [DG85]:** Simplified

21 (2) Community-based residential facilities which serve nine or more residents.

22 (3) Private parks, commercial swimming pools, and similar commercial recreational facilities, including ski  
23 and other trails, schools and churches provided they are located, planned, and designed to avoid undue  
24 noise or other nuisances and dangers.

25 ~~(4) Legal nonconforming uses.~~

**Commented [DG86]:** Unnecessary language

26 ~~(45)~~ Two-family dwellings and multifamily dwellings not exceeding eight units per structure.

1 ~~(6) Temporary rent or lease of single family, duplex and multifamily dwellings.~~

Commented [DG87]: Addressed by other ordinance

2 (75) Day-care centers.

3 (68) Livestock: other than as permitted in Subsection B(9) above.

4 (7) Residential Kennels - Small

5 ~~D. Prohibited uses.~~

Commented [DG88]: Should never be in an ordinance. Creates confusion and loopholes. By default, if not permitted specifically, it is prohibited.

6 ~~(1) Livestock, other than as permitted in Subsection B(9) above, on lots less than two acres. On lots over~~  
7 ~~two acres, livestock shall not exceed one animal unit per acre.~~

8 ~~(2) Mobile homes or single wide manufactured homes not occupied on a regular basis (not left vacant~~  
9 ~~more than 12 months at a time) or abandoned mobile homes or single wide manufactured homes and other~~  
10 ~~vehicles.~~

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

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

14 ~~(2) Class B highway (County trunk): 83 feet from center line or 50 feet from lot line, whichever measures~~  
15 ~~furthest into the lot.~~

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

18 ~~(4) Front lot line: 30 feet for all structures.~~

19 (15) Rear lot line.

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

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21 (b) Detached accessory building: 10 feet.

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

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

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

24 (1) Residential structure and attached accessory structure: 35 feet.

25 (2) Detached accessory structure: ~~35~~20 feet.

Commented [DG89]: In 2018, the County Board changed all accessory structure heights to 35'.

1 ~~(3) All single-family dwellings, manufactured homes, and community-based residential facilities and their~~  
2 ~~accessory structures shall not exceed the following maximum requirements:~~

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

4 ~~(b) Detached accessory structures: 25 feet.~~

Commented [DG90]: Simplification

5 (34) Exceptions. See § 405-14B.

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

7 (1) Maximum ground coverage. The total ground area occupied by any principal building with all its  
8 accessory buildings shall not exceed the following percentage of total lot area: 20%, and in no case  
9 more than 8,000 square feet.

10 (2) Lot area excluding access strips.

11 ~~(a) R-1: Newly created lots and lots or parcels remaining after a land division shall provide a lot area of not~~  
12 ~~less than 20,000 square feet and a minimum lot width of one hundred (100) feet at the building~~  
13 ~~line. ~~minimum area of 20,000 square feet.~~~~

14 ~~(b) R-1(LL): Newly created lots and lots or parcels remaining after a land division shall provide a lot area~~  
15 ~~of not less than 2 acres and a minimum lot width of one hundred (100) feet at the building line. ~~minimum~~~~  
16 ~~area of two acres.~~

17 ~~(3) Lot width. All lots shall have a minimum width of 100 feet, measured at the front yard setback line.~~

Commented [DG91]: Clarifying lot size requirements

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

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

20 § 405-35 **R-2 Rural Residential District.**

21 A. Purpose and intent. The purpose of this district is to provide for areas of residential living in the rural  
22 countryside, where prime agricultural lands would not be involved, and where the residents of this  
23 district accept agriculture as the dominant way of life, wishing to participate in a limited way, living on  
24 large lots that have space for vegetable gardens, small crop fields or orchards, keeping of livestock, and  
25 similar rural activities. Since parcels suitable to be placed in this district may be scattered along the rural  
26 road network, among larger tracts of A-1 zoning, this district may be expected to regulate small  
27 groupings of such residences. Although this district will be used in an agricultural environment, since  
28 the emphasis of this district is on residential living, it is necessary to place limits on the amount of  
29 animal keeping on each parcel.

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

1 ~~(1) Same Uses listed in 405-34 (B) as R-1 and R-1(LL) Single Family Residential District (see § 405-34B)~~

2 ~~(2) as well as a~~ Agricultural activities compatible with rural residential living, such as gardening, raising  
3 seed, grain and fruit crops, beekeeping, horse grazing and stables.

4 ~~(3) and~~ Limited livestock raising and keeping as follows: one livestock unit for each acre of lot area.

Commented [DG92]: Simplification and separated for clarity

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

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

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

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

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

12 ~~(2) Class B highway (County trunk): 83 feet from center line or 50 feet from lot line, whichever measures~~  
13 ~~furthest into the lot.~~

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

16 ~~(4) Front lot line:~~

17 ~~(a) Subject to Subsection E(1), (2) and (3) for all structures.~~

18 ~~(5)~~ Rear lot line.

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

20 (b) Detached accessory building: 10 feet.

21 ~~(c) Structures that house farm animals: 50 feet.~~

22 ~~(2)~~ Side lot line: 10 feet for all structures except as provided in subparagraph (a) below.

23 (a) Structures that house farm animals: 100 feet.

Commented [DG93]: Added for neighbor protection

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

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

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

2 (b) Detached accessory structures: 35 feet.

3 (2) Exceptions. See § 405-14B.

4 ~~EG~~. Area requirements. (See also § 405-15.)

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

7 (2) Lot requirements. Newly created lots and lots or parcels remaining after a land division shall provide a  
8 lot area of not less than 4 acres and a minimum lot width of three hundred (300) feet at the building  
9 line. All lots shall meet the following minimum requirements:

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

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

Commented [DG94]: Simplification

12 ~~GH~~. Parking and access regulations. (See Article VII.)

13 ~~HI~~. Sign regulations. (See Article VIII.)

14 § 405-36 **R-3 Versatile Residential District.**

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

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

18 (1) Single-family ~~homes and sectional and~~ dwellings and nonsectional manufactured homes as defined in  
19 § 405-9.

Commented [DG95]: Simplification

20 (2) Home occupations and professional home offices.

21 (3) Essential services.

22 ~~(4) Recreational vehicles pursuant to § 405-17.~~

23 ~~(45)~~ Camping (see § 405-17).

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

26 (1) Commercial recreational facilities such as swimming pools, tennis or golf clubs, or lakeshore boating  
27 spaces, intended to serve more than only residents of a manufactured home park.

- 1 (2) Community-based residential group home facilities and day care.
- 2 (3) Manufactured home parks, including common open and recreational space and management office. (See  
3 405-47 for additional requirements)

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

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

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

9 ~~(2) Class B highway (County trunk): 83 feet from center line or 50 feet from lot line, whichever measures~~  
10 ~~furthest into the lot.~~

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

13 ~~(4) Front lot line: 30 feet for all structures.~~

14 (15) Rear lot line:

15 (a) 30 feet for dwelling and attached accessory structures,

16 (b) 10 feet for detached accessory building.

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

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

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

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

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

22 (b) Detached accessory structures: ~~2025~~35 feet.

23 (2) Exceptions. See § 405-14B.

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

25 (1) Maximum ground coverage. The total ground area occupied by any principal building with all its

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1 accessory buildings shall not exceed the following percentage of total lot area: 20%.

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

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

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4 [1] Project area: minimum five acres.

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5 [2] Dwelling lot area: minimum 10,000 square feet.

6 [3] Dwelling lot width: minimum 100 feet.

7 (b) Conventional individual residential lot:

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8 [1] Area: Newly created lots and lots or parcels remaining after a land division shall provide a lot  
9 area of not less than 20,000 square feet and a minimum lot width of one hundred (100) feet at the  
10 building line, minimum of 20,000 square feet.

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11 ~~[2] Width: 100 feet measured at the front yard setback line.~~

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

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

14 § 405-37 PR Planned Residential Community District.

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

19 B. Permitted uses.

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

21 (a) Single-family ~~residential and seasonal dwellings~~ dwellings.

Commented [DG97]: No distinction

22 C. Conditional uses.

23 (1) The following uses may be permitted following County Planning and Zoning Committee review and  
24 approval (~~see also § 405-21A and Subsection I of this section is required as well as the requirements of~~  
25 Chapter 391 for application and review requirements):

26 (a) Boating and fishing supply sales.

27 (b) Campgrounds and recreational vehicle parks.

- 1 (c) Camping supply sales.
- 2 (d) Multifamily dwellings.
- 3 (e) Food stores.
- 4 (f) Marinas.
- 5 (g) Public or private parks, recreation areas, and community buildings.
- 6 (h) Recreational buildings and recreational or educational camps.
- 7 (i) Service stations.
- 8 (j) Restaurants.
- 9 (k) Hotels.

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

**Commented [DG98]:** Addressed by another ordinance

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

- 1 (h) The provision of adequate open space for both active and passive recreation, the provision of public  
2 access to streams and bodies of water, the preservation of environment and aesthetic values, the  
3 provision of adequate and appropriate arrangements for the continuing preservation of the aforesaid  
4 features, including legal restrictions and other legal devices, and the provision of adequate and  
5 appropriate institutional arrangements for continued maintenance.
- 6 (i) The long-term economic stability of the proposed development and its economic impact on other  
7 properties in the vicinity
- 8 (j) The presentation of an adequate and practicable implementation schedule for completion of the  
9 development, whether by stages or all in one period, in order to ensure that the adverse results of failure  
10 to complete the development may be effectively avoided.

11 D. Yard requirements. All uses shall meet the following minimum setback requirements around the  
12 perimeter of the development project. Other yard requirements may be as established by the approved  
13 project plan. (See also § 405-13.)

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

16 ~~(2) Class B highway (County trunk): 83 feet from center line or 50 feet from lot line, whichever measures~~  
17 ~~furthest into the lot.~~

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

20 (4) Side yard: 30 feet.

21 (5) Rear yard: 30 feet.

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

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

25 (2) Detached accessory buildings: ~~20~~2535 feet.

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

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

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

1 (a) Minimum area: Newly created lots and lots or parcels remaining after a land division shall provide a lot  
2 area of not less than five (5) acres and a minimum lot width of 200 hundred feet at the building line. ~~five-~~  
3 ~~acres.~~

Commented [DG99]: Simplification

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

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

8 G. Parking and access regulation. (See Article VII.)

9 H. Sign regulation. (See Article VII.)

10 I. Additional application requirements.

11 (1) In addition to the application requirements contained in § 405-21A of this chapter, all applications for  
12 PR Planned Residential Community shall include the following:

13 (a) The applicant for a change in zoning to Planned Residential Community must satisfy the County  
14 Planning and Zoning Committee that it has the ability to carry out the proposed plan and prepare and  
15 submit a schedule for construction.

16 (b) The applicant shall prepare and submit a preliminary development plan for review by the County  
17 Planning and Zoning Committee which shall include, but not be limited to, the following:

18 [1] A topographic map showing contours at intervals of two feet or less.

19 [2] A plot plan showing:

20 [a] Building location on the tract.

21 [b] Access for streets.

22 [c] Parking arrangements and number of spaces.

23 [d] Interior drives and service area.

24 [e] Area set aside for common open space.

25 [f] Existing wooded areas and unique natural features.

26 [3] Location map showing present zoning, use, and character of adjacent property and property boundary.  
27 Distances from existing community facilities should be indicated.

- 1 [4] A map showing the general arrangement of streets, both public and private.
- 2 [5] A map showing the drainage plan for the development and location of all adjacent water resources.
- 3 [6] A map showing the location of the proposed sewage disposal system, water system, and other utilities.
- 4 (c) Upon approval of the preliminary development plan, the applicant shall:
  - 5 [1] Prepare and submit a final development plan which shall include:
    - 6 [a] Approval of water supply.
    - 7 [b] Approval of sewage collection and disposal system.
    - 8 [2] Incorporate all changes and alterations requested in the preliminary plan.
  - 9 (2) In the event that, within 36 months following approval by the governing body, the applicant has not  
10 completed the planned roads and related utilities and open space improvements of the approved first  
11 phase in accordance with the plans so approved, the County Planning and Zoning Committee shall  
12 initiate action to review and determine if extension is justified or if recommendation for rezoning is to  
13 be made by the governing body.

14 § 405-38 **B-1 Rural Business District.**

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

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

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

28 (1) Retail establishments.

29 (2) Community and customer service establishments, which includes:

**Commented [DG100]:** Was a single sentence listing all items. Separated for simplicity

- 1 ~~(a)~~ Financial and other personal services, including funerals;
- 2 ~~(b)~~ Consumer item repairs, including motor vehicle sales and service;
- 3 ~~(c)~~ Eating and drinking establishments;
- 4 ~~(d)~~ Overnight lodging (hotel, motel, resort cabin and similar);
- 5 ~~(e)~~ Indoor commercial recreation, such as bowling alleys and theaters; and
- 6 ~~and (f)~~ Clubs, lodges or other meeting places or halls.
- 7 (3) Offices for the professions, insurance, utilities, studios, medical clinics, veterinarian (no outdoor
- 8 keeping of animals) and other businesses.
- 9 (4) Automobile drive-through establishments where the service rendered or product sold is provided for
- 10 each customer while he remains in or near his vehicle, and provided one or a few vehicles at a time are
- 11 served, in contrast with an outdoor theater where all customers are served at once.
- 12 (5) Wholesaling or warehousing uses serving a broad range of consumers, including residents and
- 13 contractors, including rental storage units.
- 14 (6) Commercial storage buildings (Including mini-warehouses).
- 15 (7) Existing residences and proposed accessory uses and structures thereto located within the district shall
- 16 be considered conforming.
- 17 (8) New ~~residences~~ single family dwellings which are solely accessory to a permitted use, such as one
- 18 provided for an owner or caretaker of a business located on the same parcel.
- 19 C. Conditional uses. The following uses may be permitted after review and approval by the County
- 20 Planning and Zoning Committee ~~(see § 405-21 for application and review requirements)~~:
- 21 (1) Auto salvage yards.
- 22 (2) Contractor equipment and supply storage yards.
- 23 (3) Remote propane and electric substations.
- 24 (4) Day-care facilities for children or adult community-based residential facilities.
- 25 (5) Manufacturing related to the sale or services of the principal use, such as cabinet or HVAC fabrication
- 26 shops.
- 27 (6) Outdoor recreation facilities, including campgrounds, ~~recreational vehicle parks~~, drive-in theaters,

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Commented [DG101]: Added to clearly state they are allowed.

1 amusement parks, commercial recreation fields, golf driving ranges, shooting ranges, and race tracks.

2 (7) Truck terminals, or truck service facilities involving washing or vehicle repair.

3 (8) Veterinarian services involving outdoor keeping of patient animals.

4 (9) Commercial Kennels.

**Commented [DG102]:** Added to more clearly define kennel/animal usage. In conjunction with other changes.

5 (10) Commercial feed storage involving retail or wholesale sales, as contrasted with storage accessory to a  
6 farm.

7 D. Yard requirements.

8 (1) In existing settlements involving a series of established substandard parcels, businesses and other uses  
9 which were built with little or no setbacks and side yards, existing distances shall be considered  
10 conforming to this chapter; additions to such uses or new construction mingled among such uses shall  
11 be reviewed under Subsection I below as to the desirability and feasibility of achieving greater  
12 distances, including averaging existing and required distances of Subsection D(4) herein. Note:  
13 Situation example: Grand Marsh.

14 ~~(2) Isolated existing individual businesses constructed along the road network with little or no setbacks or  
15 other yards shall be considered nonconforming uses under Article IX of this chapter.~~

**Commented [DG103]:** Unclear as to the meaning of this section

16 ~~(3)~~ A zero setback may be approved for intended common wall building construction or shared parking and  
17 cross lot drives.

18 (4) Building All uses shall meet the following minimum setback requirements unless exempted in (D)(1)  
19 and (D)(2): ~~(business and residential).~~

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

22 ~~(b) Class B highway (County trunk): 83 feet from center line or 50 feet from lot line, whichever measures  
23 furthest into the lot.~~

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

26 (da) Side yard: 30 feet.

27 (eb) Rear yard: 30 feet.

28 (5) Parking lot.

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

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

- 4 E. Height regulations. (See also § **405-14**.) All buildings or structures shall not exceed 35 feet.
- 5 F. Structure area requirements.
- 6 (1) Commercial building structure area (detached): minimum 400 square feet.

~~(2) Residential building structure (noncommercial use): minimum 720 square feet. (See "single family dwelling" definition.)~~

Commented [DG104]: Redundant

- 9 G. Area requirements.
- 10 (1) Maximum ground coverage. The total ground area occupied by any principal building with all its
- 11 accessory buildings shall not exceed 30% of total lot area.

~~(2) Lot area: Newly created lots and lots or parcels remaining after a land division shall provide a lot area of not less than 20,000 square feet and a minimum lot width of one hundred (100) feet at the building line. minimum of 20,000 square feet excluding access strips.~~

~~(3) Lot width: minimum of 100 feet measured at the building site.~~

Commented [DG105]: Simplification

- 16 H. Parking, loading, and access regulations. (See Article **VII**.)
- 17 I. Sign regulations. (See Article **VIII**.)
- 18 J. Special requirements.
- 19 (1) No use in this district requiring a building or zoning permit shall be approved until a building and site
- 20 plan review and approval has first taken place by the County planning and highway staffs. Persons not
- 21 satisfied with the requirements proposed to be imposed upon the use as a result of said staff review may
- 22 seek modifications of the conditions by the County Planning and Zoning Committee. Said staff may
- 23 consult with the Wisconsin Department of Transportation in arriving at standards and conditions as will
- 24 promote a safe and efficient public highway system.
- 25 (2) The review described in Subsection I(1) above shall be concerned with, and be limited to, the number
- 26 and location of driveways, with a view to reducing the number and increasing the spacing thereof; the
- 27 type and amount of landscape and signing to help define proper use of driveway openings; positioning
- 28 of the buildings and their entrances (including lateral access into parking areas) to make effective and

1 safe use of the highway access points; and achieving cross access between adjacent properties to  
2 discourage unnecessary vehicular movement on the public highway in order for vehicles to travel  
3 between uses. Frontage or rear access roads and shared driveways may be required.

4 § 405-39 **I-1 Industrial District.**

5 A. Purpose and intent.

- 6 (1) It shall be the purpose of the Industrial District to provide areas for manufacturing and related uses and  
7 employment which areas would be both desirable for such uses and yet not detrimental to the subject  
8 site or surrounding areas by reason of vibration, contamination of surface or ground waters or of the air  
9 from dust, smoke, fumes, odor, or noise, or of harm to property values, health, safety, prosperity,  
10 aesthetics and general welfare by virtue of the foregoing or for reasons including harm to public safety  
11 or general welfare due to traffic, loading or industry-specific characteristics (see also Subsection I).
- 12 (2) Plan. In order to determine that none of the deleterious factors listed in Subsection **A(1)** preceding are  
13 likely to be present, no permit for a use or expansion thereof in this district shall be granted until a plan  
14 for the use has first been submitted by the applicant and reviewed and approved by the staffs of the  
15 County Planning and Zoning Department and the County Highway Commissioner's office. Such  
16 reviews shall be made expeditiously, on forms or other uniform basis, dealing with the building, site and  
17 operations of the proposed use, and may include conditions of approval. Applicants unsatisfied with  
18 denials or with the conditions of approval may seek review and modification by the County Planning  
19 and Zoning Committee.
- 20 B. Permitted uses (including usual accessory parking and signs) subject to Subsection **A(2)** above.
- 21 (1) Manufacturing, assembly, fabrication, and processing operations, including related materials and  
22 product storage and warehousing, where the factors of Subsection **A(1)** would not be violated.
- 23 (2) Transportation terminals, including trucking and railroading, and related transportation services,  
24 including accessory sale of fuel or service, overnight lodging, and eating facilities oriented to trucks.
- 25 (3) General warehousing.
- 26 (4) Commercial or service uses that are oriented to serve industrial functions and which prefer to locate  
27 within an industrial area, such as restaurants, professional offices, and highway service uses such as  
28 those listed in Subsection **B(2)**, but which also serve passenger automobiles.
- 29 (5) Public utility offices and installations, including service yards.
- 30 (6) Retail uses which by virtue of their extensive outdoor storage or display of product prefer to locate in a  
31 industrial area, including building supply, contractor or farm equipment, recreational or manufactured  
32 home (Note: See definition of "manufactured home") sales, and similar uses.
- 33 (7) Sexually oriented businesses.

1 (8) Existing residences, accessory uses and structures, and offices thereto located within the district shall be  
2 considered conforming.

**Commented [DG106]:** Added to more resemble B1 district

3 (9) New single family dwellings and offices which are solely accessory to a permitted use, such as one  
4 provided for an owner or caretaker of a business located on the same parcel.

**Commented [DG107]:** Added to more resemble B1 district

6 ~~(8) Offices or owner/caretaker residence accessory to any of the above uses.~~

7 (10~~9~~) Zoo.

8 C. Conditional uses; standards.

9 (1) Conditional uses.

10 (a) Day-care facilities for the children or older adult relatives of employees or other community residents,  
11 where the location within an industrial area is convenient and yet not detrimental to the day care  
12 occupants.

13 (b) Auto or equipment salvage yards, provided that the conditions include adequate protective measures to  
14 prevent surface or ground water contamination by petroleum products, acids, rust, and other  
15 contaminants associated with such yards, as well as visual screening necessary to shield product storage  
16 areas.

17 (c) Stockyards or related facilities that process livestock, wherein violation of the standards of the intent of  
18 this district is a high probability, but where through location, and agreement on special conditions, the  
19 use might become acceptable.

20 (d) Commercial Kennels.

**Commented [DG108]:** Added to more clearly define kennel/animal usage. In conjunction with other changes.

21 (2) Standards applicable to conditional uses. The County Planning and Zoning Committee shall review uses  
22 proposed for this district with regard to such matters as the purpose and intent of this district [see  
23 Subsection A(1)] as well as:

24 (a) The creation of nuisance conditions for the public or for users of nearby areas.

25 (b) The creation of traffic hazards.

26 (c) The creation of health hazards.

27 (d) Other factors affecting the general welfare.

28 D. Yard requirements. All uses shall meet the minimum setback requirements below and the applicable

1 requirements in § 405-13.

2 (1) Building:

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

5 ~~(b) Class B highway (County trunk): 83 feet from center line or 50 feet from lot line, whichever measures~~  
6 ~~furthest into the lot.~~

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

9 (d) Side yard: 50 feet.

10 (e) Rear yard: 50 feet.

11 (2) Parking lot.

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

13 (b) Side yard: 10 feet.

14 (c) Rear yard: 30 feet.

15 E. Height requirements. (See also § 405-14.) All buildings or structures shall not exceed 45 feet.

16 F. Area requirements. (See also § 405-15.) The total ground area occupied by any principal building with  
17 all its accessory buildings shall not exceed 35% of total lot area.

18 G. Parking, loading, and access requirements. (See Article VII.)

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

20 I. Special regulations.

21 (1) Where a use in this district adjoins or is opposite an agricultural, residential, conservancy, or public and  
22 semi-public district, a landscaped open area, screen planting, or solid decorative fence shall be required.

23 (2) Performance standards to be enforced.

24 (a) Air pollution. No activity shall emit any fly ash, dust, fumes, vapors, smoke, mists or gases in such  
25 quantities as to cause soiling or danger to the health of persons, animals, vegetation or other forms of  
26 property. No activity shall emit any liquid or solid particles in concentrations exceeding 0.3 grain per  
27 cubic foot of the conveying gas nor any color visible smoke equal to or darker than number two on the

1 Ringelmann Chart described in the United States Bureau of Mines Information Circular 8333.

2 (b) Electromagnetic emissions. No activity shall emit electrical, radioactive or other electromagnetic  
3 disturbances outside its premises that are dangerous to plant or animal life as determined by applicable  
4 federal or state regulation or which adversely affect the use of neighboring premises such as by  
5 interfering with the use or enjoyment of common household and business equipment such as radio,  
6 television, telephone, computer or facsimile operations.

7 (c) Fire and explosive hazards. All activities involving the manufacturing, utilization, processing or storage  
8 of flammable and explosive materials shall be provided with adequate safety devices against the hazard  
9 of fire and explosion with adequate fire-fighting and fire-suppression equipment and devices that are  
10 standard in the industry. All materials that range from active to intense burning shall be manufactured,  
11 utilized, processed and stored only in completely enclosed buildings which have incombustible exterior  
12 walls and automatic fire-extinguishing system. The aboveground storage capacity of materials that  
13 produce flammable or explosive vapors shall not exceed the following:

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

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

18 (e) Noise.

19 [1] At the property line, the maximum sound-pressure level radiated in each standard octave band by any  
20 use or facility (other than transportation facilities or temporary construction work) shall not exceed the  
21 values for octave bands lying within the several frequency limits given in Table I after applying the  
22 corrections shown in Table II. The sound-pressure level shall be measured with a sound-level meter and  
23 associated octave band analyzer conforming to standards prescribed by the American Standards  
24 Association, Inc., New York, New York, and American Standard Specification for an Octave-Band  
25 Filter Set for the Analysis of Noise and Other Sounds, 224.101953, or latest approved revision thereof,  
26 American Standards Association, Inc., New York, New York, shall be used.

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

Table I	
Frequency Ranges Containing Standard Octave Bands in Cycles Per Second	Octave Band Sound Pressure Level in Decibels re 0.0002 dyne/cm
Above 2,400	35

1 [2] If the noise is not smooth and continuous and is not radiated between the hours of 10:00 p.m. and 7:00  
 2 a.m. one or more of the corrections in Table II shall be applied to the octave band levels given in Table  
 3 I.

Table II	
Type or Location of Operation or Character of Noise	Correction in Decibels
Daytime operation only	5
Noise source operates less than:	
20% of any 1-hour period	5
5% of any 1-hour period	10
Noise of impulsive character (hammering, etc.)	-5
Noise of periodic character	-5
Property is located in any I-1 District and is not within 200 feet of any R District	10

\* Apply one of these corrections only

- 4 (f) Odors. Except for agricultural uses no activity shall emit any odorous matter of such nature or quantity  
 5 as to be offensive, obnoxious or unhealthful outside its premises. The guide for determining odor  
 6 measurement and control shall be Ch. NR 429, Wis. Adm. Code, and amendments thereto.
- 7 (g) Vibrations. No activity in any district except the I-1 District and quarrying operations if so approved  
 8 shall emit vibrations which are discernible without instruments outside its premises. No activity in the I-  
 9 1 District and quarrying operations if so approved shall emit vibrations which exceed the following  
 10 displacement measured with a three-component measuring system:

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

11 (h) Water quality protection.

12 [1] Surface and subsurface waters protected. No activity shall locate, store, discharge or permit the  
 13 discharge of any treated, untreated or inadequately treated liquid, gaseous or solid materials of such

1 nature, quantity, obnoxiousness, toxicity or temperature that would be likely to run off, seep, percolate  
2 or wash into surface or subsurface waters as to contaminate, pollute or harm such waters or cause  
3 nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor,  
4 taste or unsightliness, or be harmful to human, animal, plant or aquatic life.

5 [2] Minimum standards. In addition to Subsection I(2)(h)[1] above, no activity shall discharge any liquid,  
6 gaseous or solid materials so as to exceed or contribute toward the exceeding of the minimum standards  
7 and those other standards and the application of those standards set forth in Ch. NR 102, Wis. Adm.  
8 Code, and amendments thereto for all navigable waters in the County.

9 **§ 405-40 WC Wetland Conservation Overlay District.**

10 A. Purpose and intent.

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

20 B. Permitted uses.

- 21 (1) Permitted principal uses.
- 22 (a) Agricultural uses, provided that they do not involve extensions of cultivated areas or extension of or  
23 creation of new drainage systems, and further provided that they do not substantially disturb or impair  
24 the natural fauna, flora, topography, or water regimen.
- 25 (b) Fishing.
- 26 (c) Grazing in dry conditions.
- 27 (d) Hunting if permitted under other County laws.
- 28 (e) Preservation of scenic, historic and scientific areas.
- 29 (f) Public fish hatcheries.
- 30 (g) Public or private parks, where left in a natural, undeveloped, open space use.

- 1 (h) Sustained yield forestry if conducted under a United States Natural Resources Conservation Service  
2 management plan.
- 3 (i) Stream, bank and lakeshore protection.
- 4 (j) Water retention and wildlife preserves.
- 5 (2) Permitted accessory uses.
- 6 (a) Structures accessory to principal uses, not intended for human habitation or the confined housing of  
7 animals or livestock, such as fences and elevated nature trail walkways.
- 8 C. Conditional uses. No conditional uses shall be permitted in this district except:
- 9 (1) Sod farming.
- 10 (2) Utility facilities (except buildings and substations) such as underground watertight conduits, telephone  
11 and electric poles, etc.
- 12 (3) Public road crossings of the wetland, provided that other routes have first been studied and discarded,  
13 and provided that the construction technique and final roadway design used will not permanently impair  
14 the overall function of the wetland being crossed. Where some permanent damage appears unavoidable,  
15 the Planning and Zoning Committee, if satisfied the crossing is in the public interest, may require  
16 compensating measures which create at least an equal amount of wetlands nearby or elsewhere, or  
17 which preserve an equal or larger area of wetland nearby or elsewhere which is otherwise not protected.
- 18 D. Special regulations.
- 19 (1) Where a lot or parcel of land is located partially within this district and partially within an adjoining  
20 district having minimum land area or open space requirements to meet the standards of that district, that  
21 portion of said lot or parcel which falls within this district may be counted toward said standard but not  
22 to exceed 40% of said standard, and provided that the physical arrangement of the wetland does not  
23 preclude satisfactory positioning of the lot or parcel.
- 24 (2) On-site well and sewage disposal prohibited. No private well used to obtain water for human  
25 consumption nor soil absorption sewage effluent treatment system or holding tank shall be placed within  
26 this district.
- 27 E. Yard requirements. Underlying district requirements shall apply.
- 28 F. Height requirements. Underlying district requirements shall apply.
- 29 G. Area requirements. Underlying district requirements shall apply.

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

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

6 § 405-41 **PSP-1 Public and Semi-Public District.**

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

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

- 10 (1) Public and private schools, colleges, and universities.
- 11 (2) Monasteries.
- 12 (3) Public libraries and museums.
- 13 (4) Public administrative offices, town halls, and public service buildings, including well pump houses and  
14 police and fire stations.
- 15 (5) Historic or archaeological sites or structures and nature centers.
- 16 (6) Public parks, playgrounds, play fields, campgrounds, recreational vehicle parks, swimming pools and  
17 beaches.
- 18 (7) Hospitals, sanitariums, rest homes, nursing homes, home for the aged, and children's nurseries.
- 19 (8) Public hunting grounds.
- 20 (9) Churches.

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

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

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

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

5 ~~(2) Class B highway (County trunk): 83 feet from center line or 50 feet from lot line, whichever measures  
6 furthest into the lot.~~

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

9 (4) Side yard: 30 feet.

10 (5) Rear yard: 30 feet.

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

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

13 (1) Maximum ground coverage. The total ground area occupied by any principal building with all its  
14 accessory buildings shall not exceed 25% of total lot area.

15 (2) Lot requirements. Newly created lots and lots or parcels remaining after a land division shall provide a  
16 lot area of not less than 20,000 square feet and a minimum lot width of one hundred (100) feet at the  
17 building line.

18 ~~All uses shall meet the following minimum lot requirements:~~

19 ~~(a) Lot area: 20,000 square feet.~~

20 ~~(b) Lot width: 100 feet.~~

21 G. Parking, loading, and access requirements. (See Article VII.)

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

23 § 405-42 **UCO Uplands Conservancy Overlay District.**

24 A. Purpose and intent. The purpose of this district is to preserve environmentally important upland areas,  
25 such as woodlands, or sensitive areas such as erodible steep slopes, by minimizing the impacts of  
26 farming and development on such lands, while allowing some economic use of the lands. Due to the  
27 variety of underlying zoning districts that will fall within this overlay, and the varying soil and woodlot  
28 conditions, zoning and building permits for uses within this overlay will require building and site plan  
29 review.

Commented [DG109]: Simplification

- 1 B. Permitted uses. All permitted and accessory uses as allowed in the underlying zoning are permitted in  
2 this overlay, as long as the uses are adapted to the basic intent of preserving, as much as possible, the  
3 natural conditions falling within this overlay. For example, development lots should be arranged so that  
4 overlay lands fall undisturbed in rear or side yards, enlarged as necessary to protect the overlay lands.  
5 Farming uses should be very low intensity, such as wild crop harvesting, tree farming, and similar uses  
6 as best management practices would indicate, as published by the United States Natural Resources  
7 Conservation Service, and similar organizations.
- 8 C. Conditional uses. All uses permitted conditionally by the underlying zoning district are permitted  
9 conditionally in this overlay, provided that the existence of this district is taken into account as part of  
10 setting the conditions of use, so that the essential preservation of these overlay lands is recognized.
- 11 D. Yard requirements, area requirements, and parking and access regulations. Yard and area requirements  
12 established by Article III and parking and access standards of Article VII, as made applicable to uses  
13 permitted by the underlying zoning, apply in this overlay, except that requirements may be enlarged and  
14 standards increased as necessary to minimize intrusion into lands being protected by this overlay.
- 15 E. Special requirements.
- 16 (1) No use permitted by the underlying zoning which use falls within this overlay district shall be issued a  
17 building or zoning permit until a building and site plan review has first taken place by the County  
18 planning staff, or their designee, for the portion of it falling within this overlay. Persons not satisfied  
19 with the requirements proposed to be imposed as a result of said review may seek relief from the County  
20 Planning and Zoning Committee, and the ruling of that Committee may be appealed to the Board of  
21 Adjustment.
- 22 (2) The initial review and subsequent requests for relief and appeal shall be guided by these principles:
- 23 (a) Minimized destruction. Is the use being designed or conducted in such a way as to least disturb the  
24 resource placed in the overlay.
- 25 (b) Cluster-repositioning. Would modifying the underlying zoning area requirements allow placement of  
26 activity or development away from the most sensitive areas.
- 27 (c) Replacement. Where some resource destruction is unavoidable, can it be replaced elsewhere on or near  
28 the property; for example, reforestation to replace lost woodlands.
- 29 (3) Plan reviews that involve modification under Subsection E(2)(b) to underlying area requirements shall  
30 require approval of the Planning and Zoning Committee, and aggrieved parties may appeal those  
31 modifications to the Board of Adjustment.

32 ~~§ 405-43 SPO Shoreland, Wetland and Habitat Protection and Floodplain Overlay District.~~

33 ~~A. Purpose and intent.~~

Commented [DG110]: Unnecessary and causes confusion.

1 ~~(1) Purpose. The purpose of this district is to assure that areas in the Shoreland Protection overlay comply~~  
2 ~~with the requirements for both the underlying zoning district and the requirements of Chapter 370,~~  
3 ~~Floodplain Zoning, and Chapter 396, Shoreland, Wetland and Habitat Protection, of this Code.~~

4 ~~(2) Intent. This district is intended to include all areas regulated by either Chapter 370, Floodplain Zoning,~~  
5 ~~or Chapter 396, Shoreland, Wetland and Habitat Protection, of this Code.~~

6 ~~B. Permitted uses. Those uses which are:~~

7 ~~(1) Permitted by both Chapter 370, Floodplain Zoning, and Chapter 396, Shoreland, Wetland and Habitat~~  
8 ~~Protection, of this Code and also by the underlying district.~~

9 ~~(2) Permitted by the underlying district and have been granted a special exception permit and/or variance~~  
10 ~~under Chapter 370, Floodplain Zoning, or Chapter 396, Shoreland, Wetland and Habitat Protection, of~~  
11 ~~this Code.~~

12 ~~C. Conditional uses. Those uses which are:~~

13 ~~(1) Permitted by both Chapter 370, Floodplain Zoning, and Chapter 396, Shoreland, Wetland and Habitat~~  
14 ~~Protection, of this Code are conditional uses in the underlying district.~~

15 ~~(2) Conditional uses in the underlying district which have been granted a special exception permit and/or~~  
16 ~~variance under Chapter 370, Floodplain Zoning, or Chapter 396, Shoreland, Wetland and Habitat~~  
17 ~~Protection, of this Code.~~

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

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

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

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

24 **§ 405-44 LNO Landfill Notification Overlay District.**

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

29 (1) Liability disclaimer.

30 (a) By placing lands in this district, the County does not claim a hazard actually exists, only that extra care

1 should be taken in making use of the waters on or under these lands for agriculture, or for human or  
2 animal consumption, and to alert owners to the possible need for special state permits to drill and use  
3 water from wells falling within this area.

- 4 (b) By excluding lands from this district, the County does not certify that lands falling just outside the  
5 district are necessarily free from the hazards of the subject landfill. Excluding lands near a landfill from  
6 this district only indicates that criteria being followed by the County, such as Wisconsin Department of  
7 Natural Resources radius lines, or groundwater hydrological studies, do not support placing the land in  
8 the district. As new studies from time to time suggest expanding or contracting the limits of this district,  
9 the County reserves the right to make adjustments in the district's boundaries, as a service to the public.

10 ~~B. Permitted uses. All permitted and accessory uses as allowed by the underlying zoning, provided that~~  
11 ~~necessary state permits for well water usage have been obtained.~~

12 ~~C. Conditional uses. All uses permitted as conditional uses by the underlying zoning, provided that~~  
13 ~~necessary state permits for well water usage have been obtained. Failure to obtain such permits, or a~~  
14 ~~positive finding with regard to Subsection A(1) above, may be sufficient grounds for denial or~~  
15 ~~modification of a conditional use application.~~

**Commented [DG111]:** Purpose statement says to alert landowners. Should not be regulatory.

16 § 405-45 WPO Wellhead Protection Overlay District.

17 A. Purpose and intent. This district is intended to protect from contamination the groundwater recharge  
18 zone of existing and planned municipal ground water wells, which wells supply the potable water to  
19 many residential, business, institutional and other utility customers. This district is necessary because  
20 the Water Utility by geological necessity must draw its water from the ground levels lying closest to the  
21 surface, which grounds contain soil types which rapidly transmit pollutants, thereby threatening the  
22 entire groundwater supply being drawn upon by the municipal wellhead.

- 23 (1) Supremacy of this district. The choice of regulation employed via this overlay district is to entirely  
24 prohibit certain uses that otherwise may be permitted by basic and other overlay districts falling within  
25 the confines of this overlay district. The regulations of this district shall supersede the regulations of all  
26 other such districts occupying the same geographic area.
- 27 (2) Uses prohibited. The uses prohibited by this district have been identified in geologic surveys as risks for  
28 groundwater contamination. This method of regulation by complete prohibition is employed to provide  
29 the greatest assurance that inadvertent discharge of pollutants into the groundwater supply will not  
30 occur, since groundwater cleanup is often prohibitively expensive, and liability for such cleanup is often  
31 hard or impossible to establish.
- 32 (3) Use list not exhaustive. The uses prohibited by this district represent the state of present knowledge and  
33 most common description of said uses. As other polluting uses are discovered, or other terms of  
34 description become necessary, it is the intention to add them to the list of uses prohibited by this district.  
35 To screen for such other uses or terms for uses, no use shall be permitted in this district without first  
36 submitting its building, site and operational plans for review and approval by the County Planning and

1 Zoning Department.

2 (4) Changing technology. The uses prohibited by this district are prohibited based upon the combined  
3 pollution experience of many individual uses, and the technology generally employed by that class of  
4 uses, which technology causes the uses as a class to be groundwater pollution risks. As the technology  
5 of identified use classes changes to nonrisk materials or methods, upon petition from such a use, and  
6 after conferring with expert geological and other opinion, it is the intention to delete from the prohibited  
7 list, or allow conditionally, uses which demonstrate convincingly that they no longer pose pollution  
8 hazard.

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

16 B. Permitted and prohibited uses.

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

**List of Prohibited Uses**

- Animal waste storage areas and facilities
- Asphalt ingredients storage or processing plants
- Automobile or truck fuel sales or service stations
- Automobile or truck laundries
- Building materials and products storage yards
- Cartage facilities, truck terminals
- Cemeteries
- Chemical storage, sale, processing or manufacturing plants
- Dry-cleaning establishments
- Electronic circuit manufacture or assembly plants
- Electroplating operations
- Exterminating supply, storage, or application shops
- Fertilizer manufacturing or storage operations
- Foundries and forge plants
- Garages for repair and servicing of motor vehicles, including body repair, painting, or engine rebuilding
- Highway salt storage areas
- Industrial liquid waste storage areas
- Junk/recycling yards, motor vehicle salvage yards
- Landfills, areas for dumping or disposal of garbage, refuse, trash or demolition material
- Metal reduction and refinement plants

**List of Prohibited Uses**

- Mining operations
- Motor and machinery service and assembly shops
- Motor freight terminals
- On-site soil absorption sewage treatment systems on new lots under 40,000 square feet
- Paint products manufacturing
- Petroleum products storage or processing
- Photography studios, involving the developing of film or pictures
- Plastics manufacturing
- Printing and publishing establishments
- Pulp and paper manufacturing
- Septage and municipal sewage sludge disposal sites
- Storage, manufacturing or disposal of toxic or hazardous materials
- Underground petroleum products storage tanks for industrial, commercial, residential or other uses (see also petroleum products storage or processing)
- Woodworking and wood products manufacturing

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

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

13 § 405-46 **AHO Airport Height Overlay District.**

14 A. Purpose and intent.

15 (1) Purpose. The purpose of this district is to regulate the height of structures and trees and the use of  
16 property in the vicinity of Adams County Legion Field, Adams County, Wisconsin, pursuant to  
17 Wisconsin Bureau of Aeronautics guidelines.

18 (2) Definitions. As used in this section, unless the context otherwise requires, the following terms shall have  
19 the meanings indicated:

20 **AIRPORT**

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

23 **AIRPORT COMMISSION**

1 The Adams County Legion Field Airport Commission or designee.

2 **AIRPORT HAZARD**

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

6 **BOARD OF ADJUSTMENT**

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

9 **NONCONFORMING USE**

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

12 **OVERLAY DISTRICT**

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

15 **PERSON**

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

18 **RUNWAY**

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

21 **STRUCTURE**

22 Any object constructed or installed by man.

23 **TREE**

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

26 **ZONE**

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

29 (3) Zones. All zones established by this section are as shown on the Wisconsin Bureau of Aeronautics  
30 Height Limitation Zoning Map dated July 24, 2007, within a three-mile radius of Adams County Legion  
31 Field, titled "Height Limitation Zoning Map, Adams County Legion Field, Friendship, Wisconsin,"  
32 which is attached hereto and adopted as part of this section.

**Commented [112]:** Editor's Note: The Height Limitation Zoning Map is on file with the Planning and Zoning Department.

1 (a) Height limitation zones. Except as otherwise provided in this section, no structure shall be constructed,  
2 altered, or located or permitted to remain after such construction, alteration or location, and no trees  
3 shall be allowed to grow, to a height in excess of the height limit indicated on the Height Limitation  
4 Zoning Map.

5 B. Use restrictions.

6 (1) Activities. Notwithstanding the provisions of Subsection **A(3)** of this section, no use may be made of  
7 land in any underlying zone in such a manner as to create electrical interference with radio  
8 communication between the airport and aircraft, or make it difficult for pilots to distinguish between  
9 airport lights and others, or result in glare in the eyes of pilots using the airport, or impair visibility in  
10 the vicinity of the airport or otherwise endanger the landing, taking off, or maneuvering of aircraft.

11 (2) Exceptions. The restrictions contained in Subsection **A(3)** shall not apply to objects which are less than  
12 35 feet in height above ground level at the object site.

13 C. Nonconforming uses; regulations not retroactive.

14 (1) The regulations prescribed in Subsection **A(3)** of this section shall not be construed to require the  
15 removal, lowering or other change or alteration of any existing nonconforming use, except as otherwise  
16 provided by Subsection **E(2)**.

17 (2) Changes. Nothing herein contained shall require any change in the construction, alteration or intended  
18 use of any structure, if the construction or alteration of such was begun prior to the effective date of this  
19 section, and if such is diligently prosecuted.

20 (3) Removal. This section shall not interfere with the removal of nonconforming uses by purchase or the  
21 use of eminent domain.

22 D. Administration. It shall be the duty of the Airport Commission to administer and enforce the regulations  
23 prescribed herein. Applications for permits shall be made to the Airport Commission or designee upon a  
24 form furnished by it. Applications which are by this section to be decided by the Airport Commission  
25 shall be granted or denied within 30 days of the date of filing of the application, unless Federal Aviation  
26 Administration approval is requested. There shall be no charge for permits issued by the Airport  
27 Commission; provided, however, that the site elevation data shall be the responsibility of the applicant.  
28 Applications requiring action by the Board of Adjustment shall be forthwith transmitted by the applicant  
29 to the Board for hearing and decision.

30 E. Permits.

31 (1) Future uses. No structure shall hereafter be constructed, erected or installed in any zone created by  
32 Subsection **A(3)** of this section until the owner or his agent shall have applied in writing for a permit  
33 therefor and obtained such permit from the Airport Commission. Said permit shall be posted in a  
34 prominent place on the premises prior to and during the period of construction, erection, installation or

1 establishment. Application for such permit shall indicate the use for which the permit is desired and  
2 shall describe and locate the use with sufficient particularity to permit the Airport Commission to  
3 determine whether such use would conform to the regulations herein prescribed. If such determination is  
4 in the affirmative, the Airport Commission shall issue the permit applied for.

5 (2) Existing uses. Before any nonconforming structure may be replaced, altered, or rebuilt, a permit shall be  
6 applied for and secured in the manner prescribed by Subsection E(1) above.

7 (a) Authorizing such change, replacement or repair. No such permit shall be denied if the structure will not  
8 become a greater hazard to air navigation than it was on the effective date of this section, or than it was  
9 when the application for permit was made. It will not be necessary to apply for a permit under this  
10 section for the construction of any new structure or the modification or reconstruction of any existing  
11 structures of industrial plants located within the area affected by this section provided they are of a  
12 height equal to or less than the maximum height of the present structures.

13 (3) Trees. In the event that the Airport Commission determines that a tree planted after the adoption of this  
14 section is in violation of the height restriction for the zone in which it is located, the Commission shall  
15 give written notice by certified mail to the landowner to take such steps as are necessary to bring said  
16 tree in compliance with this section within 10 days of said notice. The Airport Commission or its  
17 designated agent shall have the right to trim, prune, or remove said tree at the landowner's expense after  
18 said ten-day period if the owner has not acted.

19 F. Hazard marking and lighting. Any permit or variance granted under Subsection E or G may, if such  
20 action is deemed advisable by the Airport Commission to effectuate the purpose of this district and if  
21 such is reasonable in the circumstances, be so conditioned as to require the owner of the structure or  
22 trees in question to permit the owner of the airport, at its own expense, to install, operate, and maintain  
23 thereon such markers and lights as may be necessary to indicate to the flyers the presence of an airport  
24 hazard.

25 G. Board of Adjustment. The existing Adams County Board of Adjustment is a local body appointed by the  
26 County Board and is authorized by law in § 59.69, Wis. Stats., to hear appeals in matters relating to  
27 County zoning ordinances. Section 114.136(4), Wis. Stats., states that if the County has a zoning  
28 ordinance, then the Board of Adjustment shall be the board of appeals set up by such ordinance. The  
29 language of the statute is mandatory.

30 H. Appeals and review.

31 (1) Variances. Upon appeal in special cases the Board of Adjustment may, after investigation and public  
32 hearing, grant such variance from the terms of this section as will not be contrary to the public interest,  
33 where owing to special conditions a literal enforcement of this section would result in unnecessary  
34 hardship, and such relief will do substantial justice and be in accord with the spirit of this section, and  
35 does not create a hazard to the safe, normal operation of aircraft.

- 1 (2) Aggrieved person. Any person aggrieved or affected by any decision or action of the Airport  
2 Commission made in its administration of this section may appeal such decision or action to the Board  
3 of Adjustment.
- 4 (3) Procedure. Any appeal taken pursuant to this section shall be in conformity with the procedure  
5 established by § 59.694, Wis. Stats.
- 6 I. Penalties. Any person violating any of the provisions of this section shall, upon conviction, forfeit not  
7 less than \$100 nor more than \$500 for such offense, together with the costs of prosecution, and in  
8 default of payment of such forfeiture and costs of prosecution shall be imprisoned in the County jail  
9 until said forfeiture and costs are paid, but not to exceed 30 days. Each day on which a violation  
10 continues shall constitute a separate offense.

#### 11 Article VI

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

#### 13 § 405-47 **Unlawful parking; permit procedure; inspections.**

- 14 A. It shall be unlawful to place, locate, or park any manufactured home or ~~recreational camping unit~~ vehicle  
15 on any street, alley, or highway, or other publicly owned land, except as provided hereunder.
- 16 (1) Emergency or temporary stopping or parking of a manufactured home or camping unit ~~recreational-~~  
17 ~~vehicle~~ is permitted on any street, alley, or highway for not longer than 24 hours provided it is not used  
18 for overnight lodging, and further provided that such stopping is subject to any other and further  
19 prohibitions, regulations, or limitations imposed by the traffic and parking regulations or ordinances for  
20 that street, alley, or highway.
- 21 (2) Special permission extending emergency or temporary stopping or parking of a manufactured home or  
22 camping unit ~~recreational vehicle~~ may be granted by the Planning and Zoning Administrator or his  
23 designee. This permission may be granted for a period not to exceed five days, if the issuing official  
24 finds that such parking will not interfere with the orderly flow of traffic, or be otherwise injurious to the  
25 safety or welfare of the County or its inhabitants. Such permission shall be in written form and shall  
26 state the name of the applicant, the owner or lessee of the manufactured home or camping  
27 unit ~~recreational vehicle~~, the requested temporary location of the manufactured home or camping  
28 unit ~~recreational vehicle~~, the dates and hours of the extension of permission, the reasons for the  
29 extension, and such other information or stipulations as may be appropriate.

30 ~~B. It shall be unlawful to place, locate, or park any manufactured home or recreational vehicle on any~~  
31 ~~privately owned parcel of land, except as provided in this chapter. All the allowable uses listed in § 405-~~  
32 ~~48B(1) shall be subject to the restrictions set forth in this chapter applying to conditional use, including~~  
33 ~~those specifying consideration and recommendation by the County Planning and Zoning Committee.~~

34 ~~B.C. Manufactured home and recreational vehicle parks.~~ Conditional Use Permit

35 ~~(1) It shall be unlawful for any person to construct, alter, or extend any manufactured home park or~~

Commented [DG113]: Unnecessary language

~~recreational vehicle park within Adams County unless he holds a valid permit issued by the Planning and Zoning Administrator in the name of such person for the specific construction, alteration, or extension proposed.~~

(12) All applications for a Conditional Use pPermits shall contain the following:

(a) All the information requested for a conditional use permit, § 405-21A.

(b) Complete plans and specifications of the proposed ~~project~~park showing, but not limited to the following:

[1] The area and dimensions of the tract of land.

[2] The number, location, and size of all manufactured home lots or ~~recreational vehicle~~camping unit spaces and the location of common areas.

[3] The location and width of roadways.

[4] The location of the manufactured home within each manufactured home lot.

[5] Plans and specifications of all sewage collection and disposal and water distribution systems.

[6] Location of all buildings to be located within the park.

[7] Such other plans and specifications and information as may reasonably be required by the Planning and Zoning Administrator.

~~(3) All applications for permits shall be reviewed by the Planning and Zoning Administrator.~~

~~(4) No permit shall be issued for the construction of a manufactured home park unless said development shall contain a minimum number of 10 manufactured home lots, except in the case of an addition to, or extension of, an existing manufactured home park.~~

~~(5) When, upon review of the application, the Planning and Zoning Administrator is satisfied that the proposed plan meets the requirements of this chapter, a permit shall be issued.~~

~~(6) Any person whose application for a permit under this section has been denied may request and shall be granted a hearing on the matter before the Board of Adjustment under the procedure provided by § 405-23 of this chapter.~~

C.D. Inspection of manufactured home and recreational vehicle parks.

(1) The Planning and Zoning Administrator is hereby authorized and directed to make inspections as are necessary to determine satisfactory compliance with this chapter.

**Commented [DG114]:** No reason to put a limit of 10 minimum. The process is a CUP and the minimum can be addressed then

**Commented [DG115]:** Unnecessary

**Commented [DG116]:** Appeals process is already defined. Unnecessary

1 (2) The Planning and Zoning Administrator and his authorized agents shall have authority to enter property  
2 for the purpose of inspecting and investigating conditions relating to the enforcement of this chapter.

3 (3) It shall be the duty of the park management to give the Planning and Zoning Administrator and his  
4 authorized agents free access to all areas at reasonable times for the purpose of inspection.

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

8 § 405-48 **Manufactured home parks.**

9 A. General provisions.

10 (1) A manufactured home park may be established, as provided for in the R-3 Versatile Residential District,  
11 subject to the provisions of that district and this section.

12 (2) Construction, alteration, or extension of a manufactured home park shall be subject to the issuance of a  
13 permit as set forth in § 405-47C of this chapter.

14 (3) All manufactured home parks established in Adams County shall comply with the design, system, and  
15 other requirements set forth hereunder and those contained in Ch. SPS 326, Wis. Adm. Code.

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

22 (1) Allowable uses.

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

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

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

27 [1] Manufactured home park office.

28 [2] Laundromat, provided that a public sewerage system is available.

29 [3] Clubhouse and facilities for private social or recreation clubs.

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

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

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

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

9 (b) Every manufactured home shall be located on a manufactured home lot exclusive of common open  
10 space and other R-3 required project area having the following minimum dimensions exclusive of park  
11 streets:

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

12 (c) No manufactured home park shall have an overall density greater than six manufactured homes per any  
13 one acre, nor greater than R-3 District requirements.

14 (d) Occupied lot area ratio. Manufactured homes shall not occupy an area in excess of 1/3 of their  
15 respective lot areas. The accumulated area of the manufactured home and its accessory structures on a  
16 manufactured home lot shall not exceed 2/3 of the respective lot area.

17 (3) Required setbacks.

18 (a) Each manufactured home shall be located at least 10 feet from any manufactured home lot line.

19 (b) All manufactured homes shall meet the setback requirements in § 405-13.

20 (4) Park street requirements.

21 (a) General requirements. In all manufactured home parks, safe and convenient vehicular access shall be  
22 provided, by means of streets or driveways, from public streets or roads, except that in those  
23 manufactured home parks in which grouping or clustering of parking spaces or other such design  
24 features is employed in the layout, direct access need not be provided to every lot; provided, further,  
25 however, that in all cases direct access adequate for fire protection vehicles and other emergency  
26 vehicles shall be provided.

27 (b) Park entrance. Entrances to manufactured home parks shall be designed to minimize congestion and  
28 hazards and allow free movement of traffic on adjacent streets.

1 (c) Internal streets. Surfaced roadways shall be of adequate width to accommodate anticipated traffic and in  
2 any case shall meet the following minimum requirements:

3 [1] Roadway width, all streets: 66 feet.

4 [2] Pavement width: 27 feet.

5 [3] Dead-end streets (culs-de-sac) shall be provided at the closed end with a turnaround having an outside  
6 roadway diameter of at least 150 feet and a pavement diameter of at least 110 feet.

7 (d) Street construction and design standards.

8 [1] Pavement. All streets shall be provided with a smooth, hard and dense surface (such as concrete,  
9 blacktop or seal coating) which shall be durable and well drained under normal use and weather  
10 conditions. Pavement edges shall be protected to prevent raveling of the wearing surface and shifting of  
11 the pavement base.

12 [2] Grades. Grades of all streets shall be sufficient to ensure adequate surface drainage.

13 (5) Parking requirements.

14 (a) On-street parking, or parking in the roadway easement, shall be prohibited.

15 (b) Occupant parking. A minimum of two parking spaces shall be provided for occupant parking purposes.  
16 Such spaces shall be located within 150 feet of the manufactured home lot to be served.

17 (c) Visitor parking. A minimum of one space for every four manufactured home lots shall be provided for  
18 visitor parking purposes.

19 (d) Parking space. Each parking space shall contain a minimum of 180 square feet. The space shall be  
20 paved with a smooth, hard and dense surface which shall be durable and well drained under normal use  
21 and weather conditions.

22 (e) Parking restrictions. Parking of boats, trailers, campers, snowmobiles, or other motorized vehicles may  
23 be restricted to an area (or areas) provided by the park management specifically for said purpose.

24 (6) Illumination requirements. All parks shall be furnished with lighting units so spaced and designed to  
25 provide safe movement of pedestrians and vehicles at night. Lighting units shall be placed at the  
26 following locations:

27 (a) Park streets.

28 (b) Public walkways.

- 1 (c) Entrances to public buildings.
- 2 (d) Any potentially hazardous location.
- 3 (7) Tenant storage.
- 4 (a) Unless provided in current manufactured home models, adequate storage facilities shall be provided  
5 each manufactured home on each lot, or in compounds located within a reasonable distance, generally  
6 not more than 100 feet from each stand.
- 7 (b) Storage facilities should provide a minimum of 90 cubic feet of storage for each manufactured home  
8 and should be designed in a manner that will enhance the appearance of the park and will protect the  
9 contents from the penetration of moisture and weather.
- 10 C. Responsibilities of park management.
- 11 (1) The person or condominium association to which a permit for a manufactured home park is issued shall  
12 operate the park in compliance with this chapter and shall provide adequate supervision to maintain the  
13 park, its facilities, and equipment in good repair and in a clean and sanitary condition.
- 14 (2) The park management shall supervise the placement of each manufactured home, which includes  
15 securing its stability and installing all utility connections.
- 16 D. Responsibilities of park occupants.
- 17 (1) The park occupant shall comply with all applicable requirements of this chapter and shall maintain  
18 his/her manufactured home lot, its facilities and equipment in good repair and in a clean and sanitary  
19 condition.
- 20 (2) The park occupant shall be responsible for proper placement of his/her manufactured home and proper  
21 installation of all utility connections in accordance with the instructions of the park management.
- 22 (3) The undercarriage, supports and stabilizing devices of the manufactured home shall be skirted and  
23 landscaped to maintain an attractive community appearance.
- 24 (4) The park occupant shall store and dispose of all his/her rubbish and garbage in a clean, sanitary and safe  
25 manner.

26 § 405-49 ~~Recreational vehicle parks and e~~**Campgrounds.**

27 A. A ~~recreational vehicle park or~~ campground may be established within a B-1 Rural Business District, PR  
28 Planned Residential Community District, or PSP-1 Public and Semi-Public District subject to the  
29 provisions of this chapter.

30 B. A recreational vehicle park so established shall conform to the regulations and standards set forth in Ch.

1 ATCP 79, Campgrounds, Wis. Adm. Code, which is hereby adopted by reference.

- 2 C. Insofar as said Ch. ATCP 79, Wis. Adm. Code, differentiates between primitive campgrounds,  
3 developed campgrounds and a walk-in camp, the standards and regulations applying to developed  
4 campgrounds shall apply to ~~recreational vehicle parks~~ campgrounds under this chapter.

## 5 Article VII

### 6 Traffic, Loading, Parking and Access

#### 7 § 405-50 Traffic visibility.

8 A. To protect the visibility of motorists, cyclists, riders, and pedestrians at the intersection of any two  
9 streets, no structure which creates a substantial impediment to visibility shall be created or maintained  
10 between the heights of 2 1/2 feet and 10 feet above the average roadway grades within the triangular  
11 area described as follows:

- 12 (1) A visual clearance triangle bounded by the street center lines and a line connecting points on them 300  
13 feet from a Class A highway intersection, 200 feet from a Class B highway intersection and 150 feet  
14 from a Class C highway intersection.
- 15 (2) At intersections involving either a Class A or a Class B highway, the visual triangle shall comply with  
16 Subsection A(1) or the Guide Dimensions for Vision Triangles of the Adams County Highway  
17 Department, whichever is most restrictive.

18 B. To ensure the safety of motorists, cyclists, riders, and pedestrians at intersections, a substantial  
19 impediment to visibility is defined as any fence, wall, sign, or other structure which substantially blocks  
20 the view of approaching vehicular, cyclist, or pedestrian traffic.

#### 21 § 405-51 Loading area requirements.

22 On every lot on which a business, trade, or industrial use exists, an adequate loading area shall be provided  
23 so that all vehicles loading, maneuvering, or unloading are completely off public streets and so that no  
24 vehicles will back onto public streets.

#### 25 § 405-52 Parking requirements.

26 A. In all districts and in connection with every use, there shall be provided, at the time any use or building  
27 is erected, enlarged, extended, or increased, off-street parking in accordance with the following:

- 28 (1) Adequate access to a public street shall be provided for each parking space, and driveways shall be as  
29 required by § 405-53.
- 30 (2) Each parking space shall be not less than nine feet wide and 20 feet in length exclusive of the space  
31 required for driveways.
- 32 (3) Required off-street parking shall be on the same lot as the use it serves or on a lot not more than 400 feet  
33 distant. No parking stall or driveway, except in residential districts, shall be closer than 10 feet to a lot  
34 line, unless barriers or curbs are installed to prevent parked vehicles from extending over a lot line.

- 1 (4) All off-street parking areas for more than five vehicles and all driveways shall be:
- 2 (a) Provided with a surface which is durable and well drained under normal use and weather conditions.
- 3 (b) Arranged and marked to provide for orderly and safe loading or unloading, parking, and storage of
- 4 vehicles.
- 5 B. Number of parking stalls required. Parking spaces shall be provided as specified in this section, unless
- 6 otherwise approved by the Planning and Zoning Committee.

Use	Minimum Parking Requirements
Single-family dwellings including manufactured homes	2 spaces for each dwelling unit
Two-family and multiple-family dwellings	1 1/2 spaces for each dwelling unit
Motels, hotels or resorts	1 space for each guest room plus 1 space for each 3 employees
Rooming and boarding houses, fraternity and sorority houses, dormitories, rectories	1 space for each bed plus 1 for each employee
Retirement homes, orphanages, convents, monasteries	1 space for each 1,000 square feet of primary floor area
Hospitals, sanatoriums, institutions, rest and nursing homes	1 space for each 3 beds plus 1 space for each 3 employees plus 1 space for each staff physician
Medical and dental clinics	1 space for each 100 square feet of waiting room area
Churches, theaters, auditoriums, community centers, vocational and night schools, and other public assembly	1 space for each 3 seats
Colleges and secondary schools	1 space for each employee plus 1 space for each 5 students 16 years of age or more
Elementary schools	1 space for each employee plus 5 visitor spaces
Restaurants, bars and similar places of entertainment	1 space for each 150 square feet of primary floor area, plus 1 space for each 2 employees
Manufacturing and processing plants (including meat and food processing), laboratories and warehouses	1 space for each 500 square feet of primary floor area, plus 1 space for each 2 employees
Funeral homes	20 spaces for each viewing room
Bowling alleys	5 spaces for each alley
Lodges and clubs	1 space for each 5 members
Automobile repair garages and service garages	1 space for each regular employee plus 1 space for 250 square feet of floor area used for repair work
Motor vehicle sales (new and used)	1 space for each 500 square feet of floor area and for each 300 square feet of outdoor display area on which motor vehicles are to be displayed (this requirement does not include service garages; see above)
Gasoline filling stations	3 spaces for each grease rack or similar facility plus 1 space for each attendant
Repair shops, retail and service stores	1 space for each 800 square feet of leasable area
Golf courses	4 spaces per hole
Barber and beauty shops	2 spaces plus 1/2 space per chair
Offices	1 space for each 300 square feet of primary floor area

Use	Minimum Parking Requirements
Uses not listed	The provisions for a similar use shall apply
Combinations of any of the above uses	The sum of the number of stalls required for each individual use shall be provided

1 § 405-53 **Driveways.**

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

- 3 A. Have a minimum travel surface width of at least 12~~9~~ feet.
- 4 B. Be provided with a surface which is durable and well drained under normal use and weather conditions.

**Commented [DG117]:** Changed at the request of Fire Departments

5 Article VIII  
6 **Signs**

7 § 405-54 **Intent.**

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

11 § 405-55 **Sign types.**

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

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

1 J. Wall sign. A sign which is attached to a wall of a building, projects not more than 12 inches from such  
2 wall, and does not extend above the ceiling line of the top floor of the building.

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

4 § 405-56 **Conformance required.**

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

7 § 405-57 **Exempt signs.**

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

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

1 H. Field demonstration and test plot signs in agricultural districts.

2 I. "No Trespassing," "No Hunting" and other private regulatory signs not exceeding one square foot in  
3 area.

4 § 405-58 **Specific district requirements.**

5 A. Residential districts.

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

7 (a) Signs specifically exempted in § 405-57.

8 (b) Manufactured home park identification signs as specified in § 405-48B(1).

9 (c) On-premises ground signs not exceeding 50 square feet, identifying an apartment, condominium,  
10 multiple-family use or subdivision.

11 (2) The following signs may be permitted in a residential district after review and approval by the County  
12 Planning and Zoning Committee as a conditional use (see § 405-21 for application and review  
13 requirements):

14 (a) Signs permitted in Subsection B(1).

15 B. Business, agricultural, public and semi-public and industrial districts.

16 (1) The following on-premises signs are permitted in business, agricultural, public and semi-public and  
17 industrial districts:

18 (a) Temporary signs when permitted by the County Planning and Zoning Committee. The County Planning  
19 and Zoning Committee shall, in each case, determine the structural type of sign permitted, the maximum  
20 size permitted, and the time period the sign may remain in place.

21 (b) Wall signs placed against the exterior walls of buildings and, for any one premises, not exceeding 300  
22 square feet in area or 30% of the signable area of the building, as defined in § 405-59, whichever is  
23 smaller.

24 (c) Projecting signs not exceeding 100 square feet in area for any one premises. They shall not extend more  
25 than six feet into any required yard and shall be at least 10 feet from all side lot lines.

26 (d) Awning and canopy signs not exceeding 100 square feet in area for any one premises. They shall not  
27 extend more than six feet into any required yard.

28 (e) Ground signs not exceeding 30 feet in height above grade. They shall not exceed 80 square feet on one  
29 side or 160 square feet on all sides. No ground sign shall be placed closer than 80 feet to another ground

- 1 sign. Such signs may be placed at the right-of-way line.
- 2 (f) Roof signs not exceeding 10 feet in height above the roof. They shall meet the height requirements for  
3 the district in which they are located and shall not exceed 300 square feet on all sides for any one  
4 premises.
- 5 (g) Portable signs not exceeding 40 square feet on one side or 80 square feet on all sides.
- 6 (h) Window signs.
- 7 (i) Signs specifically exempted in § 405-57.
- 8 (2) Advertising signs (outdoor billboards) which advertise products, businesses, or public service activities  
9 not related to the occupancy or use of the premises on which they are located are permitted subject to  
10 the following restrictions:
- 11 (a) Area. No individual sign shall exceed 14 feet in vertical measurement nor 50 feet in total length, nor be  
12 more than 700 square feet in area.
- 13 (b) Spacing. No advertising sign shall be closer than 600 feet to another sign. Twin or back-to-back sign  
14 structures shall be considered one sign for purposes of this section.
- 15 (c) Height. No advertising sign shall project higher than 30 feet above grade.
- 16 (d) Illumination. Signs shall be shielded whenever necessary to avoid casting bright light upon property  
17 located in any residential district.
- 18 (e) Advertising signs may be placed at the right-of-way line.
- 19 C. Conservancy districts. All signs are prohibited in conservancy districts except those specifically  
20 exempted by § 405-57.

21 § 405-59 **Signable area.**

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

25 § 405-60 **Restrictions on signs.**

26 A. Lighting and color. Signs shall not resemble, imitate, or approximate the shape, size, form, or color of  
27 railroad or traffic signs, signals, or devices. Signs shall not obstruct or interfere with the effectiveness of  
28 railroad or traffic signs, signals, or devices. Signs shall not be placed so as to obstruct or interfere with  
29 traffic visibility, nor be lighted in such a way as to cause glare or otherwise impair driver visibility upon  
30 public streets. Signs may be illuminated.

31 B. Placement. Signs shall not be erected, relocated, or maintained so as to prevent free ingress or egress to

1 any door, window, or fire escape, and no sign shall be attached to a standpipe or fire escape.

2 **§ 405-61 Sign maintenance.**

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

5 ~~§ 405-62 Existing signs.~~

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

Commented [DG118]: Unnecessary

9 Article IX

10 **Nonconforming Uses, Lots and Structures**

11 **§ 405-63 Existing nonconforming uses.**

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

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

21 **§ 405-64 Existing nonconforming structures.**

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

- 25 A. It shall not be extended, enlarged, reconstructed, moved or structurally altered except when allowed or  
26 required by law or order to comply with the provisions of this chapter.

- 27 ~~B. A nonconforming structure damaged by fire, explosion, flood, the public enemy, or other calamity to the~~  
28 ~~extent of 50% or more of its equalized value shall not be restored except to comply with the provisions~~  
29 ~~of this chapter. Pursuant to § 59.69(10m), Wis. Stats., and notwithstanding any other provision of this~~  
30 ~~chapter, a nonconforming structure damaged or destroyed by violent wind, vandalism, fire, flood, ice,~~  
31 ~~snow, mold or infestation after March 2, 2006, may be restored to the size, location, and use that it had~~  
32 ~~immediately before the damage or destruction occurred, and no limits may be imposed on the costs of~~  
33 ~~the repair, reconstruction, or improvement of said structure. The size of the restored structure may be~~  
34 ~~larger than the size it was immediately before the damage or destruction if necessary for the structure to~~  
35 ~~comply with applicable state or federal requirements.~~

Commented [DG119]: State changed law on this a number of years ago.

1 C. The existing lawful use of a structure or premises which is not in conformity with the provisions of this  
2 Chapter may be continued subject to the following:

Commented [DG120]: Added for clarity

3 1. No use shall be expanded or enlarged except in conformity with the provisions of this Chapter.

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4 2. Legal non-conforming structures are permitted unlimited maintenance, repair, renovation, remodeling  
5 and rebuilding provided it is confined to the existing building enveloped.

6 3. If a nonconforming use is discontinued for twelve (12) consecutive months, any future use of the  
7 building or premises shall conform to this Chapter.

8 DE. Residential structures which encroach upon required yards may be structurally altered, provided they  
9 will not create a greater degree of encroachment.

10 § 405-65 Existing nonconforming lots.

11 ~~A. A dwelling built on an existing nonconforming lot in a certified Farmland Preservation District must be~~  
12 ~~either a farm residence, a conditional use that qualifies under § 91.46(2)(c), Wis. Stats., or rezoned out~~  
13 ~~of the district.~~

14 B. Any lot legally created and recorded in the Register of Deeds Office prior to the adoption of this  
15 Chapter, may be used as a building site, or for any purpose permitted by this Chapter, even though such  
16 lot does not conform to the minimum frontage or area requirements of the district in which it is located,  
17 provided that:~~In any residential district, a single-family detached dwelling and its accessory structures~~  
18 ~~may be erected on any legal lot of record in the Adams County Register of Deeds office, provided that~~  
19 ~~requirements of all other applicable ordinances are met. Such lot or parcel shall be in separate ownership~~  
20 ~~from abutting lands. If in separate ownership, all the district requirements shall be complied with insofar~~  
21 ~~as practical but shall not be less than the following:~~

Commented [DG121]: Clarity and allows for a legal non-conforming agricultural lot to be used as a building site.

22 (1) Lot width: 50 feet minimum. The lot is a minimum of 50 feet wide at the building line;

23 (2) Lot area: 10,000 square feet minimum. The lot is a minimum of 10,000 square feet:-

24 (3) All other requirements of the district can be met.

25 ~~C. In an A-3 Secondary Agricultural District, structures may be erected on a legal lot of record in the~~  
26 ~~Adams County Register of Deeds office before the effective date or amendment of this chapter,~~  
27 ~~provided that requirements of all other applicable ordinances are met. Such lot or parcel shall be in~~  
28 ~~separate ownership from abutting lands. If in separate ownership, all the district requirements shall be~~  
29 ~~complied with insofar as practical but shall not be less than the following:~~

Commented [DG122]: Same as B

30 ~~(1) Lot width: 150 feet.~~

31 ~~(2) Lot area: five acres.~~

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

3 **§ 405-66 Changes and substitutions.**

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

8

**Commented [DG123]:** By removing, people with multiple lots are afforded the same rights as someone with 1 lot.  
Note: In shoreland, it is illegal to require a property owner to do this.

DRAFT