






























- [-]  Racine County, Wisconsin
 - [-]  CODE OF ORDINANCES County of RACINE, WISCONSIN Codified through Ord. No. 2007-165, enacted April 8, 2007
 -  Preliminaries
 -  RACINE COUNTY CODE OF ORDINANCES
 - +  Chapter 1 GENERAL PROVISIONS
 - +  Chapter 2 ADMINISTRATION*
 - +  Chapter 3 ALARM SYSTEMS*
 - +  Chapter 4 ANIMALS*
 - +  Chapter 5 CITATIONS*
 - +  Chapter 6 EMERGENCY MANAGEMENT*
 - +  Chapter 7 FINANCE*
 - +  Chapter 8 HUMAN RELATIONS AND SERVICES*
 - +  Chapter 9 LICENSES AND BUSINESS REGULATIONS*
 - +  Chapter 10 MARINE ACTIVITIES AND WAYS
 - +  Chapter 11 MISCELLANEOUS OFFENSES*
 - +  Chapter 12 MOTOR VEHICLES AND TRAFFIC*
 - +  Chapter 12.5 NONMETALLIC MINING RECLAMATION*
 - +  Chapter 13 NUISANCES*
 - +  Chapter 14 PARKS AND RECREATION AREAS*
 - +  Chapter 15 PERSONNEL*
 - +  Chapter 16 PUBLIC PROPERTY*
 - +  Chapter 17 SHERIFF*
 - +  Chapter 18 SUBDIVISIONS*
 - +  Chapter 19 UTILITIES*
 - [-]  Chapter 20 ZONING*
 -  STATE LAW REFERENCE TABLE
 -  CODE COMPARATIVE TABLE 1975 CODE
 -  CODE COMPARATIVE TABLE ORDINANCES
 -  STATE LAW REFERENCE TABLE

ARTICLE I. IN GENERAL

Sec. 20-1. Definitions.

For the purposes of this chapter, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word "shall" is mandatory and directory.

A zones shall mean areas of potential flooding shown on the county's flood insurance rate map which would be inundated by the regional flood. These numbers may be numbered as A0, A1 to A99, or be unnumbered A zones. The A zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.

Accessory structure or use shall mean a facility, structure, building or use which is accessory to or incidental to the principle use of a property, structure, or building.

Adult bath houses shall mean an establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy, that is not operated by a medical practitioner or a professional physical therapist licensed by the state and which establishment provides to its patrons an opportunity for engaging in "specified sexual activities."

Adult body painting studios shall mean an establishment or business wherein patrons are afforded an opportunity to paint images on a "specified anatomical area". For purposes of this chapter, the adult body painting studio shall not be deemed to include a tattoo parlor.

Adult bookstore shall mean an establishment or business having as a substantial or significant portion of its stock and trade in books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

Adult booth shall mean any area of an adult establishment set off from the remainder of such establishment by one (1) or more walls or other dividers or partitions and used to show, play, or otherwise demonstrate any adult materials or to view any live performance that is distinguished or characterized by an emphasis on the exposure, depiction, or description of "specified anatomical areas" or the conduct or simulation of "specified sexual activities."

Adult cabaret shall mean any nightclub, bar, restaurant, or similar commercial establishment which features: (1) live performances which are characterized or distinguished by the exposure of "specified anatomical areas" or the removal of articles of clothing; or (2) films, motion pictures, video cassettes, digital video disks, video reproductions, slides or other visual presentations which are distinguished or characterized by depicting or describing "specified sexual activities" or "specified anatomical areas."

Adult establishments shall mean and include but are not limited to adult bookstores, adult motion picture theaters (indoor or outdoor), adult mini-motion picture theaters, adult video stores, adult bath houses, adult motels, adult theatres, adult novelty shops, adult massage parlors, adult modeling studios, adult body painting studios, and adult cabarets.

Adult massage parlor shall mean an establishment or business with or without sleeping accommodations which provides services including any method of rubbing, pressing, stroking, kneading, tapping, pounding, vibrating or stimulating a "specified anatomical area" with the hands or with any instruments, heat and light treatments of the body, and all forms and methods of physiotherapy not operated by a medical practitioner or professional physical therapist licensed by the state.

Adult mini-motion picture theater shall mean an enclosed building with a capacity for less than

fifty (50) persons used for presenting materials distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

Adult modeling studio shall mean any establishment or business where a person who displays "specified anatomical areas" and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Adult modeling studios shall not include a proprietary school licensed by the State of Wisconsin or a college, technical college, or university; or in a structure:

- (1) That has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and
- (2) Where, in order to participate in a class, a student must enroll at least three (3) days in advance of the class; and
- (3) Where no more than one (1) nude or semi-nude model is on the premises at any one (1) time.

Adult motel shall mean a hotel, motel, or similar commercial establishment which:

- (1) Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right-of-way which advertises the availability of this adult-type of photographic reproductions; or
- (2) Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
- (3) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

Adult motion picture theater shall mean an enclosed building with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

Adult motion picture theater (outdoor) shall mean a parcel of land from which individuals may view a motion picture presented out of doors which presents material distinguishably characterized by an emphasis on matter depicting, describing or relating to "specified sexual activity" or "specified anatomical areas."

Adult novelty shop shall mean an establishment or business having as a substantial or significant portion of its stock and trade in novelty or other items which are distinguished or characterized by their emphasis on or designed for "specified sexual activity" or stimulating such activity.

Adult theater shall mean a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nudity, or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities".

Adult video store shall mean an establishment or business having as a substantial or significant portion of its stock and trade for sale or rental of motion pictures or other visual media which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

Advertising sign shall mean a sign pertaining to goods sold or manufactured or services rendered on the premises upon which the sign is located.

Alley shall mean a special public right-of-way affording only secondary access to abutting properties.

Animal unit shall have the meaning that was given in NR 243.03(3) as of April 27, 2004.

Animated sign shall mean any sign or part of a sign that changes physical position or light intensity by any movement or rotation or that gives the visual impression of such movement or rotation.

Arterial street shall mean a public street or highway used or intended to be used primarily for fast or heavy through traffic. Arterial streets and highways shall include freeways and expressways as well as arterial streets, highways and parkways.

Back-to-back, side-by-side, bottom-on-top, and V-shaped sign shall mean signs that are physically contiguous and share a common structure, in whole or in part, or are located not more than fifteen (15) feet apart at their nearest point in cases of "back-to-back" or "V-shaped".

Balcony shall mean a platform that projects from the wall of a building four (4) feet or less, is surrounded by a railing or balustrade, is open and roofless, and which is suspended or cantilevered from, or supported solely by, the structure to which it is attached.

Banner shall mean any sign of lightweight fabric, plastic, coated paper, or similar material not enclosed in a rigid frame that is mounted to a pole or a structure at one (1) or more edges. Flags or pennants are not considered banners.

Base flood shall mean the flood having a one (1) percent change of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.

Basement shall mean any enclosed area of a building having its floor sub-grade (i.e., below ground level, on all sides).

Beacon (search light) shall mean any light with one (1) or more beams that rotate or move or any light with one (1) or more beams directed into the atmosphere or directed at one (1) or more points not on the same lot as the light source.

Bed and breakfast (B and B) shall mean a private owner-occupied residence that offers sleeping accommodations to not more than a total of twenty (20) tourists or transients in eight (8) or fewer rooms which provides no meals other than breakfast and provides breakfast only to renters of the place.

Billboard shall mean a sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located, except for section 20-1380 (c), section 20-1380 (l), section 20-1381 (a), section 20-1402(a), and section 20-1407(a).

Bluff shall mean the often steeply sloped land area located to the landward side of the Lake Michigan beach. The edge of the bluff is shown on the county topographic maps as "Edge of Cliff" at a scale of one (1) inch equals two hundred (200) feet.

Bluff recession rate shall mean the rate at which the bluff recedes because of erosion by the waters of Lake Michigan and because of unstable slope conditions.

Boardinghouse shall mean a building other than a hotel or restaurant where meals or lodging are regularly furnished by prearrangement for compensation for four (4) or more persons not members of a family, but not exceeding twelve (12) persons and not open to transient customers.

Brew pub shall mean a restaurant that manufactures up to five thousand (5,000) barrels of fermented malt beverages per year on premises for either consumption on premises or sale in hand-capped or sealed containers in quantities up to one-half (1/2) barrel or fifteen and one-half (15 1/2) gallons sold directly to the consumer.

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

Building area shall mean the total living area bounded by the exterior walls of a building at the floor levels, but not including basement, utility rooms, garages, porches, breezeways and unfinished attics.

Building height shall mean the vertical distance measured from the mean elevation of the finished lot grade along the street yard face of the structure to the highest point of flat roofs; to the mean height level between the eaves and ridges of gable, gambrel, hip and pitch roofs; or to the deck line of mansard roofs.

Bulkhead line shall mean a geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the department pursuant to [W.S.A.] § 30.11, and which allows limited filling between this bulkhead line and the original ordinary high-water mark, except where such filling is prohibited by the floodway provisions of this article.

Bus shelter shall mean a small, roofed structure, usually having three (3) walls, located near a street and designed primarily for the protection and convenience of bus passengers.

Campground shall mean any parcel of land which is designed, maintained, intended, or used for the purpose of providing sites for nonpermanent overnight use by four (4) or more camping units, or which is advertised or represented as a camping area.

Camping unit shall mean any portable device, no more than four hundred (400) square feet in area, used as a temporary shelter, including but not limited to, a camping trailer, motor home, bus, van, pick-up truck, tent or other mobile recreational vehicle.

Canopy sign (awning sign) shall mean any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover. A marquee is not a canopy. The overhead protective cover used for fuel pumps is considered a canopy.

Certificate of compliance shall mean a certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this article.

Changeable copy sign shall mean a sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the characters, letters, or illustrations change or flash more than once every fifteen (15) minutes is considered an animated sign or traveling message sign and not a changeable copy sign. A sign on which the only copy that changes is an electronic or mechanical indication of time, date, or temperature is considered a "time and temperature" portion of a sign and not a changeable copy sign or traveling message sign.

Channel shall mean a natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.

Clear cutting shall mean the removal of an entire stand or area of trees or shrubs.

Clothing repair shops shall mean shops where clothing is repaired, such as shoe repair shops, seamstress, tailor shops, shoe shine shops, clothes pressing shops, but none employing over five (5) persons.

Clothing stores shall mean retail stores where clothing is sold, such as department stores, dry goods and shoe stores, dress, hosiery and millinery shops.

Cluster development shall mean a development design technique that concentrates buildings in specific areas on a site to allow remaining lands to be used for recreation, common open space, or the preservation of historically, agriculturally or environmentally sensitive features. The size of individual lots may be reduced to gain such common open space.

Commercial day care center shall mean an establishment providing care and supervision for four (4) or more persons under the age of seven (7) and licensed by the State of Wisconsin pursuant to W.S.A., § 48.65.

Commercial-scale wind energy facility shall mean an electricity generating facility consisting of one or more wind turbines under common ownership or operating control and includes substations, MET towers, cables/wires, and other buildings accessory to such facility whose main purpose is to supply electricity to off-site customer(s) provided that such a system shall only include a wind turbine with both a total height greater than one hundred seventy (170) feet and name-plate capacity greater than one hundred (100) kilowatts/one (1) megawatt.

Conservation standards shall mean guidelines and specifications for soil and water conservation practices and management enumerated in the Technical Guide prepared by the U.S. Department of Agriculture, Soil Conservation Service, for the county, adopted by the county soil and water conservation district supervisors, and containing suitable alternatives for the use and treatment of land based upon its capabilities, from which the landowner selects that alternative which best meets his needs in developing his soil and water conservation plan.

Core area of living space shall mean that area or space within a dwelling unit, devoted to the principal residential use of the structure, excluding attached garages, porches, sheds, decks, carports, and other appurtenances.

Corner lot shall mean a lot abutting two (2) or more streets at their intersections provided that the corner of such intersection shall have an angle of one hundred thirty-five (135) degrees or less, measured on the lot side.

Crawlways or crawlspace shall mean an enclosed area below the first usable floor of a building, generally less than five (5) feet in height, used for limited access to plumbing and electrical utilities.

Day care center see "Family day care home" and "Commercial day care center."

Decibel shall mean a unit for measuring the relative loudness of a sound (abbreviated dB) measured on an "A" weighted decibel scale.

Deck shall mean an unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.

Density bonus shall mean the allocation of development rights that allow a parcel to accommodate additional square footage or additional residential units beyond the maximum for which the parcel is zoned or beyond the net density established in the adopted town land use plan, usually in exchange for the provision or preservation of an amenity at the same site or at another location.

Density, net shall mean the numerical value obtained by dividing the total number of dwelling units in a development by the area of the actual tract of land (in acres) upon which the dwelling units are proposed to be located and including common open space and associated recreational facilities within the area; the result being the number of dwelling units per net residential acres of land. Net density calculations exclude all or a portion of the area occupied by rights-of-way of publicly dedicated streets and private streets, floodplains, wetlands, and water.

Development shall mean any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

Directional sign shall mean any auxiliary sign that is limited to directional messages principally for assisting in the flow of pedestrian or vehicular traffic, such as enter, exit, and one way. Directory sign shall mean a sign listing the tenants or occupants of a building or group of buildings and that may indicate their respective professions or business activities.

Displaced threshold shall mean a horizontal line on a runway, perpendicular to the runway

centerline. Departing aircraft must be airborne before crossing the displaced threshold. Incoming aircraft may not touch down before crossing the displaced threshold.

District, basic use, shall mean a part or parts of the county for which the regulations of this chapter governing the use and location and land and buildings are uniform (such as the residential, business, industrial, or farming district classifications).

District, overlay, shall provide for the possibility of superimposing certain additional requirements upon a basic use zoning district without disturbing the requirements of the basic use district. In the instance of conflicting requirements, the more strict of the conflicting requirement shall apply.

DNR shall mean the state department of natural resources.

Drainage system shall mean one (1) or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.

Dryland access shall mean a vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land which is outside the floodplain, such as a road with its surface above the regional flood elevation and wide enough to accommodate wheeled vehicles.

Dwelling shall mean a detached building designed or used exclusively as a residence or sleeping place, but does not include boardinghouses or lodgings, motels, hotels, tenements, cabins or mobile homes.

Efficiency shall mean a dwelling unit consisting of one (1) principal room with no separate sleeping rooms.

Egg production, commercial shall mean an animal confinement facility used or designed for the raising of poultry for egg production having a capacity of two hundred (200) or more animal units.

Elevation shall mean the height in feet above National Geodetic Datum of 1929, also known as mean sea level datum.

Emergency shelter shall mean public or private enclosures designed to protect people from aerial, radiological, biological or chemical warfare, fire, flood, windstorm, riots and invasions.

Encroachment shall mean any fill, structure, building, use, or development in the floodway.

Essential services shall mean services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface, or overhead gas, electrical, steam, water, sanitary sewerage, stormwater drainage and communication systems and accessories thereto, such as poles, tower, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations and hydrants, but not including buildings used or intended to be used for human habitation.

Existing manufactured home park or subdivision shall mean a parcel of land, divided into two (2) or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this article. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.

Expanded livestock facility shall mean the entire livestock facility that is created by the expansion, after May 1, 2006. Expanded livestock facility includes all livestock structures in the expanded facility, regardless of whether those structures are new, existing or altered.

Expansion shall mean (for livestock siting purposes) an increase in the largest number of animal units kept at a livestock facility on at least ninety (90) days in any twelve-month period. The acquisition of an existing livestock facility, by the operator of an adjacent livestock facility, does not constitute an "expansion" unless that operator increases the largest number of animal units kept at the

combined livestock facilities on at least ninety (90) days in any twelve-month period.

Expansion to existing manufactured home park shall mean the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring of concrete pads.

Expressway shall mean a divided arterial street or highway with full or partial control of access and with or without grade separated intersections.

Family shall mean any number of persons related by blood, adoption or marriage, or not to exceed four (4) persons not so related, living together in one (1) dwelling as a single housekeeping entity.

FAA shall mean the Federal Aviation Administration.

Face shall mean the surface of a sign upon which the message is displayed. One (1) sign structure may have more than one (1) face.

Family day care home shall mean a dwelling licensed as a day care center by the State of Wisconsin pursuant to W.S.A., § 48.65, where care is provided for not more than eight (8) children under the age of seven (7) years for less than twenty-four (24) hours per day.

Family foster home shall mean the primary domicile of a foster parent which houses four (4) or fewer foster children and which is licensed pursuant to W.S.A., § 48.62.

Federal emergency management agency (FEMA) shall mean the federal agency that administers the national flood insurance program.

Flag shall mean any fabric or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, school, or to indicate membership in a non-profit organization.

Flashing sign shall mean any directly or indirectly illuminated sign on which the natural or artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. This definition includes parts that move while the light remains constant, giving the impression of changing or flashing lights. Intermittent signs only providing information such as time, date, and temperature and changeable copy signs as defined herein are not considered "flashing signs".

Flood or flooding shall mean a general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following:

- (1) The overflow or rise of inland waters;
- (2) The rapid accumulation of runoff of surface waters from any source;
- (3) The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior; or
- (4) The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a sever storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.

Flood frequency shall mean the probability of a flood occurrence. A flood frequency is generally determined from statistical analysis. The frequency of a particular flood event is usually expressed as occurring, on the average, once in a specified number of years or as a percent chance of occurring in any given year.

Flood insurance study shall mean an examination, evaluation and determination of flood hazards, and, if appropriate, corresponding water surface elevations; or an examination, evaluation and determination of mudslide (i.e., mud flow) and/or flood-related erosion hazards. Such studies shall result in the publication of a flood insurance rate map showing the intensity of flood hazards in either numbered or unnumbered A zones.

Flood insurance rate map (FIRM) shall mean a map of a community on which the Federal Insurance Administration has delineated both special flood hazard areas (the floodplain) and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.

Flood hazard boundary map shall mean a map designating approximate flood hazard areas. Flood hazard areas are designated as un-numbered A zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a flood insurance study and a flood insurance rate map.

Flood profile shall mean a graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.

Flood protection elevation shall mean an elevation of two (2) feet of freeboard above the water surface profile elevation designated for the regional flood. (Also see: freeboard)

Flood stage shall mean the elevation of the floodwater surface above an officially established datum plane, which is mean sea level, 1929 adjustment, on the supplementary floodland zoning map or in any of the flood profiles cited in section 20-211 et seq.

Floodlands shall mean all lands contained in the "regional flood" or one-hundred-year recurrence interval flood. For the purpose of zoning regulation, the floodlands are divided into the urban floodway district, the urban floodplain conservancy overlay district, the urban floodplain fringe overlay district and the general floodplain overlay district.

Floodplain shall mean land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe, and may include other designated floodplain areas for regulatory purposes.

Floodplain fringe shall mean those floodlands, outside the floodway, subject to inundation by the one-hundred-year recurrence interval flood. For the purpose of this chapter, the floodplain fringe includes the urban floodplain conservancy district and the urban floodplain fringe overlay district.

Floodplain island shall mean a natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.

Floodplain management shall mean policy and procedures to ensure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.

Floodplain nonconforming structure shall mean an existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this chapter for the area of the floodplain which it occupies. (For example, an existing residential structure in the floodfringe district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)

Floodplain nonconforming use shall mean an existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this chapter for the area of the floodplain which it occupies, such as a residence in the floodway.

Floodproofing shall mean any combination of structural provisions, changes, or adjustments to properties and structures, water and sanitary facilities, and contents of buildings subject to flooding for the purposes of reducing or eliminating flood damage.

Flood storage shall mean those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.

Floodway shall mean a designated portion of the one-hundred-year flood that will safely convey the regulatory flood discharge with small, acceptable upstream and downstream stage increases, limited in the state to 0.1 foot unless special legal measures are provided. The floodway, which includes

the channel, is that portion of the floodplain not suited for human habitation. All fill, structures and other development that would impair floodwater conveyance by adversely increasing flood stages or velocities or would itself be subject to flood damage should be prohibited in the floodway.

Freeboard shall mean a flood protection elevation requirement designed as a safety factor which is usually expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for the effects of any factors that contribute to flood heights greater than those calculated. These factors include, but are not limited to, ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of urbanization on the hydrology or the watershed, loss of flood storage areas due to development and aggradation of the river or streambed.

Freeway shall mean an expressway with full control of access and with fully grade separated intersections.

Frontage shall mean the smallest dimension of a lot abutting a public street measured along the street line.

General floodplain shall mean that portion of the natural one-hundred-year recurrence interval flood hazard area that is not committed to urban development. The regulations of the general floodplain overlay district are constructed in a manner to promote protection of these natural floodplains in their natural state and to prevent the encroachment of urban development and other structures.

Gift stores shall mean retail stores where items such as art, antiques, jewelry, books and notions are sold.

Greenhouse shall mean a building or structure constructed chiefly of glass, glasslike or translucent material, cloth or lath, which is devoted to the protection or cultivation of flowers, shrubbery, vegetables, trees and other horticultural and floricultural products.

Greenhouse, commercial shall mean a greenhouse used for the growing of plants, all or part of which are sold at retail or wholesale.

Ground sign (monument sign) shall mean any permanent free-standing sign, other than a pole sign, in which the entire bottom is in contact with or is close to the ground and which does not exceed fifteen (15) feet in height.

Group foster home shall mean any facility operated by a person required to be licensed by the State of Wisconsin pursuant to W.S.A., § 48.62 for the care and maintenance of five (5) to eight (8) foster children.

Habitable structure shall mean any structure or portion thereof used or designed for human habitation.

Hardware stores shall mean retail stores where items such as plumbing, heating and electrical supplies, sporting goods and paints are sold.

High flood damage potential shall mean damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.

Historic structure shall mean any structure that is:

- Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
- Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- Individually listed on a local inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- Individually listed on a local inventory of historic places in communities with historic

preservation programs which have been certified either by an approved state program as determined by the Secretary of Interior; or directly by the Secretary of Interior in states without approved programs.

Home occupation shall mean any gainful occupation or profession engaged in by an occupant of a dwelling unit which meets the criteria listed in section 20-1006 et seq.

Hub height shall mean, when referring to a wind turbine, the distance measured from ground level to the center of the turbine hub.

In-law suite shall mean a physical arrangement of a dwelling unit in such a fashion that a separate living quarters is created within a dwelling unit for the sole purpose of allowing related persons to live in the secondary living area while that owner and his or her family resides in the principal living area. The secondary living area may contain a bedroom, bathroom and kitchenette which permit a limited degree of independence, but does not create a separate housekeeping entity.

Increases in regional flood height shall mean a calculated upward rise in the regional flood elevation, equal to or greater than 0.01 foot, determined by comparing existing conditions and proposed conditions and which is directly attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients, and discharge.

Interchange shall mean a grade separated intersection with one (1) or more turning lanes for travel between intersection legs.

Junkyard (salvage yard) shall mean any premises on which there is an accumulation of scrap metal, paper, rags, glass, lumber, inoperable machinery, inoperable vehicles, tires, or other materials stored or customarily stored for salvage, buying, selling, exchanging, dealing, disassembling, packing, bailing, wrecking, or handling unless such accumulation shall be housed in a completely enclosed building.

Kitchen shall mean a place (such as a room) with cooking facilities including kitchen-type counters and/or cabinets, kitchen sinks, or any appliances for the preparation or preservation of food, including but not limited to, gas or electric ranges, ovens or stovetops, microwave ovens, refrigerators with more than five (5) cubic feet of capacity, or freezers.

Kitchenette shall mean a small kitchen or an alcove containing minimal cooking facilities.

Land use for floodplain management purposes shall mean any nonstructural or improved real estate.

Landscaped buffer shall mean an area of landscaping separating two (2) distinct land uses, or a land use and a public right-of-way or private road, and acts to soften or mitigate the effects of one (1) land use on the other.

Letter of map amendment (LOMA) shall mean an official notification from the Federal Emergency Management Agency (FEMA) to an individual property owner that a flood hazard boundary map or flood insurance rate map has been amended.

Letter of map revision (LOMR) shall mean an official notification from the Federal Emergency Management Agency (FEMA) that a municipality's flood hazard boundary map or flood insurance rate map has been amended. A LOMR is issued when the revised map is not republished.

Livestock shall mean domestic animals traditionally used in this state in the production of food, fiber, or other animal products. Livestock includes cattle, swine, poultry, sheep, and goats. Livestock does not include equine animals, bison, farm-raised deer, fish, captive game birds, rarities, camelids, or mink.

Livestock facility shall mean a feedlot, dairy farm, or other operation where livestock are or will be fed, confined, maintained, or stabled for a total of forty-five (45) days or more in any twelve-month period. A livestock facility includes all of the tax parcels of land on which the facility is located, but does not include a pasture or winter grazing area. Related livestock facilities are collectively treated as a

single livestock facility for purposes of this chapter, except that an operator may elect to treat a separate species facility as a separate livestock facility.

Livestock structure shall mean a building or other structure used to house or feed livestock, to confine livestock for milking, to confine livestock for feeding other than grazing, to store livestock feed, or to collect or store waste generated at a livestock facility. Livestock structure includes a barn, milking parlor, feed storage facility, feeding facility, animal lot or waste storage facility. Livestock structure does not include a pasture or winter grazing area, a fence surrounding a pasture or winter grazing area, a livestock watering or feeding facility in a pasture or winter grazing area, or a machine shed or like facility that is not used for livestock.

Living rooms shall mean all rooms within a dwelling except closets, foyers, storage areas, utility rooms and bathrooms.

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

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

Lot lines and area shall mean the peripheral boundaries of a parcel of land and the total area lying within such boundaries exclusive of any highway right-of-way or road easement.

Lot width shall mean the width of a parcel of land measured at the rear of the specified street yard. On all parcels where parallel side lot lines are not perpendicular to the street right-of-way line, such lot width shall be determined by measuring along a line which is perpendicular to the side lot lines and begins at a point on the side lot line that is at the specified street yard setback distance. For parcels with non-parallel side lot lines, lot width shall be measured at the street yard setback distance along a line that is perpendicular to a line which begins at the center of the lot at a point on the street right-of-way line and is perpendicular to such right-of-way line or perpendicular to the tangent at such point in the case of a curved right-of-way.

Machine shops shall mean shops where lathes, presses, grinders, shapers and other wood and metal working machines are used, such as blacksmith, tinsmith, welding and sheet metal shops; plumbing, heating and electrical repair and overhaul shops.

Manufactured dwelling shall mean a dwelling structure or component thereof as is defined in the Wisconsin Administrative Code One and Two Family Uniform Dwelling Code Section ILHR 20.07 (52), which bears the Wisconsin Department of Industry, Labor and Human Relations insignia certifying that it has been inspected and found to be in compliance with Subchapter V of said Uniform Dwelling Code.

Manufactured home shall mean a dwelling structure or component thereof fabricated in an off-site manufacturing facility after June 15, 1976, for installation or assembly at the building site bearing a HUD label or insignia certifying that it is built in compliance with Federal Manufactured Housing Construction Standards. (Ref. 42 United States Code Section 5401-5406.)

Marquee shall mean any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather. Marquee sign shall mean any sign attached to, in any manner, or made a part of a marquee.

MET tower shall mean a meteorological tower used to measure wind speed.

Minimum facility setback distance shall mean a component of the structural and nonstructural setback overlay district distances which represents a setback distance measured from the regraded stable sloped bluff edge which provides a safety factor against possible failure of shore protection structures or the occurrence of higher than expected bluff recession rates, provides a buffer area which helps protect the regraded bluff edge from excessive surface runoff and from the potential bluff slope stresses resulting from the additional weight of buildings being placed close to the bluff edge, and

provides an area which may be effectively utilized for surface water drainage and control.

Minor structures shall mean any small, movable accessory erection or construction such as birdhouses, tool houses, pet houses, play equipment and arbors.

Mobile home shall mean a readily transportable factory built structure, except a manufactured dwelling or manufactured home, intended for human habitation, which by its inherent design may be moved from site to site as necessary; which may have an oversized width for normal traffic allowances and thereby require a special travel permit from state or county highway officials; and which may have its undercarriage removed to facilitate a better location on a slab, piers, or foundation. The removal of the wheels, axles, or other components of the running gear and/or the mounting of such a structure or vehicle on a foundation or over a basement shall not be deemed to change its status from that of a mobile home. A structure manufactured after June 15, 1976, which is certified and labeled as a Manufactured Home under 42 U.S. Code Sections 5401 to 5406 but which is not set on an enclosed foundation in the manner described in section 20-1020 shall be deemed to be a mobile home under this zoning ordinance. Recreational vehicles are not classified as mobile homes and may not be used as a residence.

Mobile home park shall mean any plot or plots of land designed, maintained, intended or used for the purpose of supplying a location or accommodations for two (2) or more units occupied for dwelling or sleeping purposes on a yearround basis and shall include all buildings used or intended for use as part of the equipment thereof, whether or not a charge is made for the use of the mobile home park and its facilities. Mobile home parks shall not include automobile or mobile home sales lots on which unoccupied mobile homes are parked for purposes of inspection and sale, and shall not include recreational vehicle (RV) courts/campgrounds.

Mobile recreational vehicle shall mean a vehicle which is built on a single chassis four hundred (400) square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of mobile recreational homes.

Modular home shall mean a structure which is partially pre-assembled at a manufacturing plant and placed on a lot or parcel as a dwelling unit or units. Also called "pre-fabricated" or pre-cut" homes or "double-wide" units. For purposes of this chapter, the term manufactured home shall generally be used to describe this type of structure. It shall be further distinguished from the term mobile home. (See definitions of manufactured home and mobile home.)

Motel shall mean a series of attached, semiattached or detached sleeping units for the accommodation of transient guests.

NGVD or National Geodetic Vertical Datum shall mean elevations referenced to mean sea level datum, 1929 adjustment.

Navigable waters shall mean Lake Michigan, all natural lakes within the state and all streams, ponds, sloughs, flowages and other waters within the territorial limits of the state, which are navigable under the laws of the state. Under W.S.A., § 144.26(2)(d), notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under W.S.A., § 59.971, and chapter NR115, Wisconsin Administrative Code, do not apply to lands adjacent to farm drainage ditches if:

- (1) Such lands are not adjacent to a navigable stream or river;
- (2) Those parts of such drainage ditches adjacent to such lands were nonnavigable streams before ditching; and,
- (3) Such lands are maintained in nonstructural agricultural use.

Net stable slope distance shall mean the horizontal distance that the top of the bluff would need

to be receded, or be regraded, to form a stable bluff slope, which would not likely be affected by major bluff recession processes such as slumping or sliding. The stable slope distance is one (1) component of the structural and nonstructural setback overlay district distances.

New construction, for floodplain management purposes, shall mean structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by this community and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the start of construction commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

New livestock facility shall mean a livestock facility that will be used as a livestock facility for the first time, or for the first time in at least five (5) years. New livestock facility does not include an expanded livestock facility if any portion of that facility has been used as a livestock facility in the preceding five (5) years.

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

Nonstructural setback overlay district distance shall mean, for Lake Michigan shoreland areas, not recommended to be protected by properly designed, constructed, and maintained shore protection structures, the distance from the existing bluff edge which is expected to be affected by shoreline erosion and bluff recession over a fifty-year period, or by regrading of the bluff slope as needed to achieve a stable slope. The nonstructural setback distance also includes a minimum facility setback distance.

Normal maintenance and repair shall mean cleaning, painting, replacing broken and vandalized non-structural parts; replacing light bulbs; and other like minor routine repairs in a manner that does not change or alter the basic copy area, design, or structure of the sign.

Obsolete sign shall mean any sign that no longer correctly directs or exhorts any person or advertises a business, service, product, tenant, or activity no longer conducted, available, or in existence on the premises where such sign is displayed.

Obstruction shall mean any structure, growth, or other object, including a mobile object, which penetrates any of the protected surfaces described in section 20-898.

Obstruction to flow shall mean any development which blocks the conveyance of flood waters such that this development alone or together with any future development will cause an increase in regional flood heights.

Off-road trail shall mean a new or existing trail made for the use of an off road vehicle(s) where a permanent and defined path has been created and/or where the landscape has been manipulated in such a manner as to create a path or ruts that may or may not include jumps, pits, hills, and/or berms.

Off-road vehicle shall mean a motorized vehicle designed for use on a variety of non-improved surfaces including but not limited to, dune buggies, four-wheel drive vehicles, snowmobiles, all-terrain vehicles (ATVs), dirt bikes, mini bikes, motor bikes, mopeds and trail bikes. Agricultural equipment (such as farm tractors, seeders, combines, cultivators, etc.) used in the operation of a farm, garden tractors and riding lawnmowers are not a type of off-road vehicle.

Official floodplain zoning map shall mean that map, adopted and made part of this article, as described in section 20-213.5, which has been approved by the WI-DNR Department and FEMA.

Official letter of map amendment shall mean official notification from the federal emergency management agency (FEMA) that a flood hazard boundary map or flood insurance rate map has been amended.

Open space use for floodplain management purposes shall mean those uses having a relatively low flood damage potential and not involving structures.

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

Overspeed control shall mean a mechanism used to limit blade rotation speed to below the design limits of the wind energy facility.

Parking lot shall mean a structure or premises containing ten (10) or more parking spaces open to the public for rent or a fee.

Parking space shall mean a graded and surfaced area of not less than one hundred eighty (180) square feet in area either enclosed or open for the parking of a motor vehicle, having adequate ingress and egress to a public street or alley.

Parties in interest shall mean and include all abutting property owners, all property owners within one hundred (100) feet, and all property owners of opposite frontages.

Pennant shall mean any lightweight plastic, fabric, or other material, whether or not it contains a message of any kind, suspended from a rope, wire, or string, usually in series that typically streams in the wind.

Person shall mean any individual, firm, partnership, corporation, company, association or governmental entity; includes a trustee, a receiver, an assignee or a similar representative of any of them.

Pierhead line shall mean a boundary line established along any section of the shore of any navigable waters by a municipal ordinance approved by the state department of natural resources, pursuant to W.S.A., § 30.13. Piers and wharves are only permitted to the landward side of such pierhead line unless a permit has been obtained pursuant to W.S.A., § 30.12(2).

Pinwheel shall mean a wheel with vanes of paper or similar material, pinned to a stick, pole, or similar structure or device, so as to revolve in the wind.

Pond shall mean a natural or artificial (manmade) body of standing water smaller than a lake which generally retains water yearround.

Pole sign (freestanding sign, self-supporting sign) shall mean any sign that is mounted on one (1) or more poles so that the bottom of the sign is at least twelve (12) feet in height.

Portable sign shall mean any sign not permanently attached to the ground or other permanent structure or a sign designed to be transported, including but not limited to signs designed to be transported by means of wheels; signs converted to A-or T-frames; menu and sandwich board signs; umbrellas used for advertising; and signs attached to or painted on vehicles, trailers, or equipment that are parked and readable from the street right-of-way, unless said vehicles, trailers, or equipment are used in the normal day-to-day business operations.

Principal structure shall mean a structure used or intended to be used for the principal use as permitted on such lot by the regulations of the district in which it is located.

Private sewage system shall mean a sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also shall mean an alternative sewage system approved by the department of commerce, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.

Projecting sign shall mean any sign that is wholly or partly dependent upon a building for support and which projects more than twelve (12) inches from the side(s) of such building.

Pyramiding shall mean the act of obtaining or providing access to public bodies of water across private lots or lands in a manner which increases the number of families which have access to that water to a degree greater than what would occur with individual riparian owners having individual lots fronting on the water. The effect of pyramiding is to funnel backlot development from offshore lots or residences via a narrow parcel of land to provide access to the water. Publicly owned access point shall not fall within this definition.

Qualified nutrient management planner shall mean a person qualified under § ATCP 50.48.

Reach shall mean a longitudinal segment of a stream generally including those floodlands wherein flood stages are primarily and commonly controlled by the same manmade or natural obstructions to flow.

Rear yard shall mean a yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearer point of the principal structure. This yard shall be opposite the street yard or one (1) of the street yards on a corner lot.

Reasonably safe from flooding shall mean base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

Recreational vehicle shall mean a vehicular unit designed as temporary living quarters for recreational, camping, or travel use which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper, or motor home.

Recycling means the transfer, transporting, processing, marketing, and conversion of solid waste into usable materials or products and includes the stockpiling and disposal on non-usable portions of solid wastes, but does not include the collection of solid wastes.

Recycling center means that a facility that is not a junkyard and in which recoverable resources, such as newspapers, glassware, and metal cans, are collected, stored, flattened, crushed, or bundled, essentially by hand within a completely enclosed building.

Recycling drop-off site means a collection point for recyclable materials. Temporary storage of specific materials is permitted on each site, but no processing of such items is allowed.

Recyclable materials means waste material for which there exists a commercially demonstrated processing or manufacturing technology which uses the material as a raw material.

The following materials are "recyclable materials" under this chapter:

- (1) Batteries;
- (2) Major appliance;
- (3) Motor oil and lubricants;
- (4) Magazines and newspapers;
- (5) Plastic containers;
- (6) Glass containers;
- (7) Aluminum containers;
- (8) Polystyrene foam packaging;
- (9) Steel containers;
- (10) Waste tires, as defined in W.S.A., § 84.078(1)(b);
- (11) Carbonated or malt beverage containers made primarily of steel and aluminum;
- (12) Office paper.

Recycling plant means a facility that is not a junk yard and in which recoverable resources are recycled, reprocessed and treated to return such products to a condition in which they may again be used for production.

Regional flood shall mean a flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one (1) percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.

Related livestock facilities shall mean livestock facilities that are owned or managed by the same person and related to each other in at least one (1) of the following ways:

- (1) They are located on the same tax parcel of adjacent tax parcels of land.

NOTE: A mere acquisition of a neighboring livestock facility does not constitute an "expansion" unless more animal units are added to the combined facilities.

- (2) They use one or more of the same livestock structures to collect or store manure.

- (3) At least a portion of their manure is applied to the same landspreading acreage.

Note: Compare definition of "animal feeding operation" under § NR 243.03(2). "Related livestock facilities" are treated as a single livestock facility for purposes of local approval, except that a "separate species facility" may be treated as a separate livestock facility.

Relocatable structure shall mean a structure or building which can be moved by a professional building moving contractor to its desired location at a cost not to exceed thirty (30) percent of the equalized value of the structure.

Roadside stand shall mean an accessory structure having a ground area of not more than three hundred (300) square feet, not closer than twenty-five (25) feet to any street right-of-way line, not permanently fixed to the ground, readily removable in its entirety, not fully enclosed and to be used solely for the sale of farm products produced on the premises (or adjoining premises).

Roof sign shall mean any sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above any point of a building with a flat roof, the deck line of a building with a mansard roof, or the eave line of a building with a gambrel, gable, dome or hip roof.

Runway shall mean any existing or planned rectangular paved surface which is specifically used for the landing and/or taking off of aircraft.

Screening shall mean a method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

Self-service storage facility shall mean any structure designed and used for the purpose of renting or leasing individual storage spaces to tenants who are to have access to such space for the purpose of storing and removing personal property; also known as a miniwarehouse.

Separate species facility shall mean a livestock facility that meets all of the following criteria:

- (1) It has only one (1) of the following types of livestock, and that type of livestock is not kept on any other livestock facility to which the separate species facility is related. (See definition of a "related livestock facility.")

- a. Cattle;
- b. Swine;
- c. Poultry;
- d. Sheep;
- e. Goats.

- (2) It has no more than five hundred (500) animal units.
- (3) Its livestock housing and manure storage structures, if any, are separate from the livestock housing and manure storage structures used by livestock facilities to which it is related.
- (4) It meets one of the following criteria:
 - a. Its livestock housing and manure storage structures, if any, are located at least seven hundred fifty (750) feet from the nearest livestock housing or manure storage structure used by a livestock facility to which it is related.
 - b. It and the other livestock facilities to which it is related have a combined total of fewer than one thousand (1,000) animal units.

Shore protection structures shall mean structures which are intended to reduce shoreline erosion and bluff recession by providing an artificial protective barrier against direct wave and ice attacks on the beach and bluff toe, by increasing the extent of the beach available to absorb wave energy before the water reaches the bluff, by dissipating wave energy and/or by stabilizing the bluff slope. Shore protection structures include bulkheads, revetments, seawalls, groins, breakwater and slope stabilization measures.

Shore yards shall mean a yard extending across the full width or depth of a lot, the depth of which shall be the minimum horizontal distance between a line intersecting both side lot lines at the same angle and containing the ordinary highwater mark of a lake, pond, flowage, river, stream or wetland nearest the principal structure and a line parallel thereto containing the point of the principal structure nearest the ordinary highwater mark.

Shorelands shall mean those lands within the following distances from the ordinary highwater mark of navigable waters: one thousand (1,000) feet from a lake, pond, or flowage, and three hundred (300) feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

Shorelines shall mean the intersection of the land surfaces abutting lakes, ponds, rivers, streams, flowages, and wetland with the ordinary highwater mark.

Side yard shall mean a yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal structure.

Sign shall mean any object, device, display, or structure, or part thereof, situated outdoors or indoors, that is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images.

Sign height. See section 20-1409(a).

Small wind energy facility shall mean an electric generating facility consisting of one wind turbine that has a rated capacity of not more than one hundred (100) kw/one (1) mw and is primarily intended to reduce on-site consumption of power.

Smoke unit shall mean the number obtained when the smoke density in Ringelmann number is multiplied by the time of emission in minutes.

Specified anatomical areas shall mean:

- (1) Less than completely and opaquely covered:
 - a. Human genitals, pubic region;
 - b. Buttock;
 - c. Female breast below a point immediately above the top of the areola; or

- (2) Human male genitals in a discernibly turgid state even if completely and opaquely covered.

Specified sexual activities shall mean:

- (1) Human genitals in a state of sexual stimulation or arousal;
- (2) Acts of human masturbation, sexual intercourse, or sodomy;
- (3) Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

Stable, commercial shall mean a building or land where horses are kept for remuneration, hire, sale, boarding, riding, or show.

Start of construction shall mean the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Storage capacity shall mean the volume of space available above a given cross section of a floodplain for the temporary storage of floodwater. The storage capacity will vary with stage.

Streamer. See Pennant.

Street shall mean a public or private right-of-way providing primary access to abutting properties.

Street yard shall mean a yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have two (2) such yards.

Structural alterations shall mean any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams or girders.

Structural setback overlay district distance shall mean for Lake Michigan shoreland areas recommended to be protected by properly designed, constructed, and maintained shore protection structures, the distance from the existing bluff edge which would be lost by regrading the bluff slope as needed to achieve a stable slope. The structural setback distance also includes a minimum setback distance.

Structure shall mean any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts. Additionally, in the APO district, a structure also includes a mobile object such as a crane, earthworks and overhead transmission lines.

Substantial damage shall mean damage sustained by a structure whereby the cost of repairing or restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

Substantial improvement shall mean any repair, reconstruction or improvement of a structure,

the cost of which equals or exceeds fifty (50) percent of the present equalized assessed value of the structure either before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. The term does not however, include either: (a) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (b) any alteration of a designated historical structure or site documented as deserving preservation by the Wisconsin State Historical Society or listed on the National Register of Historic Places provided the alteration will not preclude the structure's continued designation as an historical structure. Ordinary maintenance repairs are not considered structural repairs, modifications, or additions; such ordinary maintenance repairs include internal and external painting, decorating, paneling, and the replacement of doors, windows, and other nonstructural components. "Substantial improvement" begins when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

Sustained yield forestry shall mean management of forest lands to provide annual or periodic crops of forest products.

Swept area shall mean the largest area of the wind energy facility that extracts energy from the wind stream. There is a direct relationship between swept area and the rotor diameter in a conventional propeller-type wind energy facility.

Temporary sign shall mean any sign intended for a limited or intermittent period of display.

Temporary structure shall mean a movable structure not designed for human occupancy nor for the protection of goods or chattels and not forming an enclosure.

Total height shall mean, when referring to a wind turbine, the distance measured from ground level to the blade extended at its highest point.

Traveling message sign shall mean any characters, letters, or illustrations (see changeable copy sign) that appear to move, change, or flash on a sign more than once every fifteen (15) minutes, excluding a "time and temperature" portion of a sign.

Tree shall mean, for purposes of the APO district, any object of natural growth.

Turning lanes shall mean an existing or proposed connecting roadway between two (2) arterial streets or between an arterial street and any other street. Turning lanes include grade separated interchange ramps.

Unnecessary hardship shall mean that circumstance where special conditions, which are not self-created, affect a particular property and make strict conformity with the restrictions governing dimensional standards (such as lot area, lot width, setbacks, yard requirements, or building height) unnecessarily burdensome or unreasonable in light of the purpose of the ordinance.

Utilities shall mean public and private facilities such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electrical power substations, static transformer stations, telephone and telegraph stations, but not including sewage disposal plants, municipal incinerators, warehouses, shops and storage yards.

Variance shall mean an authorization granted by the zoning board of adjustment to construct, alter, or use a building or structure in a manner that deviates from the dimensional standards of this ordinance. A variance may not permit the use of a property that is otherwise prohibited by the ordinance or allow floodland construction that is not protected to the flood protection elevation.

Violation shall mean the failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

Wall sign shall mean any sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for or forms the background surface of

the sign and which does not project more than twelve (12) inches from such building or structure.

Waste shall mean (for livestock siting purposes) manure, milking center waste and other organic waste generated by a livestock facility.

Waste storage facility shall mean one or more waste storage structures. Waste storage facility includes stationary equipment and piping used to load or unload a waste storage structure if the equipment is specifically designed for that purpose and is an integral part of the facility. Waste storage facility does not include equipment used to apply waste to land.

Waste storage structure shall mean a waste storage impoundment made by constructing embankments, excavating a pit or dugout, or fabricating a structure. Waste storage structure does not include equipment used to apply waste to land. For purposes of §§ ATCP 51.12(2) and 51.14, waste storage structure does not include any of the following:

- (1) A structure used to collect and store waste under a livestock housing facility;
- (2) A manure digester consisting of a sealed structure in which manure is subjected to manage biological decomposition.

Watershed shall mean the entire region contributing runoff or surface water to a watercourse or body of water.

Water surface profile shall mean a graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.

Well shall mean an excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.

Wetlands shall mean those areas where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.

Wind access permit shall mean a wind access permit within the meaning of Wisconsin Statutes 66.0403 or any successor statute.

Wind energy facility siting permit shall mean a construction and operation permit granted according to the provisions of this article.

Wind turbine shall mean a wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, blade, tower, base, and pad transformer, if any.

Window sign shall mean any sign that is placed inside a window or upon the windowpanes or glass and is readable from the street or highway.

Winter grazing area shall mean cropland or pasture where livestock feed on dormant vegetation or crop residue, with or without supplementary feed, during the period from October 1 to April 30. Winter grazing area does not include any of the following:

- (1) An area, other than a pasture, where livestock are kept during the period from May 1 to September 30;
- (2) An area which at any time has an average of more than four (4) livestock animal units per acre;
- (3) An area from which livestock have unrestricted access to navigable waters of the state, such that the livestock access prevents adequate vegetative cover on banks adjoining the water;
- (4) An area in which manure deposited by livestock causes nutrient levels to exceed

standards in § ATCP 51.16.

Yard shall mean an open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except for vegetation. The street and rear yards extend the full width of the lot.

Zoning administrator shall mean a person recommended by the county planning and development committee and appointed by the board of supervisors to administer and enforce this chapter. Reference to the zoning administrator shall be construed to include duly appointed deputy administrators.

(Code 1975, § 7.0120; Ord. No. 86-17, § 7.0120, 7-22-86; Ord. No. 87-144, 11-10-87; Ord. No. 88-23, 6-28-88; Ord. No. 88-160, § 7.0120, 1-10-89; Ord. No. 89-89, § 7.0120, 8-8-89; Ord. No. 89-255, 2-27-90; Ord. No. 91-130, § 7.0120, 11-5-91; Ord. No. 93-99, 9-14-93; Ord. No. 93-183, 1-11-94; Ord. No. 94-155, § 1, 11-10-94; Ord. No. 94-235, 2-28-95; Ord. No. 97-155, 11-11-97; Ord. No. 2000-251S, 8-28-01; Ord. No. 2003-132, 11-18-03; Ord. No. 2004-136, 12-14-04; Ord. No. 2004-190, 3-8-05; Ord. No. 2005-69S, 9-13-05; Ord. No. 2005-155, 1-24-06; Ord. No. 2006-91, 10-26-06; Ord. No. 2007-28, 6-26-07)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 20-2. Authority.

This chapter is adopted under the authority granted by W.S.A. §§ 59.69, 59.694, 87.30(2) and 281.31. Uncontrolled development and use of the floodplains and rivers of Racine County would impair the public health, safety, convenience, general welfare, and tax base.

(Code 1975, § 7.011; Ord. No. 2005-155, 1-10-06)

Sec. 20-3. Purpose.

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

(Code 1975, § 7.012)

Sec. 20-4. Intent.

(a) It is the general intent of this chapter to:

- (1) Regulate and restrict the use of all structures, lands and waters;
- (2) Regulate and restrict lot coverage, population distribution and density and the size and location of all structures so as to:
 - a. Lessen congestion in and promote the safety and efficiency of the streets and highways;
 - b. Secure safety from fire, flooding, panic and other dangers;
 - c. Provide adequate light, air, sanitation and drainage;
 - d. Prevent overcrowding;
 - e. Avoid undue population concentration;
 - f. Facilitate the adequate provision of public facilities and utilities;
 - g. Stabilize and protect property values;

- h. Further the appropriate use of land and conservation of natural resources;
- i. Preserve and promote the beauty of the county; and
- j. Implement the county's comprehensive plan or plan components.

(b) This chapter is further intended to:

- (1) Secure safety from flooding, water pollution, contamination and other hazards;
- (2) Prevent flood damage to persons and property and minimize expenditures for flood relief and flood control projects;
- (3) Obtain the wise use, conservation, development and protection of the county's water, soil, wetland, woodland and wildlife resources according to their capabilities;
- (4) Further the maintenance of safe and healthful water conditions;
- (5) Prevent and control erosion, sedimentation and other pollution of surface and subsurface waters;
- (6) Preserve shore growth and cover and promote the natural beauty of the county;
- (7) Protect fish and animal life, including their spawning, nesting, resting, nursing and feeding areas; and
- (8) Implement those municipal, watershed and regional comprehensive plans or components of such plans adopted by the county.

(c) This chapter is intended to regulate floodplain development to:

- (1) Protect life, health, and property;
- (2) Minimize expenditures of public funds for flood-control projects;
- (3) Minimize rescue and relief efforts undertaken at the expense of the taxpayers;
- (4) Minimize business interruptions and other economic disruptions;
- (5) Minimize damage to public facilities in the floodplain;
- (6) Minimize the occurrence of future flood blight areas in the floodplain;
- (7) Discourage the victimization of unwary land and homebuyers;
- (8) Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and
- (9) Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

(Code 1975, § 7.013; Ord. No. 2005-155, 1-10-06)

Sec. 20-5. Abrogation and greater restrictions.

It is not intended by this chapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations or permits previously adopted or issued pursuant to laws. However, wherever this chapter imposes greater restrictions, the provisions of this chapter shall govern. Where a provision of this Code or town ordinance is more restrictive than this chapter in relation to floodlands and shorelands, only its greater restrictions are effective.

(Code 1975, § 7.014)

Sec. 20-6. Interpretation.

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the county and shall not be deemed a limitation or repeal of any other powers granted by Wisconsin Statutes. Where a provision of this chapter is required by a standard in ch. NR115, or NR116, Wisconsin Administrative Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the ch. NR115 or NR116 standards in effect on the date of the adoption of this chapter or in effect on the date of the most recent text amendment to this chapter.

(Code 1975, § 7.015; Ord. No. 86-17, § 7.015, 7-22-86; Ord. No. 2005-155, 1-10-06)

Sec. 20-7. Limitation of certain liability.

(a) The county does not guarantee, warrant or represent that only those areas designated in section 20-816 et seq. as floodlands will be subject to periodic inundation and hereby asserts that there is no liability on the part of the board of supervisors, its agencies or employees for any flood damages that may occur as a result of reliance upon, and conformance with, this chapter.

(b) The nonstructural setback distance provisions in section 20-942 et seq. for the Lake Michigan shoreland are considered the minimum reasonable requirements necessary to reduce bluff recession damages to facilities for an anticipated fifty-year hazard period. These requirements are based upon engineering, geological, and other scientific studies and principles. Higher rates of erosion may occur. Erosion rates may be increased by natural causes such as major storms or high lake levels or by manmade causes such as construction activities.

(c) Compliance with the structural setback distances set forth in section 20-916 et seq. is assumed to provide reasonable protection from further bluff recession if the shore protection structures are properly designed, constructed, and maintained. However, even proper protection structures meeting all of the required criteria may fail during major storm events or other natural occurrences. These regulations do not guarantee or warrant that development in compliance with its terms will be protected from all erosion damage. Reliance on these regulations shall not create liability on the part of the board of supervisors, its agencies or employees for any erosion damages that may occur as a result of reliance upon, and conformance with, this chapter.

(Code 1975, § 7.016)

Sec. 20-8. Repeal and effective date.

(a) The county zoning ordinance adopted June 28, 1949, as amended is hereby repealed:

(1) In its entirety in any town on the date of the adoption by that town's board of supervisors of this chapter adopted, December 2, 1969, if such adoption occurs within twelve (12) months of the adoption of this chapter, adopted December 2, 1969, by the county board;

(2) If the town board does not so adopt the chapter adopted December 2, 1969, as to all provisions:

a. Which apply to the area outside the floodlands and shorelands, if any, in such town and,

b. If within such floodland and shoreland areas, which are in conflict with the provisions of this chapter adopted December 2, 1969.

(b) All other ordinances or parts of ordinances of the county inconsistent with this chapter adopted December 2, 1969, to the extent of the inconsistency only, are hereby repealed as to any town in this county.

(Code 1975, § 7.017)

Sec. 20-9. Jurisdiction.

The provisions of this chapter shall apply to all structures, land, water, and air within the unincorporated areas of the county. Areas regulated by the shoreland provisions of this chapter shall include all the lands (referred to herein as shorelands) in the unincorporated areas of the county which are:

(1) Within one thousand (1,000) feet of the ordinary high-water mark of navigable lakes, ponds or flowages. Lakes, ponds or flowages in the county shall be presumed to be navigable if they are listed in the state department of natural resources publication Surface Water Resources of Racine County or shown on United States Geological Survey quadrangle maps.

(2) Within three hundred (300) feet of the ordinary high-water mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater. Rivers and streams in the county shall be presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey quadrangle maps, Racine County Topographic Mapping (two-foot contours) or other zoning base maps which have been incorporated by reference and made a part of this chapter.

The flood hazard boundary maps, flood insurance study maps, the supplementary floodland zoning map, or county topographic mapping (two-foot contours), which have been adopted by the county, shall be used to determine the extent of the floodplain in the county.

(Code 1975, § 7.021; Ord. No. 86-17, § 7.021, 7-22-86)

Sec. 20-10. Compliance.

(a) No structure, development, land, water or air shall be used and no structure or part thereof shall be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a zoning permit, except minor structures, and without full compliance with the provisions of this chapter and all other local, county and state regulations. The zoning administrator shall issue or deny, after on-site inspections, all permits required by this chapter. The zoning administrator shall maintain records of all zoning permits issued and shall record the lowest floor elevation of any structure erected, placed or structurally altered in a floodland district. The zoning administrator shall, with the aid of the sheriff and the corporation counsel, investigate all complaints, give notice of violations, issue orders to comply with this chapter, and assist in the prosecution of chapter violators.

(b) The zoning administrator and his duly appointed deputies may enter at any reasonable time unto any public or private lands or waters to make a zoning inspection. If, however, he is refused entry after presentation of his identification, he shall procure a special investigation warrant in accordance with W.S.A., § 66.122, except in cases of emergency.

(c) Within the unincorporated shoreland areas of the county, unless specifically exempted by law, all cities, villages, towns and counties and their agencies and departments are required to comply with the shoreland provisions of this chapter and obtain all necessary permits. State

agencies are required to comply when W.S.A., § 13.48(13), applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the state department of transportation are exempt when W.S.A., § 30.12(4)(a), applies.

(d) Any development or use within the floodplain areas regulated by this chapter shall be in compliance with the floodplain provisions of this chapter, and other applicable local, state, and federal regulations.

(Code 1975, § 7.022; Ord. No. 86-17, § 7.022, 7-22-86; Ord. No. 2005-155, 1-10-06)

Sec. 20-10.5. Municipalities and state agencies regulated.

Unless specifically exempted by law, all cities, village, towns, and counties are required to comply with this ordinance and obtain all required permits. State agencies are required to comply if W.S.A., § 13.48(13) applies. The construction, reconstruction, maintenance, and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt from compliance when W.S.A., § 30.2022 applies.

(Ord. No. 94-155, § 2, 11-10-94; Ord. No. 2005-155, 1-10-06)

Sec. 20-11. Violations.

It shall be unlawful to construct, develop or use any structure, or develop or use any land, water or air in violation of any of the provisions of this ordinance or order of the planning and development committee or board of adjustment. In case of any violation, the board of supervisors, the corporation counsel, the director of planning and development, the manager of code administration, the planning and development committee, any municipality, or any owner of real estate within the district affected who would be specifically damaged by such violation may institute appropriate legal action or proceedings to enjoin a violation of this chapter, or seek abatement or removal. In addition, those actions commenced on behalf of the county may seek a forfeiture or penalty as outlined herein.

Every structure, fill or development placed or maintained on floodlands in violation of this chapter is a public nuisance; and this creation thereof may be enjoined and maintenance thereof may be abated by an action instituted by the county or any citizen who lives in or within five hundred (500) feet of the floodland.

Unless there is clear evidence that a parcel is being rented or used by someone other than the owner, said owner remains responsible for compliance with this chapter.

(Code 1975, § 7.0210; Ord. No. 91-130, § 7.0210, 11-5-91; Ord. No. 93-9, 5-11-93)

Cross references: Schedule of deposits for violation of the provisions in this section, § 5-3.

Sec. 20-12. Penalties.

Any person who fails to comply with the provisions of this chapter, or any order of the zoning administrator issued in accordance with this chapter, or resists enforcement shall, upon conviction thereof, forfeit not less than twenty dollars (\$20.00) nor more than one thousand dollars (\$1,000.00) and costs of prosecution for each violation, and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until payment thereof, but not exceeding six (6) months. Each day a violation exists or continues shall constitute a separate offense. Any person who places or maintains any structure, fill or development on any floodland in violation of this chapter may be fined not more than fifty dollars (\$50.00) for each offense. Each day a violation exists or continues shall constitute a separate offense.

(Code 1975, § 7.0211; Ord. No. 88-159, § 7.0211, 1-10-89)

Sec. 20-13. Enforcement.

The provisions of this chapter shall be enforced by the sheriff's department and the zoning administrator. The use of citations, as described in chapter 5, is hereby authorized. It shall not be necessary to prosecute for forfeiture before resorting to injunctive proceedings.

(Ord. No. 89-242, pt. 1(7.0212), 1-23-90)

Sec. 20-14. Forfeiture in lieu of court appearance.

Any person charged with a violation of the offenses listed under section 5-3 may pay the amount enumerated therein at the Racine County Sheriff's Department in lieu of a court appearance.

(Ord. No. 89-242, pt. 2(7.0213), 1-23-90)

Sec. 20-15. Bonds.

The planning and development committee may require that a performance bond be obtained from the applicant/petitioner for the benefit of the county and filed with the county so as to insure compliance with the terms of this chapter or a permit. In setting the amount of the bond, consideration should be given to:

- (1) The purpose of the bond;
- (2) The use to which any forfeited money is to be applied; and
- (3) The time when it may be applied and any increased costs due to time or inflation that may be incurred by the county in the event of noncompliance with this chapter or the terms of a permit or that may be incurred for purposes of rehabilitation.

The amount of the bond may be subject to further review. Failure to obtain or maintain such bond shall invalidate any permit.

(Ord. No. 91-130, § 7.0212, 11-5-91)

Sec. 20-16. Severability.

Should any portion of this chapter be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected.

(Ord. No. 2005-155, 1-10-06)

Sec. 20-17. Zoning agency.

(a) The economic development and land use planning committee shall:

- (1) Oversee the functions of the office of the zoning administrator; and
- (2) Review and advise the Racine County Board of Supervisors on all proposed amendments to this chapter, maps and text.
- (3) Review and approve conditional uses and site plans;

- (4) Such other functions as established by the Racine County Board of Supervisors.
- (b) This committee shall not:
 - (1) Grant variances to the terms of the ordinance in place of action by the board of adjustment/appeals; or
 - (2) Amend the text or zoning maps in place of official action by the board of supervisors.

(Ord. No. 2005-155, 1-10-06)

Sec. 20-18. Zoning administrator.

The zoning administrator is authorized to administer this chapter and shall have the following duties and powers:

- (1) Advise applicants of the chapter provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for any proposed floodplain development is shown on all such permit applications.
- (2) Issue permits and inspect properties for compliance with provisions of this chapter, and issue certificates of compliance where appropriate.
- (3) Inspect all damaged floodplain structures and perform a substantial damage assessment to determine if substantial damage to the structures has occurred.
- (4) Keep records of all official actions such as:
 - a. All permits issued, inspections made, and work approved;
 - b. Documentation of certified lowest floor and regional flood elevations for floodplain development;
 - c. Records of water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments;
 - d. All substantial damage assessment reports for floodplain structures.
- (5) Submit copies of the following items to the department of natural resources regional office:
 - a. Within ten (10) days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;
 - b. Copies of any case-by-case analyses, and any other information required by the department of natural resources, including an annual summary of the number and types of floodplain zoning actions taken.
 - c. Copies of substantial damage assessments performed and all related correspondence concerning the assessments.

NOTE: Information on conducting substantial damage assessments is available on the department of natural resources (DNR) website <http://dnr.wi.gov/org/water/wm/dsfm/flood/title.htm>
- (6) Investigate, prepare reports, and report violations of this chapter to the economic development and land use planning committee and corporation counsel for prosecution. Copies of the reports shall also be sent to the DNR regional office.
- (7) Submit copies of text and map amendments and biennial reports to the FEMA

regional office.

(8) Conduct public information activities.

- a. Cause marks to be placed on structures to show the depth of inundation during the regional flood.
- b. Ensure that all maps, engineering data, and regulations shall be available and widely distributed.
- c. Encourage all real estate transfers to show within what floodplain zoning district any real property is located.

(Ord. No. 2005-155, 1-10-06)

Sec. 20-19. Data requirements to analyze floodplain developments.

The applicant shall provide all survey data and computations required to show the effects of the project on flood heights, velocities and floodplain storage, for all subdivision proposals, as "subdivision" is defined in [W.S.A.] § 263, and other proposed developments exceeding five acres in area or where the estimated cost exceeds one hundred twenty-five thousand dollars (\$125,000.00). The applicant shall provide:

- (1) An analysis of the effect of the development on the regional flood profile, velocity of flow and floodplain storage capacity;
- (2) A map showing location and details of vehicular access to lands outside the floodplain; and
- (3) A surface drainage plan showing how flood damage will be minimized. The estimated cost of the proposal shall include all structural development, landscaping, access and road development, utilities, and other pertinent items, but need not include land costs.

(Ord. No. 2005-155, 1-10-06)

Sec. 20-20. Re-filing following denial; withdrawal; deferral.

- (a) Upon denial by Racine County of any application by a property owner or his/her authorized agent for a text or map amendment, conditional use, site plan review, appeal or variance, no further application concerning any or all of the same property that is substantially the same as the application denied shall be made within one (1) year from the date of such denial.
- (b) Any such application may be withdrawn at any time; provided, that if the request for withdrawal is made after publication of the notice of any public hearing, no application which is substantially the same on all or any part of the same property may be filed within six (6) months of the withdrawal date. All such withdrawal requests must be done/confirmed in writing. Telephone requests by themselves are insufficient.
- (c) In no event shall there be any refund of fees in the case of withdrawal.
- (d) Whenever consideration of such an application is deferred or adjourned at the request of the property owner or authorized agent, after notice of any public hearing has been first published, the applicant shall bear the additional advertising and mailing costs.

(Ord. No. 2005-69S, 9-13-05)

Secs. 20-21--20-30. Reserved.

ARTICLE II. BOARD OF ADJUSTMENT*

***Cross references:** Boards, committees, commissions, § 2-206 et seq.

State law references: Board of adjustment, W.S.A., § 59.99.

Sec. 20-31. Establishment.

There is hereby established a board of adjustment for the purpose of hearing certain appeals and applications and granting variances from the provisions of this chapter in harmony with the general purpose and intent of this chapter.

(Code 1975, § 7.0101)

Sec. 20-32. Membership.

(a) The board of adjustment shall consist of five (5) members appointed by the county executive and confirmed by the board of supervisors. The members of the board of adjustment shall all reside within the county and outside of the limits of incorporated cities and villages; provided, however, that no two (2) members shall reside in the same town.

(b) The county executive shall appoint, for staggered three-year terms, two (2) alternate members of the board of adjustment, who are subject to the approval of the county board. Annually, the county executive of the county board shall designate one (1) of the alternate members as the first alternate with the other as second alternate. The first alternate shall act, with full power, only when a member of the board of adjustment refuses to vote because of a conflict of interest or when a member is absent. The second alternate shall act only when the first alternate refuses to vote because of a conflict of interest or is absent, or if more than one (1) member of the board of adjustment refuses to vote because of a conflict of interest or is absent.

(c) Official oaths shall be taken by all members in accordance with W.S.A., § 19.01, within ten (10) days of receiving notice of their appointment.

(d) Terms for members of the board of adjustment shall be for staggered three-year periods beginning July first. Vacancies shall be filled for an unexpired term in the same manner as appointments for a full term.

(e) Each member shall be paid an amount per diem as is determined by the board of supervisors from time to time for each day he attends a meeting of the board of adjustment, and, in addition to his per diem, he shall receive mileage for each mile traveled in going to and returning from the places of meetings or site inspections by the most usual traveled route, at the rate established by the board of supervisors, as the standard mileage allowance of all county employees and officers.

(f) A member shall be removable by the vote of two-thirds (2/3) of the board of supervisors for cause upon written charges and after public hearing.

(g) If a quorum is present, the board of adjustment may take action under this section by a majority vote of the members present.

(Code 1975, § 7.0102; Ord. No. 2005-125, 12-13-05)

Sec. 20-33. Officers.

The board of adjustment shall choose its own chairman. A secretary and other employees may be employed by the board of adjustment.

(Code 1975, § 7.0102)

Sec. 20-34. Organization.

(a) The board of supervisors shall adopt rules for the conduct of the business of the board of adjustment, in accordance with the provisions of any ordinance or ordinances adopted pursuant to W.S.A., § 59.97. The board of adjustment may adopt further rules as necessary to carry into effect the regulations of the board of supervisors.

(b) Meetings shall be held at the call of the chairman or at such other times as the board of adjustment may determine and shall be open to the public.

(c) Minutes of the proceedings and a record of all actions shall be kept by the secretary, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, the reasons for the board's determination, and its findings of facts. These records shall be immediately filed in the office of the board and shall be a public record.

(d) The concurring vote of a majority of the board shall be necessary to reverse any order, requirement, decision or determination of any administrative official or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter or to effect any variation in this chapter.

(Code 1975, § 7.0103)

Sec. 20-35. Powers.

(a) The board of adjustment shall have the following powers:

(1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the zoning administrator, except insofar as such appeal applies to an application for a conditional use or a temporary use.

(2) To authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship, and so that the spirit of the chapter shall be observed and substantial justice done. No variance shall have the effect of permitting any use where prohibited by the district, floodland or shoreland regulations; nor of permitting standards lower than those required by the Wisconsin Statutes, the Wisconsin Administrative Code or the state department of natural resources; nor of permitting the elevation of any building lying on floodlands to be lower than that specified in this chapter.

(3) To hear and decide upon the delineation of floodland districts where it is alleged there is a difference between the elevation of the floodplain and lands shown within the floodplain based upon field surveys, or for delineating the precise location of the floodplain in unnumbered A zones.

(4) To hear and decide applications for interpretations of the zoning regulations and the

locations of the boundaries of the zoning district, floodland, and shorelands after the planning and development committee has made a review and recommendation. Floodland and shoreland boundaries shall be altered by the board of adjustment only when the applicant presents evidence that clearly and conclusively establishes that the location on the zoning map is incorrect.

(5) To hear and grant application for substitution of more restrictive nonconforming uses for existing nonconforming uses provided no structural alterations are to be made and the planning and development committee has made a review and recommendation. Whenever the board permits such a substitution, the use may not thereafter be changed without application.

(6) To authorize upon appeal variances where special conditions, such as terrain, cover, or nearby or existing or potential land or water uses, indicate that a shoreland regulation is more stringent than that required to meet the purposes of W.S.A., § 144.26, i.e., to prevent and control erosion and sedimentation, to prevent pollution, to preserve shore cover, and to protect fish and aquatic life.

(7) To hear and decide conditional uses, when an applicant requires both a variance and a conditional use on the same issue or property. Only one (1) hearing shall be held on the combined variance/conditional use. Town approval in accordance with section 20-1181 et seq. shall apply to the conditional use portion of such an issue.

(b) The board of adjustment may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

(c) The board of adjustment may request assistance from other county officers, departments, commissions, and boards. The chairman may administer oaths and compel the attendance of witnesses.

(Code 1975, § 7.0104; Ord. No. 88-160, § 7.0104, 1-10-89)

Sec. 20-36. Appeals and applications.

(a) Appeals to the board of adjustment may be made by any person aggrieved by any decision or order of the zoning administrator under this chapter or any officer, department, board or bureau of the county affected by a decision or order of the zoning administrator. An application to the board of adjustment shall be filed with the zoning administrator from whom the appeal is taken within thirty (30) days after the date of written notice of the decision or order of the zoning administrator. The application shall include the following:

(1) Name and address of the applicant and all abutting and opposite property owners of record.

(2) Plat of survey prepared by a registered land surveyor showing all of the information required under section 20-81 et seq. for a zoning permit and the zoning permit, if applicable.

(3) Additional information required by the planning and development committee, highway engineer, board of adjustment or zoning administrator.

(4) Fee receipt from the zoning administrator for the fee required by the schedule of fees adopted by the board of supervisors and on file with the zoning administrator.

(b) The zoning administrator shall forthwith transmit to the board of adjustment all the papers constituting the record upon which the action appealed from was taken.

(Code 1975, § 7.0105)

State law references: Notice of appeal, W.S.A., § 59.99(6).

Sec. 20-37. Hearings.

(a) The board of adjustment shall fix a reasonable time and place for the hearing of the application, give public notice thereof by publication at least once each week during two (2) consecutive weeks, the last insertion being no later one (1) week before the hearing, and shall give due notice to the parties in interest, the officer from whom the appeal is taken and the planning and development committee. At the hearing the applicant may appear in person, by agent, or by attorney.

(b) A copy of all notices of appeals or variances to the floodland, shoreland or shoreland-wetland provisions of this chapter shall be transmitted to the district office of the state department of natural resources (DNR) for review and comment at least ten (10) days prior to the hearing. Final action on floodland appeals and variance requests shall not be taken for thirty (30) days or until the DNR has made its recommendation, whichever comes first. Copies of all decisions on shoreland or shoreland-wetland variances shall be submitted to the DNR district office within ten (10) days after the decision.

(Code 1975, § 7.0106; Ord. No. 86-17, § 7.0106, 7-22-86)

State law references: Hearing, W.S.A., § 59.99(6).

Sec. 20-38. Decision.

(a) The board of adjustment shall decide all applications, except appeals and variance requests to the floodland provisions of this chapter, within thirty (30) days after the final hearing and shall transmit a signed copy of the board's decision to the appellant or applicant, the officer from whom the appeal is taken and the planning and development committee.

(b) Decisions on appeals and variance requests to the floodland or shoreland provisions of this chapter shall not be made for thirty (30) days or until the State Department of Natural Resources (DNR) has made its recommendation, whichever comes first. A copy of all decisions on floodland appeals or variance requests shall be transmitted to the DNR within ten (10) days of their effective date.

(c) Variances and substitutions granted by the board of adjustment shall expire within six (6) months of the date the decision is filed with the board unless substantial work has commenced pursuant to such grant.

(d) Applicants receiving variances in floodland districts shall be notified, in writing, by the board of adjustment that increased flood insurance premiums and risk to life and property may result from the granting of this variance. The board shall keep a record of the notification in its files.

(Code 1975, § 7.0109; Ord. No. 94-155, § 3, 11-10-94)

Sec. 20-39. Review by court of record.

Any person, jointly or severally, aggrieved by any decision of the board of adjustment, or any taxpayer, or any officer, department, board or bureau of the county may present an appeal of such decision of the board of adjustment pursuant to W.S.A., § 59.99(10).

(Code 1975, § 7.01010)

State law references: Certiorari, W.S.A., § 59.99(10).

Sec. 20-40. Mapping disputes.

- (a) The procedure in this section shall be used by the board of adjustments in settling disputes of a floodplain zoning district boundary.
- (b) The flood district boundary shall be determined by use of the flood profiles contained in an engineering study, or, where such information is not available, by experience flood maps or any other evidence available to the board.
- (c) The person contesting the location of the district boundary shall be given the opportunity to present his own technical evidence. Where it is determined that the floodplain is incorrectly mapped, the board of adjustment shall advise the planning and development committee of its findings and the planning and development committee shall proceed to petition the board of supervisors for a map amendment.

(Code 1975, § 7.0108)

Sec. 20-41. Variances--Generally.

- (a) No variance to the provisions of this chapter shall be granted by the board of adjustment unless it finds by a preponderance of the evidence that all the facts and conditions in sections 20-41 through 20-43, exist which shall be indicated in its proceedings.
- (b) No variance shall be granted that is not consistent with the purpose and intent of the regulations for the district in which the development is located. No variance shall have the effect of permitting a use in any district that is not a stated permitted use, accessory use, or conditional use in that particular district.
- (c) There must be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district and the granting of the variance would not be of so general or recurrent nature as to suggest that this chapter should be changed.
- (d) No variance shall be granted solely on the basis of economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of a variance.
- (e) The variance must be necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.
- (f) No variance shall be granted that will create substantial detriment to adjacent property and will materially impair or be contrary to the purpose and spirit of this chapter or the public interest.

(Code 1975, § 7.0107; Ord. No. 96-37, 6-25-96)

Cross references: Schedule of deposits for violation of the provisions in this section, § 5-3.

Sec. 20-42. Same--Additional requirements in floodland districts.

No variance shall be granted where:

- (1) Filling and development contrary to the purpose and intent of the FW urban floodway district and the FCO urban floodplain conservancy overlay district would result.
- (2) A change in the boundaries of the FW urban floodway district, FCO urban floodplain

conservancy overlay district, FFO urban floodplain fringe overlay district, or the GFO general floodplain overlay district would result.

(3) A lower degree of flood protection than two (2) feet above the one-hundred-year recurrence interval flood for the particular area would result.

(4) Any residential or commercial basement or crawlway located below the one-hundred-year recurrence interval flood elevation would result.

(5) Any change or alteration of an historic structure, including its use, would result in the structure losing its designations as a historic structure.

(6) Any action contrary to the provisions of chapter NR116 of the Wisconsin Administrative Code would result.

(Code 1975, § 7.0107; Ord. No. 94-155, § 4, 11-10-94)

Sec. 20-43. Same--Additional requirements in the airport protection overlay district.

(a) Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this chapter, may apply to the board of adjustment for a variance from such regulations. The application for variance shall be accompanied by a determination from the federal aviation administration, United States Department of Transportation, as to the effect of the proposal on the operation of air navigation facilities and the effect on the safety and utility of the airport and surrounding navigable airspace. Such variances shall only be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and the relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this chapter.

(b) No application for variance to the requirements of this chapter may be considered by the board of adjustment unless a copy of the application has been furnished to the airport manager for advice as to the aeronautical effects, if any, of the variance. If the airport manager does not respond to the application within fifteen (15) days after receipt, the board of adjustment may act pursuant to regulations to grant or deny such application. Any variance granted may be so conditioned as to require the applicant to install, operate and maintain, at the applicant's expense, such marking and lighting devices as may be deemed necessary by the federal aviation administration, United States Department of Transportation to assure aircraft and local safety or the variance may be conditioned to require the owner to permit the airport owner(s) to install, operate and maintain such marking and lighting devices.

(Code 1975, § 7.0107)

Sec. 20-44. Same--Additional requirements for livestock facility siting.

(a) The zoning board of adjustment is not authorized to grant a variance from the state requirements to livestock facility siting, except as provided in W.S.A. § 93.90, and § ATCP 51.

(b) The board of adjustment has the discretion to reduce setbacks using factors it deems appropriate, including compliance with procedures for setbacks to roads and property lines and for new manure storage structures.

(Ord. No. 2006-91, 10-26-06)

Secs. 20-45--20-60. Reserved.

ARTICLE III. PERMITS*

*State law references: Zoning filing fees, W.S.A., § 59.07(16m).

DIVISION 1. GENERALLY

Sec. 20-61. Required permits.

It is the responsibility of a permit applicant to secure all other necessary permits required by any federal, state or local agency. This includes but is not limited to the zoning permit and a water use permit pursuant to W.S.A., chs. 30 and 31, or a wetland fill permit pursuant to section 404 of the Federal Water Pollution Control Act, as amended. To this end, the zoning administrator shall determine to his satisfaction and the permit applicant shall certify that all necessary federal, state and local permits have been secured.

(Code 1975, § 7.0245)

Cross references: Schedule of deposits for violation of the provisions in this section, § 5-3.

Secs. 20-62--20-80. Reserved.

DIVISION 2. ZONING PERMITS

Sec. 20-81. Contents of application.

(a) Applications for a zoning permit shall be made in triplicate to the zoning administrator on forms furnished by the zoning administrator and shall include the following where applicable:

(1) Names and addresses of the applicant, owner of the site, architect, professional engineer and contractor.

(2) Description of the subject site by lot, block, and recorded subdivision or by metes and bounds, referenced to the U.S. Public Land Survey System; address of the subject site; type of structure; existing and proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.

(3) Plat or survey prepared by a land surveyor registered in the state showing the location, property boundaries, dimensions, elevations, uses and size of the following: subject site; existing and proposed structures; existing and proposed easements, streets and other public ways; off-street parking, loading areas and driveways; existing highway access restrictions; existing and proposed street, side, rear and shore yards; the location, yard grade (elevation) and use of abutting lands within forty (40) feet of the subject site; and the location of the high-water elevation. In addition, when the subject site contains floodlands, the permit application shall show the limits of the floodland, the lowest floor elevation (basement) of any proposed structure, the first floor elevation of

the proposed structure, and the yard grade (elevation); and the first floor elevation and yard grade surrounding any abutting structure within forty (40) feet of the subject site.

(4) Proposed sewage disposal plan if municipal sewerage service is not available. This plan shall be approved by the county sanitarian who shall state in writing that satisfactory, adequate and safe sewage disposal is possible on the site as proposed by the plan in accordance with applicable local, county, and state regulations.

(5) Proposed water supply plan if municipal water service is not available. This plan shall be approved by the town plumbing inspector of the town in which the property is located, who shall state in writing that an adequate and safe supply of water can be provided.

(6) Additional information as may be required by the county planning and development committee, county highway engineer, zoning administrator, plumbing or health inspectors.

(7) Fee receipt from the zoning administrator for the fee required by the schedule of fees adopted by the board of supervisors.

(b) The applicant need not provide any of the foregoing information to the zoning administrator if he shall have submitted the same within thirty (30) days previous thereto to any county official. The applicant in such case shall name the other official to whom the information was submitted.

(Code 1975, § 7.023)

Cross references: Schedule of deposits for violation of the provisions in this section, § 5-3.

Sec. 20-82. Issuance, denial.

The zoning permit shall be granted or denied in writing by the zoning administrator within thirty (30) days.

(Code 1975, § 7.023)

Sec. 20-83. Expiration.

The zoning permit shall expire within six (6) months unless substantial work has commenced.

(Code 1975, § 7.023)

Sec. 20-84. Noncompliance.

Any zoning permit issued in conflict with the provisions of this chapter shall be null and void.

(Code 1975, § 7.023)

Secs. 20-85--20-100. Reserved.

DIVISION 3. OCCUPANCY PERMIT

Sec. 20-101. Required.

No vacant land shall be occupied, used, or developed; and no building hereafter erected, altered or moved shall be occupied; and no floodland shall be filled, excavated, or developed; and no nonconforming use shall be maintained, renewed or changed until an occupancy permit shall have been issued by the zoning administrator.

(Code 1975, § 7.024(A))

Cross references: Schedule of deposits for violation of the provisions in this section, § 5-3.

Sec. 20-102. Effect of issuance.

An occupancy permit shall show that the building or premises or part thereof and the proposed use thereof are in conformity with the provisions of the chapter.

(Code 1975, § 7.024(A))

Sec. 20-103. Issuance restricted.

An occupancy permit shall be issued only when the building or premises and the proposed use thereof conform with all the requirements of this chapter.

(Code 1975, § 7.024(A))

Sec. 20-104. Issuance for existing structures.

Upon written request from the owner, the zoning administrator shall issue an occupancy permit for any building or premises existing at the time of the adoption of this chapter certifying, after inspection, the extent and kind of use made of the building or premises and whether or not such use conforms to the provisions of the chapter.

(Code 1975, § 7.024(B))

Secs. 20-105--20-120. Reserved.

ARTICLE IV. CHANGE OR AMENDMENT**DIVISION 1. GENERALLY****Sec. 20-121. Authority.**

(a) Whenever the public necessity, convenience, general welfare or good zoning practice require, the board of supervisors and such town board as required by W.S.A., § 59.97, may, by ordinance, change the district boundaries or amend or supplement the regulations established by this chapter or amendments thereto.

(b) Such change or amendment shall be subject to the review and recommendation of the planning and development committee.

(Code 1975, § 7.0111)

Sec. 20-122. Effective date of amendment of text or rezoning.

The amending ordinance shall be mailed by the county clerk to the appropriate town clerk as provided by W.S.A., § 59.97(5)(e)6, and shall become effective unless disapproved within forty (40) days by the appropriate town board as provided in W.S.A., § 59.57(5)(e)6. Town board approval or disapproval shall not apply to floodland and shoreland amendments, however, such amendments shall be subject to approval by the state department of natural resources.

(Code 1975, § 7.0110; Ord. No. 86-86, § 7.0119, 8-26-86; Ord. No. 86-17, § 7.0118, 7-22-86)

Secs. 20-123--20-140. Reserved.

DIVISION 2. ADMINISTRATION*

***Cross references:** Administration, Ch. 2.

Sec. 20-141. Initiation.

A petition for change or amendment may be made by any property owner in the area to be affected by the change or amendment, by the town board of any town wherein this chapter is in effect, or by any member of the board of supervisors.

(Code 1975, § 7.0113)

Sec. 20-142. Petitions to change boundaries or amend regulations.

Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the planning and zoning development committee. The petition shall describe the premises to be rezoned or the regulations to be amended, list the reasons justifying the change, specify the proposed use and have attached the following:

- (1) Plot plan drawn to a scale of one (1) inch equals one hundred (100) feet showing the area proposed to be rezoned, its locations, its dimensions, the location and classification of adjacent zoning district, and the location and existing use of all properties within three hundred (300) feet of the area proposed to be rezoned, including those property owners whose parcels are on the opposite side of the highway, regardless of the width of the right-of-way or names and addresses of all abutting property owners to the larger parcel, when the area to be rezoned is a part of said larger parcel. Abutting property owners include those whose parcels are on the opposite side of the highway, regardless of the width of the right-of-way.
- (2) Owners' names and addresses of all properties lying within three hundred (300) feet of the area proposed to be rezoned.
- (3) Additional information required by the county planning and development committee or board of supervisors.
- (4) Fee receipt from the zoning administrator for the fee required by the schedule of fees adopted by board of supervisors which are on file in the zoning administrator's office, plus the cost of publishing.

(Code 1975, § 7.0113; Ord. No. 91-130, § 7-0113, 11-5-91)

Sec. 20-143. Recommendations.

The economic development and land use planning committee shall review all such proposed changes or amendments and shall make a recommendation to the board of supervisors. In making its recommendation to the board of supervisors, the committee may recommend approval or denial of an amendment, or any part thereof, as the public necessity, convenience, general welfare of good zoning practice may require. The committee may also recommend modifications to an amendment, including, in the case of a map amendment, a different zoning classification than requested, provided that if the zoning classification recommended is a more intense, or higher, classification than that requested, at least one (1) additional public hearing, with notice given in accordance with the provisions of this chapter, shall be held. The committee may also, in the case of a map amendment, recommend reducing the area of the proposed amendment; or may recommend increasing the area of the proposed amendment, provided at least one (1) additional public hearing, with notice given in accordance with the provisions of this chapter, is held. Recommendation to the board of supervisors shall be made in writing.

(Code 1975, § 7.0114; Ord. No. 2005-69S, 9-13-05)

Sec. 20-144. Hearings.

- (a) The planning and development committee shall hold a public hearing upon each proposed change or amendment, giving notice of the time and place of such hearing by publication in the county of a class 2 notice, under W.S.A., ch. 985. A copy of each such notice shall be mailed by certified mail to the town clerk of each town affected by the proposed amendment at least ten (10) days prior to the date of such hearing.
- (b) Each publication notice of a proposed amendment of the zoning map shall include a map showing the location of the area proposed to be rezoned and all property within three hundred

(300) feet thereof. Written notice of the public hearing to be held on a proposed shoreland or shoreland-wetland amendment shall be mailed to the DNR district office at least ten (10) days prior to the hearing. A copy of the board of supervisor's decision on each proposed amendment shall be forwarded to the DNR district office within ten (10) days after the decision is issued.

(c) When it is determined by the planning and development committee, in consultation with the corporation counsel's office, that there is a material defect in a rezoning petition, or when the committee determines that insufficient/inadequate notice was provided for a public hearing, the committee reserves the right to require a new public hearing. Such determination must be made within ninety (90) days of the initial hearing. Costs for the second hearing are the responsibility of the petitioner.

(Code 1975, § 7.0115; Ord. No. 86-17, § 7.0115, 7-22-86; Ord. No. 97-203, 1-13-98)

Sec. 20-145. Board action.

(a) Following hearing under this division and after careful consideration of the county planning and development committee's recommendations, the board of supervisors shall vote on the passage of the proposed change or amendment.

(b) Amendments to regulations or changes to districts affecting shorelands shall not require the approval, or be subject to the disapproval, of any town.

(Code 1975, § 7.0116)

Secs. 20-146--20-165. Reserved.

DIVISION 3. RESTRICTIONS AND REGULATIONS

Sec. 20-166. Floodland district boundary changes limited.

The board of supervisors shall not permit changes to the floodland district boundaries that are inconsistent with the purpose and intent of this chapter; or in conflict with the applicable rules and regulations of the state department of natural resources (DNR) and the federal emergency management agency (FEMA).

(1) *Changes in the FW urban floodway district boundaries* shall not be permitted where the change will increase the flood stage elevation by 0.01 foot or more, unless the petitioner has made appropriate legal arrangements with all affected units of government and all property owners affected by the stage increase. In no event shall a change be permitted that would increase the flood stage elevation by more than 1.0 foot unless a waiver has been granted by the Federal Emergency Management Agency (FEMA). Petitions for urban floodway district changes shall show the effects of the change within the associated flood fringe and shall provide adjusted water surface profiles and adjusted floodland limits to reflect the increased flood elevations.

(2) *Changes in the FCO urban floodplain conservancy overlay district boundaries* shall not be permitted where the change will increase the flood stage elevation by 0.01 foot or more, unless the petitioner has made appropriate legal arrangements with all affected units of government and all property owners affected by the stage increase. In no event shall a change be permitted that would increase the flood stage elevation by more than 1.0 foot unless a waiver has been granted by the Federal Emergency Management Agency (FEMA). Petitions for urban floodplain conservancy overlay district changes shall

show the effects of the change within the associated flood fringe, and shall provide adjusted water surface profiles and adjusted floodland limits to reflect the increased flood elevations.

(3) *Removal of land from the floodland districts* shall not be permitted unless the land has been filled to an elevation of at least two (2) feet above the elevation of the one-hundred-year recurrence interval flood and further provided that such lands is contiguous to lands lying outside of the floodlands.

(4) *Amendment of unnumbered A zones* shall not be permitted unless the petitioner provides the county with engineering data showing the flood profile, necessary river cross sections, flood elevations, and any effect the establishment of a floodway/flood fringe will have on flood stages. The effects shall be limited as set forth in this section. If the unnumbered A zone is less than five (5) acres in area and where the cost of the proposed development is estimated to be less than one hundred twenty-five thousand dollars (\$125,000.00), the department of natural resources (DNR) will assist the petitioner in determining the required flood elevations.

(5) *No river or stream shall be altered or relocated* until a floodland zoning change has been applied for and granted in accordance with the requirements of this section, and until all adjacent communities have been requested to review and comment on the proposed alteration or relocation. The flood carrying capacity of the altered or relocated watercourse shall not be reduced to less than the flood carrying capacity before the watercourse was altered or relocated.

(6) *DNR approval required.* No amendments to the floodland district boundaries or regulations shall become effective until approved by the DNR. In the case of floodland district boundary changes, an official letter of map amendment from the FEMA may also be required.

(Code 1975, § 7.0117; Ord. No. 94-155, § 5, 11-10-94)

Sec. 20-167. Amendments to text and rezoning of lands in the SWO shoreland-wetland overlay district.

(a) For all proposed text and map amendments to the SWO shoreland-wetland overlay district, the appropriate district office of the department of natural resources shall be provided with the following:

- (1) A copy of every petition for a text or map amendment to the shoreland-wetland overlay district, within five (5) days of the filing of such petition with the county clerk;
- (2) Written notice of the public hearing to be held on a proposed amendment, at least ten (10) days prior to such hearing;
- (3) A copy of the committee's findings and recommendations on each proposed amendment, within the ten (10) days after the submission of those findings and recommendations to the board of supervisors; and
- (4) Written notice of the board of supervisor's decision of the proposed amendment within ten (10) days after it is issued.

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

- (1) Stormwater and floodwater storage capacity;
- (2) Maintenance of dry season stream flow, the discharge of groundwater to a wetland,

the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland;

(3) Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would normally drain into navigable waters;

(4) Shoreline protection against soil erosion;

(5) Fish spawning, breeding, nursery or feeding grounds;

(6) Wildlife habitat; or

(7) Areas of special recreational, scenic, or scientific interest, including scarce wetland types.

(c) If the department of natural resources has notified the committee that a proposed amendment to the SWO shoreland-wetland overlay district may have a significant adverse impact on any of the criteria stated above, that amendment, if approved by the board of supervisors, shall contain the following provision:

"This amendment shall not take effect until more than thirty (30) days have lapsed since written notice of the board of supervisors' approval of this amendment was mailed to the department of natural resources. During that thirty-day period, the department of natural resources may notify the board of supervisors that it will adopt a superseding shoreland ordinance for Racine County under Section 59.971(6) of the Wisconsin Statutes. If the department does so notify the county board, the effect of this amendment shall be stayed until the Section 59.971(6) adoption procedure is completed or otherwise terminated."

(Ord. No. 86-17, § 7.0118, 7-22-86)

Sec. 20-168. Protest.

In the event a protest against a proposed change or amendment is filed with the county clerk at least twenty-four (24) hours prior to the date of the meeting of the board of supervisors at which the recommendation of the planning and development committee is to be considered, duly signed and acknowledged by the owners of fifty (50) percent or more of the area proposed to be altered, or by abutting owners of over fifty (50) percent of the total perimeter of the area proposed to be altered included within three hundred (300) feet of the parcel or parcels proposed to be rezoned, action on such ordinance may be deferred until the planning and development committee has had a reasonable opportunity to ascertain and report to the board of supervisors as to the authenticity of such ownership statements. Each signer shall state the amount of area or frontage owned by him and shall include a description of the land owned by him. If such statements are found to be true, such ordinance shall not be adopted except by the affirmative vote of three-fourths ($\frac{3}{4}$) of the members of the board of supervisors present and voting. If such statements are found to be untrue to the extent that the required frontage or area ownership is not present, such protest may be disregarded.

(Code 1975, § 7.0119; Ord. No. 86-17, § 7.0118, 7-22-86)

Sec. 20-169. Warning and disclaimer of liability.

The flood protection standards in this chapter are based on engineering experience and scientific research. Larger floods may occur or the flood height may be increased by manmade or natural causes. This chapter does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages, nor does this chapter create liability on the part of, or a cause of action against, the county or any office or employee thereof for any flood damage that may result from reliance on this chapter.

(Ord. No. 2005-155, 1-10-06)

Sec. 20-170. Annexed areas for cities and villages.

The Racine County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of ch. NR116, Wis. Adm. Code, and the National Flood Insurance Program (NFIP). These annexed lands are described on the municipality's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal zoning administrator. All plats or maps of annexation shall show the regional flood elevations and the location of the floodway.

(Ord. No. 2005-155, 1-10-06)

Sec. 20-171. General development standards.

Racine County shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood prone area, all new construction and substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with materials resistant to flood damage; be constructed with electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. Subdivisions shall be reviewed for compliance with the above standards. All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this article.

(Ord. No. 2005-155, 1-10-06)

Secs. 20-172--20-185. Reserved.

ARTICLE V. NONCONFORMING USES AND PREMISES

Sec. 20-186. Existing nonconforming uses.

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

(1) Only that portion of the land or water in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, moved or structurally altered except when required to do so by law or order or so as to comply with the provisions of this chapter.

(2) The maintenance and repair of nonconforming boathouses which are located below the ordinary high-water mark of any navigable waters shall comply with the requirements of W.S.A., § 30.121.

(3) Uses which are nuisances shall not be permitted to continue as nonconforming uses.

(4) No structural alteration, addition or repair to any nonconforming building or structure, over the life of the building or structure, shall exceed fifty (50) percent of its equalized assessed value at the time of its becoming a nonconforming use, unless it is permanently changed to a conforming use. The equalized assessed value determination in this paragraph does not apply to floodplain nonconforming uses. For that determination, see section 20-190. If the alteration, addition or repair in excess of fifty (50) percent of the equalized assessed value of an existing nonconforming building or structure is prohibited, the property owner may still make the proposed alteration, addition or repair if:

a. The nonconforming building or structure is permanently changed to a conforming use;

b. The property owner appeals the determination of the zoning administrator, and either the board of adjustment or the circuit court find in the property owner's favor under W.S.A., § 59.99(4) or 59.99(10); or

c. The property owner successfully petitions to have the property rezoned under W.S.A., § 59.97(5)(e), and Section NR115.05(2)(e), Wisconsin Administrative Code, if applicable.

(5) The construction of a deck that does not exceed two hundred (200) square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.

(b) Substitution of new equipment may be permitted by the board of adjustment if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.

(c) For the purpose of this chapter, a nonconforming use shall begin as of the time it was made nonconforming by the terms of a preceding ordinance or of an amendment to this chapter.

(Code 1975, § 7.081; Ord. No. 86-17, § 7.081, 7-22-86; Ord. No. 2000-251S, 8-28-01; Ord. No. 2005-155, 1-10-06)

Sec. 20-187. Abolishment or replacement.

(a) If a nonconforming use is discontinued or terminated for a period of twelve (12) months, any future use of the structure, land, or water shall conform to the provisions of this chapter. When a nonconforming use or structure is damaged by fire, explosion, flood, the public enemy, or other calamity, to the extent of more than fifty (50) percent of its current equalized assessed value, it shall not be restored except so as to comply with the use provisions of this chapter.

(b) A current file of all nonconforming uses shall, to the extent practical, be maintained by the zoning administrator listing the following: owner's name and address; use of the structure, land, or water; and assessed value at the time of its becoming a nonconforming use.

(Code 1975, § 7.082)

Sec. 20-188. Continuance of preexisting nonconforming use.

The lawful nonconforming structure existing at the time of the adoption or amendment of this chapter may be continued although its size or location does not conform with the lot width, lot area, yard, height, parking and loading, and access provisions of this chapter; however, it shall not be extended, enlarged, reconstructed, moved, or structurally altered except when required to do so by law or order or so as to comply with the provisions of this chapter, or subject to the following requirements:

- (1) Repairs and improvements of a maintenance nature are allowed;
- (2) Alterations, additions and expansions which change the exterior dimensions of the structure so that it conforms to the dimensional rules of this chapter are allowed;
- (3) Alterations, additions and expansions which change the exterior dimensions of the structure, but which do not increase the dimensional nonconformity beyond that which existed before the work commenced, are allowed provided that total lifetime alterations, additions and expansions do not exceed fifty (50) percent of the current estimated equalized assessed value of the structure;
- (4) No alterations, additions or expansions may occur which will increase the dimensional nonconformity.

(Code 1977, § 7.083; Ord. No. 86-86, § 7.083, 8-26-86)

Sec. 20-189. Changes and substitutions.

Once a nonconforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure. Once the board of adjustment has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the substituted use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the board of adjustment.

(Code 1975, § 7.084)

Sec. 20-190. Floodland nonconforming uses.

(a) Floodland nonconforming uses repaired or altered under the nonconforming use provisions of this chapter shall provide for floodproofing to those portions of the structures involved in such repair or alteration. Certification of floodproofing shall be made to the zoning administrator and shall consist of a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the flood velocities, forces, depths, and other factors associated with the one-hundred-year recurrence interval flood.

(b) Nonconforming mobile homes, mobile home parks, and mobile home subdivisions shall comply with the requirements for nonconforming residential structures. Existing mobile homes in a floodland district that have been substantially damaged shall be elevated on a permanent foundation or pad such that the elevation of the foundation or pad is at or above the one-year recurrence interval flood elevation; the first floor of the mobile home is at or above the floodplain protection elevation; and the mobile home shall be securely anchored to the foundation system to resist floatation, collapse, and lateral movement. Recreational vehicles shall not be considered to be mobile homes (manufactured homes).

(c) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by Racine County and the modification or addition shall be placed on fill or floodproofed to the flood protection elevation in compliance with the standards of this chapter.

(d) Where compliance with the provisions of subsection (c) would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the board of adjustment, using the procedures established herein, may grant a variance from those provisions of subsection (d) for modifications or additions, using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:

- (1) No floor is allowed below the regional flood elevation for residential or commercial structures;
- (2) Human lives are not endangered;
- (3) Public facilities, such as water or sewer, will not be installed;
- (4) Flood depths will not exceed two (2) feet;
- (5) Flood velocities will not exceed two (2) feet per second; and
- (6) The structure will not be used for storage of materials as described herein.

(e) If neither the provisions of subsection (c) or (d) above can be met, one (1) addition to an existing room in a nonconforming building or a building with a nonconforming use may be allowed in the floodfringe, if the addition:

- (1) Meets all other regulations and will be granted by permit or variance;
- (2) Does not exceed sixty (60) square feet in area; and
- (3) In combination with other previous modifications or additions to the building, does not exceed fifty (50) percent of the equalized assessed value of the building.

(f) All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances and ch. COMM 83, Wis. Adm. Code.

(g) All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this chapter and ch. NR 811 and NR 812, Wis. Adm. Code.

(h) No modification to a floodland nonconforming use or structure shall be permitted that would, over the life of the nonconforming use or structure, exceed fifty (50) percent of the current equalized value of the structure, unless the entire structure is changed to a conforming structure with a conforming use. The zoning administrator shall maintain records of all floodland nonconforming uses and structures and modifications made to floodland nonconforming uses and structures. Records shall reflect the current equalized value of nonconforming structures, the costs of any modifications that are permitted, and the percentage of the structures' current value that those modifications represent. Illustration No. 1 reflects a method by which the zoning administrator may determine when modifications exceed the fifty (50) percent limit.

(1) ILLUSTRATION NO. 1.

Is It fifty (50) percent yet?

Sample problem: Assume that the owner of a nonconforming house wishes to add a room to the house. If the house had an equalized assessed value of twenty thousand dollars (\$20,000.00), the property owner would be able to make improvements valued at fifty (50) percent of the present equalized assessed value of the house or ten thousand dollars (\$10,000.00). The improvement would have to be built to zoning standards. Any further additions or structural alterations could not be allowed unless the entire structure was changed to meet the requirements for a new structure.

(2) Additions and modifications which are permitted are based upon a time period over the life of the structure as shown above. Therefore, if, in the example above, the property owner constructed a ten thousand dollar (\$10,000.00) addition, no further additions could be allowed because the fifty (50) percent improvement limit had been reached. However, assume that the addition was valued at four thousand dollars (\$4,000.00) or twenty (20) percent of the equalized assessed value of the structure twenty thousand dollars (\$20,000.00). Five (5) years later, the property owner again wishes to add an attached greenhouse. In the meantime, the present equalized assessed value of the house has increased from twenty thousand dollars (\$20,000.00) to thirty thousand dollars (\$30,000.00). The value of the greenhouse is three thousand dollars (\$3,000.00) or ten (10) percent of the current equalized assessed value of the structure.

(3) The property owner has now accumulated twenty (20) percent plus ten (10) percent of the allowable additions.

(4) Finally, three (3) years later, when the assessed value of the house is forty thousand dollars (\$40,000.00), the property owner wishes to modify the house to the extent of ten thousand dollars (\$10,000.00). Ten thousand dollars (\$10,000.00) is twenty-five (25) percent of forty thousand dollars (\$40,000.00); therefore, the property owner could not make the modification since there were accumulated modifications totaling thirty (30) percent of the equalized value and an additional twenty-five (25) percent would be greater than the fifty (50) percent allowed. However, the property owner could make modifications equal to twenty (20) percent of the current equalized assessed value of the home, or eight thousand dollars (\$8,000.00).

(5) This example is further clarified in the following table: (Note: The base for calculation is not the original value of the home at the time the ordinance is enacted, but is the value of the home at each time the home is modified.)

TABLE INSET:

Year	Assessed Value of Home	Value of Modification	Percent of Modification	Cumulative Percentage
1977	\$20,000	\$4,000	20%	20%
1982	\$30,000	\$3,000	10%	30%
1985	\$40,000	\$10,000	25%	55%
	\$40,000	\$8,000	20%	50%

(i) No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would exceed fifty (50) percent of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this chapter. Contiguous dry land access must be provided for residential and commercial uses in compliance with section 20-1268. The costs of elevating a nonconforming

building or a building with a nonconforming use to the flood protection elevation are excluded from the fifty (50) percent provisions of the subsection.

(j) Except as provided below, if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition exceeds fifty (50) percent of the structure's present equalized assessed value.

(k) For nonconforming buildings that are damaged or destroyed by a non-flood disaster, the repair or reconstruction of any such nonconforming building may be permitted in order to restore it after the non-flood disaster, provided that the nonconforming building will meet all of the minimum requirements under 44 CFR Part 60, or under the regulations promulgated thereunder.

(l) A nonconforming historic structure may be altered if the alteration will not preclude the structure's continued designation as an historic structure, the alteration will comply with section 20-819 flood resistant materials are used, and construction practices and flood proofing methods that comply with section 20-1068 are used.

(m) No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in a floodplain area. Any replacement, repair or maintenance of an existing on-site sewage disposal in a floodplain area shall meet the applicable requirements of all municipal ordinances and ch. COMM 83, Wis. Adm. Code.

(n) No new well or modification to an existing well used to obtain potable water shall be allowed in a floodplain area. Any replacement, repair or maintenance of an existing well in a floodplain area shall meet the applicable requirements of all municipal ordinances and chs. NR811 and NR812, Wis. Adm. Code.

(o) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in a floodway area, unless such modification or addition:

- (1) Has been granted a permit or variance which meets all ordinance requirements;
- (2) Meets the requirements of subsections (a) through (n) as listed above; and
- (3) Will not increase the obstruction to flood lows or regional flood height during the occurrence of the regional flood.
- (4) Any addition to the existing structure shall be floodproofed, pursuant to section 20-1068 by means other than the use of fill, to the flood protection elevation.
- (5) Mechanical and utility equipment must be elevated to or above the regional flood elevation.
- (6) Its use must be limited to parking and/or limited storage.

(Code 1975, § 7.085; Ord. No. 94-155, § 2, 11-10-94; Ord. No. 2005-155, 1-10-06)

Sec. 20-191. Substandard nonconforming lots.

(a) A substandard lot is one which:

- (1) Does not contain sufficient width, depth or area to conform to the dimensional requirements of this chapter, and
- (2) Was a legal lot or parcel of record in the office of the county register of deeds prior to the original adoption of this chapter or any applicable amendment to this chapter.

(b) Such a lot located in a residential, business, industrial or institutional district may be used as a single building site provided that the use is permitted in the district and provided that there is compliance with each of the requirements of this section.

(c) All substandard lots in separate ownership shall comply with all relevant district and shoreland requirements insofar as practicable, as determined in accordance with section 20-31 et seq., but shall in no event be less than the following:

TABLE INSET:

(1)	Lot	Width	Minimum	30 feet
		Area	Minimum	4,000 sq. feet
(2)	Building	Height	Maximum	30 feet
(3)	Yards	Street	Minimum	25 feet; the second street yard on corner lots shall not be less than 10 feet
		Rear	Minimum	25 feet
		Side	Minimum	16 percent of the lot width, but not less than 5 feet, nor greater than the zoning district side yard setback requirement for a standard size lot
		Shore	Minimum	50 feet

(d) If both an abutting lot or lands and a substandard lot are owned by the same owner on the effective date of this chapter, or if an abutting lot or lands and a substandard lot become owned by the same owner subsequent to the effective date of this chapter, the substandard lot shall not be sold or used without full compliance with the provisions of this chapter. Such lots shall be combined into one (1) lot by use of a deed restriction or similar instrument, which shall be recorded in the office of the county register of deeds, unless a habitable principal structure already exists on each lot that meets the applicable minimum provisions of section 20-1020. In the A-1 and A-3 agricultural districts, a farm owner is permitted to divide off separate parcels for the residences of the parents or children of such farm owner, and such parcels shall be considered as a separate lots.

(e) For the purposes of this section, lots and property shall be considered in the same ownership when owned by: the same individual or corporation; an individual and another in joint tenancy, or as tenants in common, and either of such joint or common tenants owns other abutting lots individually or as joint tenant or tenant in common with another; an individual and other abutting lots are owned by his spouse, parents, grandparents, children, grandchildren, or the spouse of any child or grandchild, or a brother or sister or spouse of a brother or sister of such person; and when any of such lots are owned by an individual and other abutting lots are owned by a corporation in which such individual is an officer or director or controlling stockholder.

(f) The sanitary regulations of section 20-987 and the floodland regulations of section 20-816 et seq. (such as the prohibition against erecting a dwelling or accessory structure in a floodway or floodplain shall apply to this section).

(Code 1975, § 7.086; Ord. No. 82-141, § 7.086, 11-9-82; Ord. No. 91-130, § 7.086, 11-5-91; Ord. No. 93-183, 1-11-94; Ord. No. 2000-251S, 8-28-01; Ord. No. 2003-197, 2-12-04)

Cross references: Schedule of deposits for violation of the provisions in this section, § 5-3.

Sec. 20-192. Airport protection overlay nonconforming uses and structures.

(a) The regulations prescribed by this section shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this chapter, or otherwise interfere with the continuance of nonconforming use. Only that portion of an existing structure which is above the elevation of a protected surface shall be regarded as nonconforming.

(b) Nothing contained herein shall be construed to prohibit the completion of any construction for which a valid zoning permit from the county is in effect as of the date of adoption of this chapter provided such completion is diligently pursued.

(c) Consistent with the provisions of section 20-986, no zoning permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use or structure to become a greater hazard to air navigation than it was on the effective date of this chapter.

(Code 1975, § 7.087)

Secs. 20-193--20-210. Reserved.

ARTICLE VI. DISTRICT REGULATIONS*

***Cross references:** Signs regulations, § 20-1356 et seq.

DIVISION 1. GENERALLY**Sec. 20-211. District designations.**

For the purpose of this chapter, the county is hereby divided into basic use districts and overlay districts, as follows:

TABLE INSET:

R-1	Country estate district
R-2	Suburban residential district (unsewered)
R-2S	Suburban residential district (sewered--large lots)
R-3	Suburban residential district (sewered)
R-3A	Suburban residential district (sewered)
R-4	Urban residential district I
R-5	Urban residential district II
R-5A	Urban residential district III
R-6	Two-family residential district
R-6A	Two-family residential district II
R-7	Multifamily residential district
R-8	Planned residential district
P-1	Institutional park district
P-2	Recreational park district
C-1	Resource conservation district
C-2	Upland resource conservation district
B-1	Neighborhood business district
B-2	Community business district
B-3	Commercial service district
B-4	Planned business district
B-5	Highway business district
B-6	Water oriented business district
B-7	Adult entertainment business district
A-1	General farming district I
A-2	General farming and residential district II

A-3	General farming district III
A-4	Truck farming district
M-1	Light industrial and office district
M-2	General industrial district
M-3	Heavy industrial district
M-4	Quarrying district
FW	Urban floodway district
FCO	Urban floodplain conservancy overlay district
FFO	Urban floodplain fringe overlay district
GFO	General floodplain overlay district
APO	Airport protection overlay district
SSO	Structural setback overlay district
NSO	Nonstructural setback overlay district
SWO	Shoreland-wetland overlay district
PUD	Planned unit development overlay district

(Code 1975, § 7.031; Ord. No. 86-17, § 7.031, 7-22-86)

Sec. 20-212. District boundaries--Generally.

Boundaries of the districts, except for the floodplain districts, structural and nonstructural districts, and airport protection districts, are hereby established as shown on a series of maps entitled "Zoning Maps, County of Racine, Wisconsin," dated to correspond with their adoption by the local municipalities, as amended, which accompany and are a part of this chapter. Unless otherwise noted on the zoning map, such boundaries shall be construed to follow: corporate limits; U.S. Public Land Survey Lines; lot or property lines; centerlines of street, highways, alleys, easements, and railroad rights-of-way or such lines extended. Where a C-1 resource conservation district is delineated on the zoning district map in a linear form along a perennial or intermittent watercourse, the district boundaries shall be construed to be the following unless otherwise noted on the zoning district map:

- (1) One hundred (100) feet from the ordinary high-water mark of perennial streams.
- (2) Fifty (50) feet from the ordinary high-water mark of intermittent streams.

(Code 1975, § 7.031)

Sec. 20-213. Same--Floodlands.

Floodland zoning district boundaries shall be determined as follows: The GFO general floodplain overlay district boundaries, except within the Pike River Watershed and for the Root River main stem, shall be determined through the use of flood profiles published in the Flood Insurance Study-Racine County, Wisconsin (Unincorporated Areas), by the Federal Emergency Management Agency (FEMA), Federal Insurance Administration, and dated October 1, 1981. The information contained in the flood insurance study is further illustrated in the FEMA Flood Insurance Rate Maps and Floodway and Flood Boundary Maps, dated April 1, 1982, and the boundaries are depicted on the large scale topographic mapping of the county.

The GFO general floodplain overlay district boundaries within the Pike River Watershed--including Sorenson Creek, Nelson Creek, Lamparek Creek, Chicory Creek, Waxdale Creek, and Bartlett Branch --shall be determined through the use of flood profiles published in SEWRPC Planning

Report No. 35, A Comprehensive Plan for the Pike River Watershed, dated June 1983, as amended by the June 1993 Floodplain Boundary Revision, Waxdale Creek. The profiles are set forth in Figures G-3, G-4, G-6, G-7, G-13, G-14, G-15, and G-16 of the watershed plan and in the Waxdale Creek Revision (June 1993). The regulatory flood profile is labeled "Flood Stage--Year 2000 Planned Land Use and Existing Channel Conditions, 100-Year Recurrence Interval".

The GFO general floodplain overlay district boundaries for the Pike River main stem shall be determined through the use of the flood profiles published in the SEWRPC document, Amendment to the Pike River Watershed Plan, March 1996. The flood profiles and floodplain are set forth in Exhibits O through R and in Exhibit AB. The regulatory flood profile is labeled "Flood Stage--Year 2010 Planned Land Use and Existing Channel Conditions, 100-Year Recurrence Interval".

The GFO general floodplain overlay district for the Root River main stem shall be determined through the use of the flood profiles published in SEWRPC Community Assistance Planning Report No. 152, A Storm Water Drainage and Flood Control System Plan for the MMSD, December 1990. The flood profiles and floodplain are set forth in Figure 44 and in Map 107. The regulatory flood profile is labeled "Flood Stage--Year 2000 Planned Land Use and Existing Channel Conditions, 100-Year Recurrence Interval".

The GFO general floodplain overlay district boundaries for Spring Brook, from the mouth of the stream to HEC-2 Cross-Section 25, five thousand one hundred seventy-five (5,175) feet upstream, shall be determined through the use of the flood elevations established by a hydraulic analysis conducted by Ferris, Hansen and Associates as such were reviewed and modified by the Southeastern Wisconsin Regional Planning Commission in Community Assistance File No. 301-156.

The GFO general floodplain overlay district boundaries for an unnamed tributary to the Goose Lake Branch Canal; known locally and referenced hereafter as the North Cape Lateral; upstream from North Britton Road in United States Public Land Survey Sections 25 and 36, Township 4 North, Range 20 East, Town of Norway, as well as an unnamed tributary to the North Cape lateral located in the northeast one-quarter of said section 36, shall be determined through the use of the flood elevations established by a detailed floodplain analysis conducted by the Southeastern Wisconsin Regional Planning Commission as set forth in the April 3, 2002, SEWRPC Staff Memorandum, FLOODPLAIN ANALYSIS FOR THE NORTH CAPE LATERAL AND TRIBUTARY, TOWN OF NORWAY, RACINE COUNTY.

The GFO, general floodplain overlay district, boundaries for Tributary No. 2 to the west branch of the Root River Canal and an unnamed tributary to Tributary No. 2, both of which are located in United States Public Land Survey section 4 and 5, Township 3 North, Range 21 East, Town of Yorkville, shall be determined through the use of the flood elevations established by a detailed floodplain analysis conducted by the Southeastern Wisconsin Regional Planning Commission as set forth in the March 14, 2003, SEWRPC Memorandum, FLOODPLAIN DETERMINATION FOR THE TRIBUTARY NO. 2 TO THE WEST BRANCH OF THE ROOT RIVER CANAL AND ITS UNNAMED TRIBUTARY, TOWN OF YORKVILLE, RACINE COUNTY.

The FW urban floodway district boundaries shall be determined by the scale on the Supplementary Floodland Zoning Map, County of Racine, Wisconsin, dated April 1, 1982, which accompanies and is made part of this chapter.

The FCO urban floodplain conservancy overlay district boundaries and the FFO urban floodplain fringe overlay district boundaries shall be determined by the floodland limits shown on the supplementary floodland zoning map.

Where conflicts exist between the floodland limits as shown on the maps and actual field conditions, the one-hundred-year recurrence interval flood elevation profiles contained in the flood insurance study shall be the governing factor in locating the regulatory floodland limits.

(Code 1975, § 7.031; Ord. No. 94-155, § 7, 11-10-94; Ord. No. 96-209, 2-25-97; Ord. No. 97-63, 7-8-97; Ord. No. 2000-12, 5-23-00; Ord. No. 2002-152, 11-12-02; Ord. No. 2003-77, 8-26-03)

Sec. 20-213.5. General provisions floodplain districts.

(a) *Areas to be regulated.* This chapter regulates all areas that would be covered by the regional flood or base flood, including floodplain islands unless actual dry land access can be obtained.

Note: Base flood elevations are derived from the flood profiles in the flood insurance study. Regional flood elevations may be derived from other studies. Areas covered by the base flood are identified as A zones on the flood insurance rate map.

(b) *Official maps and revisions.* The boundaries of all floodplain districts are designated as floodplains or A zones on the maps listed below and the revisions as listed in section 20-213. Any change to the base flood elevations (BFE) in the flood insurance study (FIS) or on the flood insurance rate map (FIRM) must be reviewed and approved by the DNR and FEMA before it is effective. No changes to regional flood elevations (RFE's) on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the Planning and Development Department, Racine County. If more than one (1) map or revision is referenced, the most current approved information shall apply.

(c) *Official maps:* Based on the FIS.

(1) Flood insurance rate map (FIRM), panel number 550347 0001-0085, dated April 1, 1982, with corresponding profiles that are based on the flood insurance study (FIS) dated April 1, 1982; and

(2) Flood boundary and floodway map (FBFW), panel number 550347 0001-0085, dated April 1, 1982;

Approved by the DNR and FEMA

(d) *Official maps:* Based on other studies as listed in section 20-213. All have been approved by the DNR.

(e) *Locating floodplain boundaries.* Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in subsections (1) and (2) below. If a significant difference exists, the map shall be amended according to this chapter. The zoning administrator can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The zoning administrator shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this chapter. Disputes between the zoning administrator and an applicant over the district boundary line shall be settled according to article II and the criteria in subsections (1) and (2) below.

(1) If flood profiles exist, the map scale [and] the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.

(2) Where flood profiles do not exist, the location of the boundary shall be determined by the map scale, visual on-site inspection and any information provided by the department.

Note: Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must also approve any map amendment involving channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe.

(Ord. No. 2005-155, 1-10-06)

Sec. 20-214. Same--Airport protection.

The airport protection overlay district includes all lands within the jurisdiction of this chapter which underlie any of the protected surfaces defined for Racine Commercial Airport in section 20-898. Boundaries of the initial APO district (Racine Commercial Airport) are shown on the accompanying map entitled Airport Protection Zone, consisting of nine (9) sheets, which is incorporated in and made a part of this chapter.

(Code 1975, § 7.031)

Sec. 20-215. Same--Shoreland-wetland areas.

Shoreland-wetland overlay district boundaries shall be determined by the limits of the wetlands within the shoreland area that are designated as wetlands of five (5) acres or greater on the wetlands inventory maps stamped "FINAL" on December 12, 1984, or any subsequent updated maps, that have been adopted by Resolution of the Racine County Board of Supervisors and are on file in the office of the zoning administrator.

The zoning maps mentioned above shall include all shorelands as described in section 20-9.

(Code 1975, § 7.031; Ord. No. 86-17, § 7.031, 7-22-86; Ord. No. 97-290S, 4-14-98)

Sec. 20-216. Same--Vacation of streets, alleys.

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

(Code 1975, § 7.031)

Sec. 20-217. Same--Setback overlay districts.

(a) Boundaries of the structural and nonstructural setback overlay districts shall be determined as follows. The boundaries of the SSO structural setback overlay district shall be determined through the use of the following equation establishing a setback distance from the existing Lake Michigan bluff edge:

TABLE INSET:

SSO structural setback overlay district distance	=	Horizontal distance required to achieve one on two and one-half stable bluff slope +
		Minimum facility setback distance

(b) The stable slope distance and the minimum facility setback distance are described in section 20-916 et seq.

(c) The boundaries of the NSO nonstructural setback overlay district shall be determined through the use of the following equation establishing a setback distance from the existing Lake Michigan bluff edge:

TABLE INSET:

NSO nonstructural setback	=	Horizontal distance required to achieve a one on
---------------------------	---	--

overlay district distance	two and one-half stable bluff slope +
	(Average annual bluff recession rate x 50 years) + Minimum facility setback distance

(Code 1975, § 7.031)

Sec. 20-218. Zoning map.

A certified copy of the zoning maps adopted and made a part of the chapter are on file in the zoning administrator's office.

(Code 1975, § 7.032)

Secs. 20-219--20-235. Reserved.

DIVISION 2. R-1 COUNTRY ESTATE DISTRICT

Sec. 20-236. Uses.

The following uses are permitted in the R-1 country estate district:

- (1) *Principal uses.* One-family dwellings on estate lots and sustained yield forestry.
- (2) *Conditional uses.* Stables, nurseries, orchards, riding trails and uses specified in section 20-1336, all subject to approval pursuant to section 20-1141.

(Code 1975, § 7.033; Ord. No. 88-160, § 7.033, 1-10-89)

Sec. 20-237. Area requirements.

The area requirements for the R-1 country estate district are as follows:

TABLE INSET:

(1)	Lot	Width	Minimum	300 feet
		Area	Minimum	5 acres
(2)	Building	Height	Maximum	35 feet

(Code 1975, § 7.033)

Sec. 20-238. Yard setback requirements.

The minimum yard setback requirements in the R-1 country estate district are as follows:

TABLE INSET:

	<i>Minimum</i>
--	----------------

	<i>Yard</i>	<i>setback distance</i>
(1)	Shore	75 feet
(2)	Street	100 feet
(3)	Rear	100 feet
(4)	Side	50 feet

(Code 1975, § 7.033)

Secs. 20-239--20-255. Reserved.

DIVISION 3. R-2 SUBURBAN RESIDENTIAL DISTRICT (UNSEWERED)

Sec. 20-256. Uses.

The following uses are permitted in the R-2 suburban residential district (unsewered):

- (1) *Principal uses.* One-family dwellings on lots not served by public sanitary sewer.
- (2) *Conditional uses.* See sections 20-1336 and 20-1141.

(Code 1975, § 7.033)

Sec. 20-257. Area requirements.

The area requirements for the R-2 suburban residential district (unsewered) are as follows:

TABLE INSET:

(1)	Lot	Width	Minimum	150 feet
		Area	Minimum	40,000 sq. feet
(2)	Building	Height	Maximum	35 feet

(Code 1975, § 7.033)

Sec. 20-258. Yard setback requirements.

The minimum yard setback requirements in the R-2 suburban residential district (unsewered) are as follows:

TABLE INSET:

(1)	Shore	75 feet
(2)	Street	50 feet
(3)	Rear	50 feet
(4)	Side	15 feet

(Code 1975, § 7.033)

Secs. 20-259--20-275. Reserved.

DIVISION 4. R-2S SUBURBAN RESIDENTIAL DISTRICT (SEWERED--LARGE LOT)

Sec. 20-276. Uses.

The following uses are permitted in the R-2S suburban residential district (sewered--large lots):

- (1) *Principal uses.* One-family dwellings on larger lots served by a public sanitary sewer.
- (2) *Conditional uses.* See sections 20-1336 and 20-1141.

(Ord. No. 87-73, 8-11-87)

Sec. 20-277. Area requirements.

The area requirements for the R-2S suburban residential district (sewered--large lots) are as follows:

TABLE INSET:

(1)	Lot	Width	Minimum	150 feet
		Area	Minimum	40,000 sq. feet
(2)	Building	Height	Maximum	35 feet

(Ord. No. 87-73, 8-11-87; Ord. No. 2003-197, 2-12-04)

Sec. 20-278. Yard setback requirements.

The minimum yard setback requirements in the R-2S suburban residential district (sewered--large lots) are as follows:

TABLE INSET:

(1)	Shore.....	75 feet
(2)	Street.....	50 feet
(3)	Rear.....	50 feet
(4)	Side.....	15 feet

(Ord. No. 87-73, 8-11-87)

Secs. 20-279--20-295. Reserved.

DIVISION 5. R-3 SUBURBAN RESIDENTIAL DISTRICT (SEWERED)

Sec. 20-296. Uses.

The following uses are permitted in the R-3 suburban residential district (sewered):

- (1) *Principal uses.* One-family dwellings on lots served by a public sanitary sewer.
- (2) *Conditional uses.* See sections 20-1336 and 20-1337.

(Code 1975, § 7.033)

Sec. 20-297. Area requirements.

The area requirements for the R-3 suburban residential district (sewered) are as follows:

TABLE INSET:

(1)	Lot	Width	Minimum	100 feet
		Area	Minimum	20,000 sq. feet
(2)	Building	Height	Maximum	35 feet

(Code 1975, § 7.033)

Sec. 20-298. Yard setback requirements.

The minimum yard setback requirements in the R-3 suburban residential district (sewered) are as follows:

TABLE INSET:

(1)	Shore	75 feet
(2)	Street	35 feet
(3)	Rear	50 feet
(4)	Side	10 feet

(Code 1975, § 7.033; Ord. No. 97-203, 1-13-98)

Secs. 20-299--20-315. Reserved.

DIVISION 6. R-3A SUBURBAN RESIDENTIAL DISTRICT (SEWERED)

Sec. 20-316. Uses.

The following uses are permitted in the R-3A suburban residential district (sewered):

- (1) *Principal uses.* One-family dwellings on lots served by a public sanitary sewer.
- (2) *Conditional uses.* See sections 20-1336 and 20-1337.

(Code 1975, § 7.033)

Sec. 20-317. Area requirements.

The area requirements in the R-3A suburban residential district (sewered) are as follows:

TABLE INSET:

(1)	Lot	Width	Minimum	90 feet
		Area	Minimum	13,500 sq. feet
(2)	Building	Height	Maximum	35 feet

(Code 1975, § 7.033)

Sec. 20-318. Yard setback requirements.

The minimum yard setback requirements in the R-3A suburban residential district (sewered) are as follows:

TABLE INSET:

(1)	Shore	75 feet
(2)	Street	35 feet
(3)	Rear	50 feet
(4)	Side	10 feet

(Code 1975, § 7.033)

Secs. 20-319--20-335. Reserved.

DIVISION 7. R-4 URBAN RESIDENTIAL DISTRICT I**Sec. 20-336. Uses.**

The following uses are permitted in the R-4 urban residential district (I):

- (1) *Principal uses.* One-family dwellings on lots served by a public sanitary sewer.
- (2) *Conditional uses.* See sections 20-1336 and 20-1337.

(Code 1975, § 7.033)

Sec. 20-337. Area requirements.

The area requirements in the R-4 urban residential district (I) are as follows:

TABLE INSET:

(1)	Lot	Width	Minimum	75 feet
		Area	Minimum	10,000 sq. feet
(2)	Building	Height	Maximum	35 feet

(Code 1975, § 7.033)

Sec. 20-338. Yard setback requirements.

The minimum yard setback requirements in the R-4 urban residential district (I) are as follows:

TABLE INSET:

(1)	Shore	75 feet
(2)	Street	25 feet
(3)	Rear	25 feet
(4)	Side	10 feet

(Code 1975, § 7.033)

Secs. 20-339--20-355. Reserved.

DIVISION 8. R-5 URBAN RESIDENTIAL DISTRICT II

Sec. 20-356. Uses.

The following uses are permitted in the R-5 urban residential district (II):

- (1) *Principal uses.* One-family dwellings on lots served by a public sanitary sewer.
- (2) *Conditional uses.* See sections 20-1336 and 20-1337.

(Code 1975, § 7.033)

Sec. 20-357. Area requirements.

The area requirements in the R-5 urban residential district (II) are as follows:

TABLE INSET:

(1)	Lot	Width	Minimum	60 feet
		Area	Minimum	7,200 sq. feet
(2)	Building	Height	Maximum	35 feet

(Code 1975, § 7.033)

Sec. 20-358. Yard setback requirements.

The minimum yard setback requirements in the R-5 urban residential district (II) are as follows:

TABLE INSET:

(1)	Shore.....	75 feet
(2)	Street	25 feet

(3)	Rear	25 feet
(4)	Side	10 feet

(Code 1975, § 7.033)

Secs. 20-359--20-375. Reserved.

DIVISION 9. R-5A URBAN RESIDENTIAL DISTRICT III

Sec. 20-376. Uses.

The following uses are permitted in the R-5A urban residential district (III):

- (1) *Principal uses.* One-family dwellings on lots served by a public sanitary sewer.
- (2) *Conditional uses.* See sections 20-1336 and 20-1337.

(Ord. No. 86-17, § 7.033, 7-22-86)

Sec. 20-377. Area requirements.

The area requirements in the R-5A urban residential district (III) are as follows:

TABLE INSET:

(1)	Lot	Width	Minimum	65 feet
		Area	Minimum	10,000 sq. feet
(2)	Building	Height	Maximum	35 feet

(Ord. No. 86-17, § 7.033, 7-22-86; Ord. No. 2003-197, 2-12-04)

Sec. 20-378. Yard setback requirements.

The minimum yard setback requirements in the R-5A urban residential district (III) are as follows:

TABLE INSET:

(1)	Shore	75 feet
(2)	Street	25 feet
(3)	Rear	25 feet
(4)	Side	10 feet

(Ord. No. 86-17, § 7.033, 7-22-86)

Secs. 20-379--20-395. Reserved.

DIVISION 10. R-6 TWO-FAMILY RESIDENTIAL DISTRICT

Sec. 20-396. Uses.

The following uses are permitted in the R-6 two-family residential district:

- (1) *Principal uses.* Two-family dwellings on lots served by a public sanitary sewer.
- (2) *Conditional uses.* See sections 20-1336 and 20-1337.

(Code 1975, § 7.033)

Sec. 20-397. Area requirements.

The area requirements in the R-6 two-family residential district are as follows:

TABLE INSET:

(1)	Lot	Width	Minimum	100 feet
		Lot	Minimum	10,000 sq. feet
(2)	Building	Height	Maximum	35 feet

(Code 1975, § 7.033)

Sec. 20-398. Yard setback requirements.

The minimum yard setback requirements in the R-6 two-family residential district are as follows:

TABLE INSET:

(1)	Shore	75 feet
(2)	Street	25 feet
(3)	Rear	25 feet
(4)	Side	10 feet

(Code 1975, § 7.033; Ord. No. 91-264, pt. 1, 4-14-92)

Secs. 20-399--20-405. Reserved.

DIVISION 10.5. R-6A TWO-FAMILY RESIDENTIAL DISTRICT II**Sec. 20-406. Uses.**

The following uses are permitted in the R-6A two-family district II:

- (1) *Principal uses.* Two-family dwellings on lots served by public sanitary sewer.
- (2) *Conditional uses.* See sections 20-1336 and 20-1337.

(Ord. No. 91-130, § 7-033, 11-5-91)

Sec. 20-407. Area requirements.The area requirements in the R-6A two-family district II are as follows:

TABLE INSET:

(1)	Lot	Width	Minimum	100 feet
		Area	Minimum	20,000 sq. feet
(2)	Building	Height	Maximum	35 feet

(Ord. No. 91-130, § 7.033, 11-5-91; Ord. No. 2003-197, 2-12-04)

Sec. 20-408. Yard setback requirements.The minimum yard setback requirements in the R-6A two-family residential district II are as follows:

TABLE INSET:

(1)	Shore	75 feet
(2)	Street	50 feet
(3)	Rear	50 feet
(4)	Side	10 feet

(Ord. No. 91-130, § 7.033, 11-5-91; Ord. No. 91-264, pt. 3, 4-14-92)

Secs. 20-409--20-415. Reserved.

DIVISION 11. R-7 MULTIFAMILY RESIDENTIAL DISTRICT

Sec. 20-416. Uses.

The following uses are permitted in the R-7 multifamily residential district:

- (1) *Principal uses.* Multifamily dwellings, not to exceed eight (8) dwelling units per structure, on lots served by a public sanitary sewer.
- (2) *Conditional uses.* See sections 20-1336 and 20-1337.

(Code 1975, § 7.033)

Sec. 20-417. Area requirements.

The area requirements in the R-7 multifamily residential district are as follows:

TABLE INSET:

(1)	Lot	Width	Minimum	120 feet
-----	-----	-------	---------	----------

		Area	Minimum	15,000 sq. feet with no less than 2,000 sq. feet per efficiency unit; 2,500 sq. feet per 1-bedroom unit; and 3,000 sq. feet per 2- or more bedroom unit
(2)	Building	Height	Maximum	35 feet

(Code 1975, § 7.033)

Sec. 20-418. Yard setback requirements.

The minimum yard setback requirements in the R-7 multifamily residential district are as follows:

TABLE INSET:

(1)	Shore	75 feet
(2)	Street	35 feet
(3)	Rear	50 feet
(4)	Side	20 feet

(Code 1975, § 7.033)

Secs. 20-419--20-435. Reserved.

DIVISION 12. R-8 PLANNED RESIDENTIAL DISTRICT

Sec. 20-436. Uses.

The following uses are permitted in the R-8 planned residential district:

- (1) *Principal uses.* Two-family dwellings, multi-family dwellings and clustered one-family lot developments, all served by a public sanitary sewer system.
- (2) *Conditional uses.* The location and site plans for all structures and improvements which serve the principal use.

(Code 1975, § 7.033)

Sec. 20-437. Area requirements.

The area requirements for the R-8 planned residential district are as follows:

TABLE INSET:

(1)	Development	Area	10 acres in one ownership	
		Width	Minimum	450 feet
(2)	Park land	Area	Minimum	20 percent of the development area

(3)	Lot	Area	Minimum	4,000 sq. feet per row-house 8,000 sq. feet for one-family dwellings
		Width	Minimum	120 feet for 1 1/2 story row-houses
			Minimum	65 feet for one-family dwellings
(4)	Building	Height	Maximum	35 feet

(Code 1975, § 7.033)

Sec. 20-438. Yard setback requirements.

The minimum yard setback requirements for the R-8 planned residential district are as follows:

TABLE INSET:

(1)	Shore	75 feet
(2)	Street	30 feet
(3)	Rear	25 feet
(4)	Side (unplatted developments)	30 feet from exterior property lines of the development and between principal structures, with no less than 15 feet from any interior parcel line.
(5)	Side (platted developments)	10 feet

(Code 1975, § 7.033; Ord. No. 91-264, pt. 2, 4-14-92; Ord. No. 2001-29, 6-21-01)

Secs. 20-439--20-455. Reserved.

DIVISION 13. P-1 INSTITUTIONAL PARK DISTRICT

Sec. 20-456. Uses.

The following uses are permitted in the P-1 institutional park district:

(1) *Principal uses.* Public and private institutional uses, such as schools; colleges; universities; hospitals; sanitariums, religious, charitable and penal institutions; cemeteries; and crematories.

(2) *Conditional uses.* The location and site plans of all structures and improvements which serve the principal use. See also sections 20-1336 and 20-1246.

(Code 1975, § 7.034)

Sec. 20-457. Area requirements.

The area requirements for the P-1 institutional park district are as follows:

TABLE INSET:

(1)	Development	Area	Minimum	20 acres
(2)	Structure	Height	Maximum	50 feet

(Code 1975, § 7.034)

Sec. 20-458. Yard setback requirements.

The minimum yard setback requirements for the P-1 institutional park district are as follows:

TABLE INSET:

(1)	Shore	75 feet
(2)	Street	100 feet
(3)	Rear	100 feet
(4)	Side	100 feet

(Code 1975, § 7.034)

Secs. 20-459--20-475. Reserved.

DIVISION 14. P-2 RECREATIONAL PARK DISTRICT

Sec. 20-476. Uses.

The following uses are permitted in the P-2 recreational park district:

- (1) *Principal uses.* Public and existing private recreational uses, such as arboretums, bathing, boating, cycling, fishing, horse riding, marinas, swimming, skating, sledding, skiing, nature trails and hiking.
- (2) *Conditional uses.* Extension of existing, or the creation of new, private recreational uses; all private recreational or assembly structures; golf courses; campgrounds; playgrounds; driving ranges; polo fields; swimming pools; zoological and botanical gardens; athletic fields; lodges; picnic areas; and archery and firearm ranges. See also section 20-1336.

(Code 1975, § 7.034)

Sec. 20-477. Area requirements.

The area requirements for the P-2 recreational park district are as follows:

TABLE INSET:

(1)	Development	Area	Minimum	10 acres
(2)	Structure	Height	Maximum	35 feet

(Code 1975, § 7.034)

Sec. 20-478. Yard setback requirements.

The minimum yard setback requirements in the P-2 recreational park district are as follows:

TABLE INSET:

(1)	Shore	75 feet
(2)	Street	100 feet
(3)	Rear	100 feet
(4)	Side	100 feet

(Code 1975, § 7.034)

Secs. 20-479--20-495. Reserved.

DIVISION 15. C-1 RESOURCE CONSERVATION DISTRICT**Sec. 20-496. Uses.**

The following uses are permitted in the C-1 resource conservation district:

(1) *Principal uses.* Fishing; flood overflow and floodwater storage; hunting; navigation; pedestrian and equestrian trails; preservation of scenic, historic and scientific areas; public fish hatcheries, soil and water conservation practices; sustained yield forestry; stream bank and lakeshore protection; water retention ponds; and wildlife areas.

(2) *Conditional uses.* Boating, drainageways, game farms, grazing, orchards, shooting preserves, swimming, truck farming, utilities, water measurement and water control facilities, and wildcrop harvesting. The above uses shall not involve drainage; dumping; filling; tilling; mineral, soil, or peat removal; or any other use that would substantially disturb or impair the natural fauna, flora, watercourses, water regimen or topography. See also section 20-1336.

(Code 1975, § 7.035)

Sec. 20-497. Structures restricted.

Structures are not permitted in the C-1 resource conservation district, except accessory to the principal or conditional uses.

(Code 1975, § 7.035)

Secs. 20-498--20-505. Reserved.

DIVISION 15.5. C-2 UPLAND RESOURCE CONSERVATION DISTRICT

The primary purpose of this district is to preserve, protect, enhance, and restore all significant woodlands, areas of rough topography, and related scenic areas within the county; and to provide for limited residential development at densities not to exceed one dwelling unit per three (3) acres. Regulation of these areas will serve to control erosion and sedimentation and will promote and maintain the natural beauty of the county, while seeking to assure the preservation and protection of areas of significant topography, natural watersheds, ground and surface water, potential recreation sites, wildlife habitat, and other natural resource characteristics that contribute to the environmental quality of the county.

(Ord. No. 95-86, 9-26-95)

Sec. 20-506. Uses.

(1) *Principal uses.* Farming and related agricultural uses when conducted in accordance with soil conservation service standards; hunting and fishing; forest preservation; forest and game management; preservation of scenic, historic, and scientific areas; park and recreation areas; arboreta; botanical gardens; one single-family dwelling.

(2) *Conditional uses.* Hunting and fishing clubs; recreation camps; public or private campgrounds; gardening, tool, and storage sheds incidental to the residential use; general farm buildings, including barns, silos, sheds, and storage bins; private garages and carports; clustered residential developments; and utilities.

(Ord. No. 95-86, 9-26-95)

Sec. 20-507. Area requirements.

The area requirements for the C-2 Upland Resource District are as follows:

TABLE INSET:

(1)	Lot	Width Minimum	300 feet
		Area Minimum	3 acres
(2)	Buildings		
	Dwelling	Height Maximum	35 feet
	Residential accessory structures	Height Maximum	17 feet
	Agricultural and other structures	Height Maximum	Two (2) times the distance from the nearest lot line

(Ord. No. 95-86, 9-26-95; Ord. No. 2003-197, 2-12-04)

Sec. 20-508. Yard setback requirements.

The minimum yard setback requirements in the C-2 Upland Resource Conservation District for all structures are as follows:

TABLE INSET:

(1)	Rear, minimum	100 feet
(2)	Side, minimum	25 feet
(3)	Street, minimum	100 feet
(4)	Shore, minimum	75 feet

(Ord. No. 95-86, 9-26-95)

Sec. 20-509. Tree cutting and shrubbery clearing limited.

Land lying within the C-2 Upland Resource Conservation District shall not be clear cut of trees, shrubbery, or underbrush. No more than twenty (20) percent of the natural vegetation shall be removed from a parcel.

Normal pruning, trimming, and shearing of vegetation; removal of dead, diseased, or insect-infested vegetation; and silvicultural thinning conducted under the recommendation of a forester shall be exempt from this restriction.

(Ord. No. 95-86, 9-26-95)

Secs. 20-510--20-515. Reserved.

DIVISION 16. B-1 NEIGHBORHOOD BUSINESS DISTRICT**Sec. 20-516. Uses.**

The following uses are permitted in the B-1 neighborhood business district:

(1) *Principal uses.* The following uses provided that they shall be retail establishments, selling and storing only new merchandise; bakeries, barber shops, bars, beauty shops, business offices, clinics, clothing stores, clubs, cocktail lounges, confectioneries, delicatessens, drug stores, fish markets, florists, fraternities, fruit stores, gift stores, grocery stores, hardware stores, house occupations, hobby shops, lodges, meat markets, optical stores, packaged beverage stores, professional offices, restaurants, self-service and pickup laundry and dry cleaning establishments, soda fountains, sporting goods, supermarkets, tobacco stores and vegetable stores. Lots or land on which there is an existing residence shall not be subdivided or transferred in such a way as to cause the parcel on which it stands to fail to comply with the lot, area and yard requirements of the R-4 residential district in those areas served by public sanitary sewer or the R-2 residential district in those areas served by on-site sanitary disposal systems. Existing residences may be expanded and repaired in compliance with the applicable requirements of the R-4 or R-2 residential district depending on the availability of the public sanitary sewer, but no new residences may be built.

(2) *Conditional uses.* See sections 20-1336 and 20-1339. Residential quarters may be permitted as a conditional use provided that such quarters are clearly accessory to the

principal use on the property and occupy fifty (50) percent or less of the total floor space of the structure in which they are located.

(Code 1975, § 7.036; Ord. No. 88-160, § 7.036, 1-10-89; Ord. No. 91-130, § 7.036, 11-5-91; Ord. No. 93-9, 5-11-93)

Sec. 20-517. Area requirements.

The area requirements for the B-1 neighborhood business district are as follows:

TABLE INSET:

(1)	Lot	Frontage	Minimum	75 feet
			Minimum	15,000 sq. feet
(2)	Building	Height	Maximum	35 feet

(Code 1975, § 7.036)

Sec. 20-518. Yard setback requirements.

The minimum yard setback requirements in the B-1 neighborhood business district are as follows:

TABLE INSET:

(1)	Shore	75 feet
(2)	Street	25 feet
(3)	Rear	25 feet
(4)	Side	10 feet

(Code 1975, § 7.036; Ord. No. 2000-251S, 8-28-01)

Secs. 20-519--20-535. Reserved.

DIVISION 17. B-2 COMMUNITY BUSINESS DISTRICT

Sec. 20-536. Uses.

The following uses are permitted in the B-2 community business district:

- (1) *Principal uses.* All uses permitted in the B-1 neighborhood business district and the following: apartment hotels, appliance stores, caterers, churches, clothing repair shops, crockery stores, department stores, electrical supply, financial institutions, food lockers, furniture stores, furniture upholstery shops, heating supply, hotels, laundry and dry-cleaning establishments employing not over seven (7) persons, liquor stores, music stores, newspaper offices and press rooms, night clubs, office supplies, pawn shops, personal service establishments, pet shops, places of entertainment, photographic supplies, plumbing supplies, printing, private clubs, private schools, publishing, radio broadcasting studios, second-hand stores, signs, tattoo parlors, television broadcasting studios, trade and variety stores. Lots or land on which there is an existing residence

shall not be subdivided or transferred in such a way as to cause the parcel on which it stands to fail to comply with the lot, area and yard requirements of the R-4 residential district in those areas served by public sanitary sewer or the R-2 residential district in those areas served by on-site sanitary disposal systems. Existing residences may be expanded and repaired in compliance with the applicable requirements of either the R-4 or R-2 residential district, depending on the availability of public sanitary sewer, but no new residences may be built.

(2) *Conditional uses.* See sections 20-1336 and 20-1339 and 20-1246. Residential quarters may be permitted as a conditional use provided that such quarters are clearly accessory to the principal use on the property and occupy fifty (50) percent or less of the total floor space of the structure in which they are located.

(Code 1975, § 7.036; Ord. No. 88-160, § 7.036, 1-10-89; Ord. No. 91-130, § 7-036, 11-5-91; Ord. No. 93-9, 5-11-93; Ord. No. 2000-251S, 8-28-01)

Sec. 20-537. Area requirements.

The area requirements for the B-2 community business district are as follows:

TABLE INSET:

(1)	Lot	Frontage	Minimum	75 feet
		Area	Minimum	15,000 sq. feet
(2)	Building	Height	Maximum	35 feet

(Code 1975, § 7.036)

Sec. 20-538. Yard setback requirements.

The minimum yard setback requirements in the B-2 community business district are as follows:

TABLE INSET:

(1)	Shore	75 feet
(2)	Street	25 feet
(3)	Rear	25 feet
(4)	Side	10 feet

(Code 1975, § 7.036; Ord. No. 2000-251S, 8-28-01)

Secs. 20-539--20-555. Reserved.

DIVISION 18. B-3 COMMERCIAL SERVICE DISTRICT

Sec. 20-556. Uses.

The following uses are permitted in the B-3 commercial service district:

(1) *Principal uses.* All uses permitted in the B-1 neighborhood business district, B-2

community business district and the following: adult establishments, animal hospitals with no outdoor pens, auction galleries, automotive sales and repair; bicycle sales, rental, repair; boat sales, rental and repair; building material and product sales; caterers; electrical supply; employment agencies; exterminating shops; food lockers; garden supplies; heating supply; medical appliance stores; monument sales; motorcycle sales, repair and service; newspaper offices and press rooms; pawn shops; physical culture and health studios; plumbing supplies; printing, advertising and publishing shops; private clubs and lodges; radio broadcasting studios; radio and television repair and service shops; recording studios; schools of dance, music and business; second hand shops, taxidermists; television broadcasting studios; trade and contractor's offices; vending machines sales, service and repair welding repair shops. Lots or land on which there is an existing residence shall not be subdivided or transferred in such a way as to cause the parcel on which it stands to fail to comply with the lot, area and yard requirements of the R-4 residential district in those areas served by public sanitary sewer or the R-2 residential district in those areas served by on-site sanitary disposal systems. Existing residences may be expanded and repaired in compliance with the applicable requirements of the R-4 or R-2 residential district depending on the availability of the public sanitary sewer but no new residences may be built.

(2) *Conditional uses.* See sections 20-1336 and 20-1339. Residential quarters may be permitted as a conditional use provided that such quarters are clearly accessory to the principal use on the property and occupy fifty (50) percent or less of the total floor space of the structure in which they are located.

(Code 1975, § 7.036; Ord. No. 91-130, § 7-036, 11-5-91; Ord. No. 93-9, 5-11-93; Ord. No. 2000-251S, 8-28-01; Ord. No. 2003-132, 11-18-03)

Sec. 20-557. Area requirements.

The area requirements for the B-3 commercial service district are as follows:

TABLE INSET:

(1)	Lot	Frontage	Minimum	75 feet
		Area	Minimum	15,000 sq. feet
(2)	Building	Height	Maximum	35 feet

(Code 1975, § 7.036)

Sec. 20-558. Yard setback requirements.

The minimum yard setback requirements in the B-3 commercial business district are as follows:

TABLE INSET:

(1)	Shore	75 feet
(2)	Street	25 feet
(3)	Rear	25 feet
(4)	Side	10 feet

(Code 1975, § 7.036; Ord. No. 2000-251S, 8-28-01)

Secs. 20-559--20-575. Reserved.

DIVISION 19. B-4 PLANNED BUSINESS DISTRICT

Sec. 20-576. Uses.

The following uses are permitted in the B-4 planned business district:

- (1) *Principal uses.* None.
- (2) *Conditional uses.* See sections 20-1336 and 20-1339 and 20-1246 as applicable. Residential quarters may be permitted as a conditional use provided that such quarters are clearly accessory to the principal use on the property and occupy fifty (50) percent or less of the total floor space of the structure in which they are located.

(Code 1975, § 7.036; Ord. No. 91-130, § 7-036, 11-5-91; Ord. No. 93-9, 5-11-93)

Sec. 20-577. Area requirements.

The area requirements for the B-4 planned business district are as follows:

TABLE INSET:

(1)	Lot	Frontage	Minimum	200 feet
		Area	Minimum	2 acres
(2)	Building	Height	Maximum	45 feet

(Code 1975, § 7.036)

Sec. 20-578. Yard setback requirements.

The minimum yard setback requirements in the B-4 planned business district are as follows:

TABLE INSET:

(1)	Shore	75 feet
(2)	Street	80 feet
(3)	Rear	40 feet
(4)	Side	10 feet

(Code 1975, § 7.036)

Secs. 20-579--20-595. Reserved.

DIVISION 20. B-5 HIGHWAY BUSINESS DISTRICT

Sec. 20-596. Uses.

The following uses are permitted in the B-5 highway business district:

(1) *Principal uses.* Adult establishments. (See section 20-636 et al)

(2) *Conditional uses.* Restaurants, gift shops, places of entertainment, confectioneries and drug stores plus those specified in sections 20-1336, 20-1339, 20-1226 and 20-1246 as applicable. Residential quarters may be permitted as a conditional use provided that such quarters are clearly accessory to the principal use on the property and occupy fifty (50) percent or less of the total floor space of the structure in which they are located.

(Code 1975, § 7.036; Ord. No. 91-130, § 7-036, 11-5-91; Ord. No. 93-9, 5-11-93; Ord. No. 2003-132, 11-18-03)

Sec. 20-597. Area requirements.

The area regulations for the B-5 highway business district are as follows:

TABLE INSET:

(1)	Lot	Frontage	Minimum	400 feet
		Area	Minimum	4 acres
(2)	Building	Height	Maximum	35 feet

(Code 1975, § 7.036)

Sec. 20-598. Yard setback requirements.

The minimum yard setback requirements in the B-5 highway business district are as follows:

TABLE INSET:

(1)	Shore	75 feet
(2)	Street	100 feet
(3)	Rear	40 feet
(4)	Side	40 feet

(Code 1975, § 7.036)

Secs. 20-599--20-615. Reserved.

DIVISION 21. B-6 WATER ORIENTED BUSINESS DISTRICT

Sec. 20-616. Uses.

The following uses are permitted in the B-6 water oriented business district:

(1) *Principal uses.* Existing water-oriented commercial uses, such as bait shops, bathhouses, bathing and fishing areas on lakes and streams, boat and marine sales, boat launching areas, boat liveries, boat storage, repair and service marinas, dance halls, fishing equipment sales, hotels, motels, resorts, restaurants, and taverns.

(2) *Conditional uses.* Extension of, or the creation of, new principal uses listed above. See also sections 20-1246, 20-1336 and 20-1339. Residential quarters may be permitted as a conditional use provided that such quarters are clearly accessory to the principal use on the property and occupy fifty (50) percent or less of the total floor space of the structure in which they are located.

(Code 1975, § 7.036; Ord. No. 91-130, § 7-036, 11-5-91; Ord. No. 93-9, 5-11-93)

Sec. 20-617. Area requirements.

The area requirements for the B-6 water oriented business district are as follows:

TABLE INSET:

(1)	Lot	Width	Minimum	150 feet
		Area	Minimum	40,000 sq. feet
(2)	Structure	Height	Maximum	35 feet

(Code 1975, § 7.036)

Sec. 20-618. Yard setback requirements.

The minimum yard setback requirements in the B-6 water oriented business district are as follows:

TABLE INSET:

(1)	Shore	75 feet
(2)	Street	50 feet
(3)	Rear	50 feet
(4)	Side	50 feet

(Code 1975, § 7.036)

Secs. 20-619--20-635. Reserved.

DIVISION 22. B-7 ADULT ESTABLISHMENT USES

Editor's note: Ord. No. 2003-132, adopted Nov. 18, 2003, repealed Div. 22, B-7 Adult entertainment business district, in its entirety and enacted a Div. 22, B-7 Adult establishment uses, to read as set out herein. Former Div. 22 derived from Code 1975, section 7.036 and Ord. No. 2002-239, § 1, 2-25-03.

Sec. 20-636. Findings of fact.

(a) Findings of fact:

- (1) The board finds that adult establishments as defined in this chapter require special zoning in order to protect and preserve the health, safety, and welfare of the county.
- (2) Based on its review of report to the American Center for Law and Justice on the

Secondary Impacts of Sexual Oriented Businesses; and based on its review of National Law Center Summaries of SOB Land Use Studies; and based on studies conducted in St. Croix County, Wisconsin; New Hanover County, North Carolina; Town and Village of Ellicottville, Cattaraugus County, New York; City of Garden Grove, California; Newport News, Virginia; and based on the findings incorporated in City of Renton v. Playtime Theaters, Inc., 475 U.S. 41 (1986); Colman A. Young v. American Mini-Theaters, Inc., 427 U.S. 50 (1976), the board finds that there is convincing evidence that the secondary effects of adult establishments include an increased risk of prostitution, high-risk sexual behavior, crime, and other deleterious effects upon existing business and surrounding residential areas, and decreased property values.

(3) Based on its review of "Playing for Keeps", 2002 Racine County Economic Development Study, the board finds that Interstate 94 and State Trunk Highway 36 corridors are two (2) areas that are very important to the economic development of Racine County and should be protected from the secondary effects of adult establishments for the benefit of the health, safety and welfare of the community.

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

(c) It is not the board's intent to suppress any speech activities protected by the First Amendment, but to enact a content-neutral ordinance which addresses the secondary effects of adult establishments while providing an outlet for First Amendment protected activities.

(d) In order to minimize and control the secondary effects of adult establishments upon the county, it is the board's intent to prevent the concentration of adult establishments within a certain distance of other specified locations which are incompatible with and would suffer from the secondary effects of adult establishments.

(Ord. No. 2003-132, 11-18-03)

Sec. 20-637. Uses.

The First Amendment and other provisions of the United States Constitution, as interpreted by the United States Supreme Court and other courts, require that adult establishments, as defined in this chapter, are entitled to certain protections, including the opportunity to locate in towns governed by the county zoning code. Therefore, an adult establishment shall be an allowed principal use in the B-3 and B-5 zoning districts and shall be a prohibited use in any other zoning district. The adult establishment may locate in the specified districts only if an adult establishment license has been granted by a town within the county which is subject to this zoning code if required by the town, and all the requirements of this chapter and the applicable zoning district's regulations are met.

(Ord. No. 2003-132, 11-18-03)

Sec. 20-638. Regulations applicable to all adult establishments.

(a) *Hours of operation:* No adult establishment shall be open for business at any time between the hours of 2:00 a.m. and 12:00 noon.

(b) *Animals:* No animals, except only for seeing-eye dogs required to assist the blind, shall be permitted at any time at or in any adult establishment or permitted premises.

(c) *Restricted access:* No adult establishment patron shall be permitted at any time to enter into any of the non-public portions of any adult establishment, including specifically, but without

limitation, any storage areas or dressing or other rooms provided for the benefit of adult establishment employees. This subsection shall not apply to persons delivering goods and materials, food and beverages, or performing maintenance or repairs to the permitted premises; provided, however, that any such persons shall remain in such non-public areas only for the purposes and to the extent and time necessary to perform their job duties.

(d) *Exterior display:* No adult establishment shall be maintained or operated in any manner that causes, creates, or allows public viewing of any adult material, or any entertainment depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," from any sidewalk, public or private right-of-way, or any property other than the lot on which the permitted premises is located. No portion of the exterior of an adult establishment shall utilize or contain any flashing lights, search lights, or spotlights, or any other similar lighting systems, or any words, lettering, photographs, silhouettes, drawings, or pictorial representations of any manner except to the extent specifically allowed by this chapter with regard to signs. This subsection shall apply to any advertisement, display, promotional material, decoration, or sign; to any performance or show; and to any window, door, or other opening.

(e) *Sign limitations:* All signs for adult establishments shall be flat wall signs. The business may have only one (1) non-flashing business sign which may only indicate the name of the business and identify it as an adult establishment and which shall not be larger than four (4) feet by four (4) feet. Temporary signs shall not be permitted in connection with any adult establishment.

(f) *Noise:* No loudspeakers or sound equipment audible beyond the adult establishment shall be used at any time.

(g) *Manager's stations:* Each adult establishment shall have one (1) or more manager's stations. The interior of each adult establishment shall be configured in such a manner that there is a direct and substantially unobstructed view from at least one (1) manager's station to every part of each area, except restrooms, of the establishment to which any adult establishment patron is permitted access for any purpose. The cashier's or manager's station shall be located so that someone working there can quickly move to physically halt any attempted or accidental entry by a minor. An employee shall occupy the station at all times when patrons are in and on the premises.

(h) *Adult booths prohibited:* Adult booths shall be prohibited in all adult establishments.

(i) *No loitering policy:* The adult establishment shall clearly post and enforce a no loitering policy.

(j) *Age limit restrictions:* The adult establishment shall clearly post and enforce age-limit restrictions. A one-square-foot sign shall be placed on each public entrance which shall state "Admittance to adults only" and may include other pertinent business information.

(k) *Measuring disbursement distances:* The distances in this section shall be measured by following a straight line, without regard to intervening structures, from the public entrance (existing or proposed) of an adult establishment to the nearest point of the protected use as described below.

(l) *Adequate parking:* One (1) parking space per one hundred fifty (150) square feet of total gross floor area shall be provided in a lighted area on the permitted premises of an adult establishment.

(m) *Spacing requirement:* No more than one (1) adult establishment may be located on any one (1) parcel and the location of any one (1) adult establishment shall be at least one thousand (1,000) feet from the establishment of any other adult establishment. This distance shall be measured from the public entrance of one (1) adult establishment to the public entrance of the other adult establishment.

(n) *Display windows prohibited:* All points of access into structures containing adult

establishments and all windows or other openings shall be located, constructed, covered, or screened in a manner which will prevent a view into the interior.

(o) *Location requirement:* No permit shall be granted where the public entrance of the proposed adult establishment is within one thousand (1,000) feet of a residential use, residential district, house of worship, school, day care center, playground, public park, recreation area, library, museum, Interstate 94, or State Trunk Highway 36. In the case of an area zoned residential, the distance shall be measured from the nearest point on the residential district zoning boundary line. From an area not zoned residential but used for residential purposes, the measurement shall be taken from the public entrance of the adult establishment to the nearest entrance of the building in residential use. From schools, houses of worship, day care centers, libraries, and museums, the distance shall be measured from the public entrance of the adult establishment to the main public entrance of the protected use. From playgrounds, public parks, recreation areas, and schools, houses of worship and day care centers with playgrounds or recreation areas, the distance shall be measured from the public entrance of the adult establishment to the nearest property line of the playground, public park, or recreation area. Along Interstate 94 and State Trunk Highway 36, this distance is measured from the outside highway right-of-way line, including frontage road(s).

(p) *Residential quarters not allowed:* No residential quarters shall be allowed on a premises with an adult establishment.

(Ord. No. 2003-132, 11-18-03)

Sec. 20-639. Required information and documents.

(a) *Demographics.*

(1) *Individuals.*

- a. Applicant's legal name, all of the applicant's aliases, and the applicant's age;
- b. Applicant's business address.

(2) *Corporations.*

- a. Applicant corporation's complete name and official business address;
- b. Legal names, all aliases, the ages, and business addresses of all of the directors, officers, and managers of the corporation and of every person owning or controlling more than twenty-five (25) percent of the voting shares of the corporation;
- c. Applicant corporation's date and place of incorporation and the objective for which it was formed;
- d. Proof that the corporation is a corporation in good standing and authorized to conduct business in the State of Wisconsin;
- e. Name of the registered corporate agent and the address of the registered office for service of process.

(3) Partnerships (general or limited), joint ventures, or any other type of organization where two (2) or more persons share in the profits and liabilities of the organization.

- a. Applicant organization's complete name and official business address;
- b. Legal name, all aliases, the ages, and business addresses of each partner (other than limited partners) or any other person entitled to share in the profits of the organization, whether or not any such person is also obligated to share in the liabilities of the organization.

(4) *Land trusts.*

- a. Applicant land trust's complete name;
- b. Legal name, all aliases, and the business address of the trustee of the land trust;
- c. Legal name, all aliases, the ages, and business addresses of each beneficiary of the land trust and the specific interest of each such beneficiary in the land trust;
- d. The interest, if any, that the land trust holds in the permitted premises.

(b) If a corporation or partnership is an interest holder that shall be disclosed pursuant to subsections (a)(2) and (3), then such interest holders shall disclose the information required in said subsections with respect to their interest holders.

(c) The general character and nature of the applicant's business.

(d) The length of time that the applicant has been in the business of the character specified in response to subsection (c) above.

(e) The location (including street address and legal description) and telephone number of the premises for which the adult establishment permit is sought.

(f) The specific name of the business that is to be operated under the adult establishment permit.

(g) The identity of each fee simple owner of the permitted premises.

(h) A diagram showing the internal and external configuration of the permitted premises, including all doors, windows, entrances, exits, the fixed structural internal features of the permitted premises, plus the interior rooms, walls, partitions, stages, performance areas, and restrooms.

[A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required, provided, however, that each diagram shall be oriented to the north or to some designated street or object and shall be drawn to a designated scale or with marked dimensions to an accuracy of plus or minus six (6) inches and sufficient to show clearly the various interior dimensions of all areas of the permitted premises and to demonstrate compliance with the provisions of this chapter. The approval or use of the diagram required pursuant to this subsection shall not be deemed to be, and may not be interpreted or construed to constitute, any other county approval otherwise required pursuant to applicable County ordinances and regulations.]

(i) The specific type(s) of adult establishment(s) that the applicant proposes to operate on the permitted premises.

(j) A copy of each adult establishment's permit, liquor license, and gaming license currently held by the applicant, or any of the individuals identified in the application pursuant to subsection (a) or (b) above.

(k) The name of the individual(s) who shall be the day-to-day, on-site manager(s) of the proposed adult establishment.

(l) The application fee, site plan review fee, and zoning permit fee in the amount as adopted by resolution or in the annual county budget.

(m) Any other information the zoning administrator may reasonably require to apply the requirements of this chapter.

(n) The zoning administrator reserves the right to require a survey from a surveyor licensed by the State of Wisconsin to determine the spacing requirements under this chapter.

(o) A site plan, landscaping plan, zoning permit application, and letter of agent status, if necessary, as required by site plan review application requirements adopted by the planning and development department.

(Ord. No. 2003-132, 11-18-03)

Sec. 20-640. Incomplete applications returned.

Any application for an adult establishment that does not include all of the information and documents required pursuant to this chapter, as well as the required fees, shall be deemed to be incomplete and shall not be acted on by the zoning administrator who shall give the applicant a written notification and explanation of such action pursuant to this section.

(Ord. No. 2003-132, 11-18-03)

Sec. 20-641. Applicant cooperation required.

An applicant for an adult establishment permit shall cooperate fully in the inspections and investigations conducted by Racine County. The applicant's failure or refusal to:

- (1) Give any information reasonably relevant to the investigation of the application;
- (2) Allow the permitted premises to be inspected;
- (3) Appear at any reasonable time and place, or
- (4) Otherwise cooperate with the investigation and inspection required by this chapter;

shall constitute an admission by the applicant that the applicant is ineligible for an adult establishment permit and shall be grounds for denial of the permit by the zoning administrator.

(Ord. No. 2003-132, 11-18-03)

Sec. 20-642. Time for issuance or denial.

The zoning administrator shall, within thirty (30) days after submittal of a completed application, or within such other period of time as the county and the applicant shall otherwise agree, either issue or deny an adult establishment permit pursuant to the provisions of this chapter.

(Ord. No. 2003-132, 11-18-03)

Sec. 20-643. Standards for issuance or denial of permit.

(a) *Issuance:* The zoning administrator shall issue an adult establishment permit to an applicant if the zoning administrator finds and determines all of the following:

- (1) All information and documents required by this chapter for issuance of an adult establishment permit have been properly provided.
- (2) No person identified in the application may:
 - a. Have been denied an adult establishment permit within twelve (12) months immediately preceding the date of the application;
 - b. Be a person whose adult establishment permit has been revoked within twelve (12) months immediately preceding the date of the application; or

c. Be a person whose adult establishment permit is under suspension at the time of application.

(3) The adult establishment and the permitted premises comply with all requirements under this chapter and the applicant has obtained a license required for the adult establishment by the town, if any.

(4) The applicant has signed the permit he or she has received indicating his or her acceptance of the conditions of the permit.

(b) *Denial*: If the zoning administrator determines that the applicant has not met any one (1) or more of the conditions set forth in this section, then the zoning administrator shall deny issuance of the adult establishment permit and shall give the applicant a written notification and explanation of such denial.

(c) *License deemed to be issued*: If the zoning administrator does not issue or deny the adult establishment permit within thirty (30) days after the properly completed application is submitted, then the adult establishment permit applied for shall be deemed to have been issued.

(Ord. No. 2003-132, 11-18-03)

Sec. 20-644. Enforcement.

(a) A violation of any conditions or an adult establishment permit is a violation of this chapter.

(b) Notwithstanding any other remedy, a violation of any conditions or an adult establishment permit shall be grounds for revocation of the adult establishment permit.

(Ord. No. 2003-132, 11-18-03)

Sec. 20-645. Continued conforming status.

An adult establishment lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant of the adult establishment permit, if a protected use is located within one thousand (1,000) feet of the adult establishment.

(Ord. No. 2003-132, 11-18-03)

Secs. 20-646--20-655. Reserved.

DIVISION 23. A-1 GENERAL FARMING DISTRICT I

Sec. 20-656. Uses.

The following uses are permitted in the A-1 general farming district I:

(1) *Principal uses*. Apiculture, dairying; floriculture; forestry; grazing; greenhouses; hay; livestock raising; orchards; paddocks; pasturage; plant nurseries; poultry raising; raising of cash grain crops, mint, grass, seed crops, silage, tree fruits, nuts and berries, and vegetables; stables; truck farming; and viticulture. Farm dwellings for those farm owners and laborers actually engaged in a principal use and residential dwellings for the parents or children of the farm owners are accessory uses to the farm operation but shall

comply with all the dwelling lot requirements of the A-2 general farming and residential district II. Such residential dwellings for parents and children are permitted as such a use is in compliance with the adopted state-county farmland preservation plan. A separate, recorded lot shall be created for such dwellings. Existing dwellings not accessory to any farm operation and farm dwellings remaining after consolidation of neighboring farms are permitted but shall comply with all the provisions of the A-2 general farming and residential district II. Not more than one (1) roadside stand on any one (1) farm shall be permitted as an accessory use. Principal uses shall include truck farming permitted in the A-4 district, subject to the size and height requirements provided therein.

(2) *Conditional uses.* Animal hospitals; commercial egg production; commercial raising of animals, such as dogs, foxes, goats, mink, pigs and rabbits; condenseries; creameries; feed lots, grain elevators, commercial grain storage and seed operations, which operate exclusive of any farm operation; hatching or butchering of fowl, airports, airstrips and landing fields for farm or personal use only; migratory laborers' housing; worm farms and sod farming. See sections 20-1226 and 20-1336.

(Code 1975, § 7.037; Ord. No. 82-141, § 7.037, 11-9-82; Ord. No. 93-9, 5-11-93; Ord. No. 2000-251S, 8-28-01)

Sec. 20-657. Area requirements.

The area requirements for the A-1 general farming district I are as follows:

TABLE INSET:

(1)	Farm	Area	Minimum	35 acres
(2)	Structure	Height	Maximum	50 feet

(Code 1975, § 7.037)

Sec. 20-658. Yard setback requirements.

The minimum yard setback requirements in the A-1 general farming district I are as follows:

TABLE INSET:

(1)	Shore	75 feet
(2)	Street	100 feet
(3)	Rear	100 feet
(4)	Side	100 feet

(Code 1975, § 7.037)

Secs. 20-659--20-675. Reserved.

DIVISION 24. A-2 GENERAL FARMING AND RESIDENTIAL DISTRICT II

Sec. 20-676. Uses.

The following uses are permitted in the A-2 general farming and residential district II:

(1) *Principal uses.* All uses permitted in A-1 general farming district I plus one- and two-family dwellings, whether or not such dwellings are associated with farm operations. In the A-2 district, the principal structure shall be the residential structure intended to service the parcel on which such residence is located.

(2) *Conditional uses.* All conditional uses permitted in the A-1 general farming district I. See sections 20-1202, 20-1226 and 20-1336.

(Code 1975, § 7.037; Ord. No. 89-255, 2-27-90)

Sec. 20-677. Area requirements.

The area requirements for the A-2 general farming and residential district II are as follows:

TABLE INSET:

(1)	Lot	Width Minimum	150 feet
		Area Minimum	40,000 sq. feet per family plus such acreage as is required by antipollution regulations or ordinances
(2)	Buildings		
	Dwelling	Height Maximum	35 feet
	Residential accessory structures	Height Maximum	17 feet
	Agricultural structures, such as barns, silos, sheds and storage bins	Height Maximum	Two (2) times the distance from the nearest lot line

(Code 1975, § 7.037; Ord. No. 2003-197, 2-12-04)

Sec. 20-678. Yard setback requirements.

The minimum yard setback requirements in the A-2 general farming and residential district II are as follows:

TABLE INSET:

(1)	Shore	75 feet
(2)	Street	75 feet
(3)	Rear	25 feet
(4)	Side	25 feet

(Code 1975, § 7.037; Ord. No. 91-264, pt. 3, 4-14-92)

Secs. 20-679--20-695. Reserved.

DIVISION 25. A-3 GENERAL FARMING DISTRICT III

Sec. 20-696. Purpose.

The board of supervisors and town boards of supervisors adopting this chapter find that urbanization is taking place in certain areas of the county at a rapid pace, that scattered urbanization can greatly increase the public cost of installing public facilities, such as sewers and schools required to service such growth, and therefore that the public interest will be best served by channelling such development to suitable county areas only at such time as it is economically feasible to plan, budget and commit to construction of the necessary supporting public services and facilities. Consequently, some county areas of potential growth will be placed in so-called holding districts, A-3 general farming district III, where nonagricultural development will be deferred until the appropriate legislative bodies determine that it is economically feasible to provide public services and facilities for uses other than those permitted in the holding district. It is intended that the status of all holding districts will be reviewed by the county planning and development committee no less frequently than every five (5) years in order to determine whether, in light of the foregoing general standards, there should be a transfer of all or part of a holding district to some other use district. Any such review will consider the need for permitting other uses on such land, the nature of the use or uses to be permitted and the cost and availability of the public services and facilities which will be necessitated by such new uses or uses.

(Code 1975, § 7.037)

Sec. 20-697. Uses.

The uses permitted in the A-3 general farming district III are as follows:

- (1) *Principal uses.* All uses permitted in A-1 general farming district I.
- (2) *Conditional uses.* Same as in A-1 general farming district I.

(Code 1975, § 7.037)

Sec. 20-698. Area, yard requirements.

The lot, building and yard requirements in the A-3 general farming district III shall be the same as in A-1 general farming district I.

(Code 1975, § 7.037)

Secs. 20-699--20-715. Reserved.

DIVISION 26. A-4 TRUCK FARMING DISTRICT

Sec. 20-716. Uses.

The following uses are permitted in the A-4 truck farming district:

(1) *Principal uses.* Apiculture, floriculture, greenhouses, horticulture, nurseries, orchards, paddocks, raising of cash crops, raising of horses not to exceed three (3) head for each five (5) acres, truck farming, and viticulture, and farm dwellings for those resident owners actually engaged in a principal agricultural use. Residential dwellings for laborers actually engaged in a principal agricultural use are accessory uses to the farm operation but shall comply with all the provisions of the R-2 residential district. Existing dwellings not accessory to any farm operation or dwellings remaining after consolidation of neighboring farms are permitted but shall comply with all the provisions of the R-2 residential district. Not more than one (1) roadside stand on any one (1) farm shall be permitted as an accessory use.

(2) *Conditional uses.* See sections 20-1226 and 20-1336.

(Code 1975, § 7.037)

Sec. 20-717. Area requirements.

The area requirements for the A-4 truck farming district are as follows:

TABLE INSET:

(1)	Farm	Width	Minimum	300 feet
		Area	Minimum	10 acres
(2)	Structures	Height	Maximum	50 feet

(Code 1975, § 7.037)

Secs. 20-718--20-735. Reserved.

DIVISION 27. M-1 LIGHT INDUSTRIAL AND OFFICE DISTRICT

Sec. 20-736. Uses.

(a) *Permitted uses.* The following uses are permitted in the M-1 light industrial and office district subject to approval by the planning and development committee as to location and operations:

- (1) General or clerical offices.
- (2) Professional offices.
- (3) Research and testing laboratories.
- (4) Schools and training centers.
- (5) Cleaning, pressing and dyeing establishments.
- (6) Commercial greenhouses.
- (7) Wholesalers and distributors.
- (8) Food locker plants.

(9) Light industrial plants such as required for production of millwork, machine tools, paper containers, patterns, die castings, light metal fabrication and similar small industries.

(b) *Conditional uses.* All structures and improvements for principal uses subject to the following general provisions. See sections 20-1226 and 20-1336.

(1) No merchandise shall be handled for sale or service rendered on the premises except such as are incidental or accessory to the principal permissible use of the premises, except for sales or service to industrial customers.

(2) All operations and activities of all uses within this district shall be conducted wholly inside a building or buildings.

(3) No continuous or intermittent noise from operations greater than the volume and range of noise emanating from vehicular traffic or its equivalent in noise shall be detectable at the boundary line of any residence district.

(4) No toxic matter, noxious matter, smoke or gas, and no odorous or particulate matter detectable beyond the lot lines shall be emitted.

(5) No vibrations shall be detectable beyond the lot lines.

(6) No glare or heat shall be detectable beyond the lot lines.

(7) Exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light upon any residence district or into public streets or parks.

(8) The storage or use of chemicals, either solid, liquid or gas, shall be subject to the following conditions:

a. The storage, utilization, or manufacturing of materials or products ranging from incombustible to moderate burning is permitted.

b. The storage, utilization or manufacturing of materials or products ranging from free to active burning is permitted provided the following condition is met: Said materials or products shall be stored, utilized, or manufactured within completely enclosed buildings having incombustible exterior walls and protected throughout by an automatic fire extinguishing system.

c. The manufacture of flammable materials which produce explosive vapors or gases is prohibited.

(Code 1975, § 7.038)

Sec. 20-737. Area requirements.

The area requirements for the M-1 light industrial and office district are as follows:

TABLE INSET:

(1)	Building	Height	Maximum	35 feet
(2)	Accessory building	Height	Maximum	30 feet
(3)	Lot	Width	Minimum	150 feet
		Area	Minimum	As necessary to comply with all district regulations

(Code 1975, § 7.038)

Sec. 20-738. Yard setback requirements.

The minimum yard setback requirements in the M-1 light industrial and office district are as follows:

TABLE INSET:

(1)	Street	100 feet on all streets the opposite side of which lies in a more restrictive district in this or a neighboring municipality and 25 feet minimum on streets both sides of which lie within this or a less restrictive district (wherein there shall be no structure of any kind or parking of automobiles)
(2)	Side	25 feet minimum, except where property is adjacent to residential districts when it shall be not less than 100 feet. (Parking of automobiles permitted in offset, except where property is adjacent to a residential district, or public building area, no parking space or access driveway shall be closer than 75 feet to any residential district or public building area.)
(3)	Rear	25 feet
(4)	Shore	75 feet

(Code 1975, § 7.038)

Secs. 20-739--20-755. Reserved.

DIVISION 28. M-2 GENERAL INDUSTRIAL DISTRICT

Sec. 20-756. Uses.

(a) *Permitted uses.* The following uses are permitted in the M-2 general industrial district subject to approval by the planning and development committee as to location and operations:

- (1) All M-1 permitted uses.
- (2) Manufacture, fabrication, packing, packaging, and assembly of products from furs, glass, leather, metals, paper, plaster, plastic, textiles and wood.
- (3) Manufacture, fabrication, packing, packaging and assembly of confections; cosmetics; electrical appliances; electronic devices; foods except garbage, fish and fish products, meat and meat products, and pea vineries; instruments; jewelry; pharmaceuticals; tobacco and toiletries.
- (4) Manufacturing and bottling of nonalcoholic beverages.
- (5) Painting.
- (6) Printing.
- (7) Publishing.

(b) *Conditional uses.* All structures and improvements for principal permitted uses. See

sections 20-1226 and 20-1336.

(Code 1975, § 7.038)

Sec. 20-757. Height requirements.

The maximum height of any building in the M-2 general industrial district is forty-five (45) feet.

(Code 1975, § 7.038)

Sec. 20-758. Yard setback requirements.

The minimum yard setback requirements for the M-2 general industrial district are as follows:

TABLE INSET:

(1)	Shore	75 feet
(2)	Street	50 feet
(3)	Rear	25 feet
(4)	Side	20 feet

(Code 1975, § 7.038)

Secs. 20-759--20-775. Reserved.

DIVISION 29. M-3 HEAVY INDUSTRIAL DISTRICT

Sec. 20-776. Uses.

(a) *Permitted uses.* The following uses are permitted in the M-3 heavy industrial district subject to approval by the planning and development committee as to location and operation:

- (1) All M-1 and M-2 uses.
- (2) Manufacture and processing of abrasives, acetylene, acid, alkalis, ammonia, asbestos, asphalt, batteries, bedding, bleach, bone, cabbage, candle, carpeting, celluloid, cement, cereals, charcoal, chemicals, chlorine, coal tar, coffee, coke, cordage, creosote, dextrine, disinfectant, dye, excelsior, felt, fish, fuel, gelatin, glucose, gypsum, hair products, ice, ink, insecticide, lampblack, lime, lime products, linoleum, matches, meat, oil, cloth, paint, peas, perfume, pickle, plaster of paris, plastics, poison, polish, potash, pulp, pyroxylin, radium, rope, rubber, sausage, shoddy, size, starch, stove polish, textiles and varnish.
- (3) Manufacturing, processing, and storage of building materials, explosives, dry ice, fat, fertilizer, flammables, gasoline, glue, grains, grease, lard, plastics, radioactive materials, shellac, soap, turpentine, vinegar and yeast.
- (4) Manufacture and bottling of alcoholic beverages; bag cleaning; canneries; cold storage warehouses; electric and steam generating plants; electroplating; enameling; forges; foundries; garbage incinerators; lacquering; lithographing; offal, rubbish, or animal reduction; oil, coal, and bone distillation; refineries; road test facilities; slaughterhouses; smelting; stockyards; tanneries; and weaving provided such uses shall

be at least six hundred (600) feet from residential and public and semipublic districts.

(5) Outside storage and manufacturing areas.

(6) Wrecking, junk, demolition, and scrap yards shall be surrounded by a solid fence or evergreen planting screen completely preventing a view from any other property or public right-of-way and shall be at least six hundred (600) feet from residential, public and semipublic districts.

(7) Freight yards.

(8) Freight terminals and trans-shipment depots.

(9) Inside storage warehouses.

(10) Breweries.

(11) Crematories.

(b) *Conditional uses.* All structures and improvements for principal permitted uses. See sections 20-1226 and 20-1336.

(Code 1975, § 7.038)

Sec. 20-777. Height requirements.

The maximum height of any building in the M-3 heavy industrial district is sixty (60) feet.

(Code 1975, § 7.038)

Sec. 20-778. Yard setback requirements.

The minimum yard setback requirements in the M-3 heavy industrial district are as follows:

TABLE INSET:

(1)	Shore	75 feet
(2)	Street	50 feet
(3)	Rear	25 feet
(4)	Side	20 feet

(Code 1975, § 7.038)

Secs. 20-779--20-795. Reserved.

DIVISION 30. M-4 QUARRYING DISTRICT

Sec. 20-796. Uses.

The following uses are permitted in the M-4 quarrying district:

(1) *Principal uses.* Mineral extraction operations and concrete and concrete products manufacturing that are presently in existence. The manufacture of concrete and concrete products, including concrete and asphalt batch plants, may occur on a parcel

only during the duration of the on-site mineral extraction activity.

(2) *Conditional uses.* Extension of legally existing mineral extraction operations and manufacture of concrete and concrete products or the creation of new such extraction or manufacturing operations; utilities. The manufacture of concrete and concrete products, including concrete and asphalt batch plants, may occur on a parcel only during the duration of the on-site mineral extraction activity. See section 20-1228.

(Code 1975, § 7.038; Ord. No. 2000-251S, 8-28-01)

Sec. 20-797. Yard setback requirements.

(a) All excavations shall occur within the M-4 quarrying district and shall be at least two hundred (200) feet from any right-of-way or property line. All accessory uses such as offices, parking areas, and stockpiles shall be located within the M-4 district and shall be at least one hundred (100) feet from any right-of-way or property line.

(b) When a mineral extraction operation abuts another such operation, the two hundred (200) foot setback for each operation from their common lot line may be reduced to a zero lot line setback through planning and development committee approval of restoration plan(s) in order to establish a more reasonable restoration of such operations.

(Ord. No. 88-160, § 7.038, 1-10-89; Ord. No. 2000-251S, 8-28-01)

Sec. 20-798. Height requirement.

The maximum height of any structure in the M-4 quarrying district shall be forty-five (45) feet.

(Code 1975, § 7.038)

Secs. 20-799--20-815. Reserved.

DIVISION 31. FW URBAN FLOODWAY DISTRICT

Sec. 20-816. Purpose.

The FW urban floodway district is intended to be used to protect people and property in urban areas within the county from flood damage by prohibiting the erection of structures that would impede the flow of water during periodic flooding. Prohibiting development of the floodway will serve to diminish damages in the broader floodplain by not increasing flood stages. In delineating the FW district, the effects of development within the associated flood fringe shall be computed. No increase in flood stage shall be permitted that is equal to or greater than 0.01 foot unless the board of supervisors has made appropriate legal arrangements with all affected units of government and all property owners affected by the stage increase, and until all such affected units of government have amended their water surface profiles, and floodland zoning maps to reflect the increased flood elevations. The FW district shall only be utilized in areas of the county where public sanitary sewerage facilities are currently available or are programmed to be made available within twenty-four (24) months and where the elevation of the one-hundred-year recurrence interval flood has been increased by two (2) or more feet since such elevation was originally established.

(Code 1975, § 7.039; Ord. No. 94-155, § 8, 11-10-94; Ord. No. 2005-155, 1-10-06)

Sec. 20-817. Uses.

The uses permitted in the FW urban floodway district are as follows:

(1) *Principal uses.* Hunting and fishing, unless prohibited by other laws and ordinances; drainage; flood overflows; stream bank protection; general farming activities, not including the erection of structures; grazing, horticulture; sod farms; truck farming; harvesting of wild crops such as marsh hay, ferns, moss, berries, tree fruits and tree seeds; normal earth grading activities to permit utilization of the lands for open space, outdoor recreation, yard, parking, and similar uses; sustained yield forestry; historic structures; and uses functionally dependent on a waterfront location such as docks or wharves.

(2) *Conditional uses.* See section 20-1266.

(Code 1975, § 7.039; Ord. No. 94-155, § 8, 11-10-94)

Sec. 20-818. Prohibited uses.

The following uses are prohibited in the FW urban floodway district:

(1) *Dumping and filling.* Lands lying within the floodway district shall not be used for dumping or be filled, except as authorized to permit establishment of approved bulkhead lines or to accommodate bridge approaches.

(2) *Dangerous materials storage.* Lands lying within the floodway district shall not be used for the storage of materials that are buoyant, flammable, explosive, or injurious to property, water quality, human or animal life, fish or other aquatic life, or plant life.

(3) *Structures.* Structures for human habitation or for the permanent confinement of animals shall not be permitted in the floodway district. Accessory structures for navigation controls and aids and bridge approaches may be permitted by conditional use grant. See section 20-1266.

(4) *Incompatible uses.* Lands lying within the floodway district shall not be used for any solid or hazardous waste disposal site, on-site soil absorption sanitary sewage disposal site, or the construction of any well which is used to obtain water for ultimate human consumption. Sewage treatment plants and treatment ponds shall not be constructed in the floodway district.

(Code 1975, § 7.039; Ord. No. 94-155, § 8, 11-10-94)

Sec. 20-819. Standards for developments in floodway areas.

(a) *General.*

(1) Any development in floodway areas shall comply with section 20-1185 and have a low flood damage potential.

(2) Applicants shall provide the following data to determine the effects of the proposal according to subsection 20-1185(a).

- a. A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or
- b. An analysis calculating the effects of this proposal on regional flood height.

(3) The zoning administrator shall deny the permit application if the project will increase flood elevations upstream or downstream 0.01 foot or more, based on the data submitted for subsection (2) above.

(b) *Structures.* Structures accessory to permanent open space uses, classified as historic structure, or functionally dependent on a waterfront location may be allowed by conditional use permit if the structures comply with the following criteria:

(1) The structures are not designed for human habitation and do not have a high flood damage potential;

(2) The structures are constructed and placed on the building site so as to increase flood heights less than 0.01 foot and minimally obstruct the flow of floodwaters. Structures shall be constructed with the long axis parallel to the flow of floodwaters and on the same line as adjoining structures;

(3) The structures are properly anchored to prevent them from floating away and restricting bridge openings or other restricted sections of the stream or river; and

(4) The structures have all service facilities at or above the flood protection elevation.

(c) *Public utilities, streets and bridges.* Public utilities, streets and bridges may be allowed by conditional use permit if:

(1) Adequate flood proofing measures are provided to the flood protection elevation; and

(2) Construction meets the development standards of section 20-1185.

(d) *Fills or deposition of materials.* Fills or deposition of materials may be allowed by conditional use permit if:

(1) The requirements of subsection 20-1185(a) are met.

(2) No material is deposited in the navigable channel unless a permit is issued by the department pursuant to [W.S.A.] ch. 30, and a permit pursuant to § 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and the other requirements of this section are met;

(3) The fill or other materials will be protected against erosion by rip-rap, vegetative cover; sheet piling or bulkheading; and

(4) The fill is not classified as a solid or hazardous material.

(Ord. No. 2005-155, 1-10-06)

Secs. 20-820--20-835. Reserved.

DIVISION 32. FCO URBAN FLOODPLAIN CONSERVANCY OVERLAY DISTRICT

Sec. 20-836. Purpose.

The FCO urban floodplain conservancy overlay district is intended to be used to prevent disruption of valuable natural or manmade resources and to protect watercourses in urban areas within the county including the shorelands of navigable waters, and areas that are not adequately drained, or which are subject to periodic flooding, where development would result in hazards to health or safety, or would deplete or destroy natural resources or be otherwise incompatible with the public welfare. In delineating the FCO district, consideration shall be given to the maintenance of flood storage capacity

and preventing significant increases in the flood discharges identified in the county's flood insurance study. Significant increases are those which result in a rise in the regional flood profile of 0.01 foot or greater. The FCO district shall not be utilized in any area of the county except where used to complement use of the FW district.

Overlay districts provide for the possibility of superimposing certain additional requirements upon a basic zoning district without disturbing the requirements of the basic district. In the instance of conflicting requirements, the more restrictive of the conflicting requirements shall apply.

(Code 1975, § 7.039; Ord. No. 94-155, § 9, 11-10-94)

Sec. 20-837. Permitted uses.

The uses permitted in the FCO urban floodplain conservancy overlay district are as follows:

(1) *Principal uses.* Hunting and fishing, unless prohibited by other laws and ordinances; drainage; flood overflows; stream bank protection; general farming activities, not including the erection of structures; grazing; horticulture; sod farms; truck farming; harvesting of wild crops such as marsh hay, ferns, moss, berries, tree fruits and tree seeds; normal earth grading activities to permit utilization of the lands for open space, outdoor recreation, yard, parking, and similar uses; sustained yield forestry; historic structures; and uses functionally dependent on a waterfront location such as docks or wharves.

(2) *Conditional uses.* See section 20-1266.

(Code 1975, § 7.039; Ord. No. 94-155, § 9, 11-10-94)

Sec. 20-838. Prohibited uses.

The following uses are prohibited in the FCO urban floodplain conservancy overlay district:

(1) *Dumping and filling.* Lands lying within the floodplain conservancy overlay district shall not be used for dumping or be filled, except as authorized to permit establishment of approved bulkhead lines or to accommodate bridge approaches.

(2) *Dangerous material storage.* Lands lying within the floodplain conservancy overlay district shall not be used for the storage of materials that are buoyant, flammable, explosive, or injurious to property, water quality, human or animal life, fish or other aquatic life, or plant life.

(3) *Structures.* Structures for human habitation or for the permanent confinement of animals shall not be permitted in the floodplain conservancy overlay district. Accessory structures for navigation controls and aids and bridge approaches may be permitted by conditional use grant. See section 20-1266.

(4) *Incompatible uses.* Lands lying within the floodplain conservancy overlay district shall not be used for any solid or hazardous waste disposal site, on-site soil absorption sanitary sewerage system site or the construction of any well which is used to obtain water for ultimate human consumption. Sewage treatment plants and treatment ponds shall not be constructed in the floodplain conservancy overlay district.

(Code 1975, § 7.039; Ord. No. 94-155, § 9, 11-10-94)

Secs. 20-839--20-855. Reserved.

DIVISION 33. FFO URBAN FLOODPLAIN FRINGE OVERLAY DISTRICT

Sec. 20-856. Purpose.

The FFO urban floodplain fringe overlay district is intended to provide for and encourage the most appropriate use of land and water in urban or urbanizing areas of the county subject to periodic flooding and to minimize flood damage to people and property. The FFO district shall not be utilized in any area of the county except where used to complement use of the FW district and only where public sanitary sewerage facilities are currently available or are programmed to be made available within twenty-four (24) months and where the elevation of the one-hundred-year recurrence interval flood has been increased by two (2) or more feet since such elevation was originally established.

Overlay districts provide for the possibility of superimposing certain additional requirements upon a basic zoning district without disturbing the requirements of the basic district. In the instance of conflicting requirements, the more restrictive of the conflicting requirements shall apply.

(Code 1975, § 7.039; Ord. No. 94-155, § 10, 11-10-94)

Sec. 20-857. Permitted uses.

The uses permitted in the FFO urban floodplain fringe overlay district are as follows:

(1) *Principal uses.* Any use of land, except structures, that is permitted in the underlying basic use district. Examples of such use would be croplands in an agricultural district; required yards in a residential district; or parking or loading areas in a commercial or industrial district, provided that inundation depths for parking and loading areas do not exceed two (2) feet or that such areas are not subject to flood velocities greater than two (2) feet per second upon the occurrence of a one-hundred-year recurrence interval flood.

(2) *Conditional uses.* See section 20-1266.

(Code 1975, § 7.039; Ord. No. 94-155, § 10, 11-10-94)

Sec. 20-858. Incompatible uses prohibited.

Lands lying within the FFO urban floodplain fringe overlay district shall not be used for any solid or hazardous waste disposal site, on-site soil absorption sanitary sewage disposal site or the construction of any well which is used to obtain water for ultimate human consumption.

(Code 1975, § 7.039; Ord. No. 94-155, § 8, 11-10-94)

Secs. 20-859--20-875. Reserved.

DIVISION 34. GFO GENERAL FLOODPLAIN OVERLAY DISTRICT

Sec. 20-876. Purpose.

The GFO general floodplain overlay district is intended to prevent development of the natural floodplains of the rivers, streams and lakes of the county not currently provided with traditional urban services including, but not limited to, sanitary sewerage facilities; water distribution facilities, stormwater collection; curb and gutter; sidewalks; and street lighting. Development of these natural floodplains could result in flood damage to persons and property; result in the creation of hazards to health or safety; result in increased expenditures for flood relief or flood control projects; or could result in unsafe water conditions within these areas. In addition to any numbered A zones which may be placed in the GFO district, all unnumbered A zones which appear on the county's flood insurance rate map shall be placed in the GFO district.

(Code 1975, § 7.039; Ord. No. 86-86, § 7.039, 8-26-86)

Sec. 20-877. Permitted uses.

The uses permitted in the GFO general floodplain overlay district are as follows:

(1) *Principal uses.* Hunting and fishing, unless prohibited by other laws and ordinances; drainage; flood overflows; stream bank protection; grazing, horticulture; sod farms; truck farming; harvesting of wild crops such as marsh hay, ferns, moss, berries, tree fruits and tree seeds; normal earth grading activities to permit utilization of the lands for open space, outdoor recreation, yard, parking, and similar uses; and sustained yield forestry.

(2) *Conditional uses.* See section 20-1266.

(Code 1975, § 7.039)

Sec. 20-878. Prohibited uses.

The following uses are prohibited in the GFO general floodplain overlay district:

(1) *Dumping and filling.* Lands lying within the general floodplain overlay district shall not be used for dumping or be filled, except as authorized to permit establishment of approved bulkhead lines or to accommodate bridge approaches.

(2) *Dangerous materials storage.* Lands lying within the general floodplain overlay district shall not be used for the storage of materials that are buoyant, flammable, explosive, or injurious to human, animal, or plant life.

(3) *Structures.* Structures for human habitation and for the permanent confinement of animals shall not be permitted in the general floodplain overlay district. Accessory structures for navigation controls and aids, and bridge approaches may be permitted by conditional use grant. See section 20-1266.

(4) *Incompatible uses.* Lands lying within the general floodplain overlay district shall not be used for any solid waste disposal site, on-site soil absorption sanitary sewerage system site, or the construction of any well which is used to obtain water for ultimate human consumption.

(Code 1975, § 7.039)

Sec. 20-879. Determining floodway and floodfringe limits.

Development within the GFO General Floodplain Overlay District is generally prohibited. However, in those limited situations where development may be possible and where the location of the

floodway is not readily obtainable from an adopted comprehensive watershed plan, the zoning administrator shall:

(1) Require the applicant to submit two (2) copies of an aerial photograph or a plan which shows the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures;

(2) Require the applicant to furnish any of the following information deemed necessary by the department to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries:

a. A typical valley cross-section showing the stream channel, the floodplain adjoining each side of the channel, the cross-sectional area to be occupied by the proposed development, and all historic high water information;

b. Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information;

c. Profile showing the slope of the bottom of the channel or flow line of the stream;

d. Specifications for building construction and materials, flood proofing, filling, dredging, channel improvement, storage of materials, water supply and sanitary facilities;

e. Transmit one (1) copy of the information described in subsection a. and b. to the department regional office, along with a written request for technical assistance to establish regional flood elevations and, where applicable, floodway data. Where the provisions of section 20-18 apply the applicant shall provide all required information and computations to delineate floodway boundaries and the effects of the project on flood elevations.

(Ord. No. 2005-155, 1-10-06)

Secs. 20-880--20-895. Reserved.

DIVISION 35. APO AIRPORT PROTECTION OVERLAY DISTRICT

Sec. 20-896. Purpose.

(a) The airport protection overlay district is intended to maintain the existing utility of any airport in the county and prevent further encroachment or obstruction of the airspace necessary for safe landing, takeoff and maneuvering of aircraft. It is intended to protect any airport that is open for use by the general public. It is hereby declared that obstructions to the airspace required for the safe landing, takeoff and maneuvering of aircraft and that land uses which interfere with the safe operation of aircraft, have the potential for endangering lives and the property of users of the county airports and of those who occupy land in their vicinity.

(b) It is therefore determined that the public safety and general welfare require the prohibition of hazardous land use and obstructions to the airspace necessary for safe air operations. So far as is practical, the provisions of this division regarding airport protection have been structured and modeled in accordance with Federal Aviation Regulations Part 77, Objects Affecting

Navigable Airspace. The initial airport covered by the APO district is the Racine Commercial Airport, which has been designated by the federal aviation administration as an official reliever airport for General Mitchell Field and O'Hare International Airport in the category of general aviation.

(c) However, the protections and restrictions described herein and the principles upon which they are based are applicable to other local airports which may seek similar protections or restrictions.

(Code 1975, § 7.0310)

Sec. 20-897. Prohibited uses.

(a) No use may be made of any lands within the airport protection overlay district which will result in or cause any of the following:

- (1) Interference with navigational signals or radio communications between airport and aircraft;
- (2) Make it difficult for pilots to distinguish between airport lights and others by maintaining lights which resemble airport marker or navigational lights or aids;
- (3) Result in causing glare in the eyes of pilots using the airport;
- (4) Impair visibility from aircraft using the airport;
- (5) Create bird strike hazards by creating bodies of water which attracts birds; or
- (6) Otherwise interfere with the landing, takeoff or maneuvering of aircraft using or intending to use the airport.

(b) Use of any land in the airport protection overlay district for solid waste disposal is prohibited.

(c) This section shall not be construed as prohibiting the tilling of soil in normal farming operations or the use of land for retention of stormwater for short periods not to exceed forty-eight (48) hours.

(Code 1975, § 7.026)

Sec. 20-898. Protected surfaces.

The following surfaces in the APO airport protection overlay district shall be protected:

(1) *Primary surface.* A surface whose elevation at any point is the same as the elevation at the nearest point on a runway and whose horizontal projection is bounded as follows: Begin at a point on the Section line between Section 31, Township 4 North, Range 23 East and Section 6, Township 3 North, Range 23 East which is located S88° 07'45"W 35.56 feet from the Southeast corner of said Section 31; run thence S35° 25'36"W 329.76 feet; thence N54°34'24"W 1000.00 feet; thence N35°25'36"E 1899.83 feet; thence N48°11'17"W 1791.55 feet; thence N41°48'43"E 500.00 feet; thence S48° 11'17"E 1735.60 feet; thence N35°25'36"E 3067.76 feet; thence S54°34'24"E 1000.00 feet; thence S35°25'36"W 3176.66 feet; thence S48°11'17"E 1667.09 feet; thence S41° 48'43"W 500.00 feet; thence N48°11'17"W 1611.14 feet; thence S35°25'36"W 1458.16 feet to the point of beginning.

(2) *Approach Surface No. 04.* Commence at a point on the Section line between Section 31, Township 4 North, Range 23 East and Section 6, Township 3 North, Range 23 East, located S88°07'45"W 35.56 feet from the Southeast corner of said Section 31;

run thence S35°25'36"W 329.76 feet to the point of beginning of this description at elevation 667.20; run thence S26°53'45"W 5157.06 feet to a point at elevation 817.20; thence S26°53'45"W 4954.82 feet to a point at elevation 817.20; thence N54°34'24"W 4000.00 feet to a point at elevation 817.20; thence N43°57'27"E 4954.82 feet to a point at elevation 817.20; continue thence N43°57'27"E 4954.82 feet to a point at elevation 817.20; continue thence N43°57'27"E 5157.06 feet to a point at elevation 667.20; thence S54°34'24"E 1000.00 feet to the point of beginning.

(3) *Approach Surface No. 14.* Commence at a point on the East line of Section 31, Township 4 North, Range 23 East, located N01°21'46"W 1953.40 feet from the Southeast corner of said Section 31; run thence N48°11'17"W 1649.11 feet to the point of beginning of this description at elevation 668.61; run thence N53°53'55"W 3768.70 feet to a point at elevation 818.61; continue thence N53°53'55"W 6281.17 feet to a point at elevation 818.61; thence N41°48'43"E 2500 feet to a point at elevation 818.61; thence S42°28'39"E 6281.17 feet to a point at elevation 818.61; continue thence S42°28'39"E 3768.70 feet to a point at elevation 668.61; thence S41°48'43"W 500.00 feet to the point of beginning.

(4) *Approach Surface No. 22.* Commence at a point on the North-South 1/4 line of Section 32, Township 4 North, Range 23 East, located N01°05'11"W 1715.72 feet from the center of said Section 32; run thence N54°34'24"W 539.97 feet to the point of beginning of this description at elevation 665.25; run thence N28°18'06"E 5139.69 feet to a point at elevation 815.25; continue thence N28°18'06"E 4938.13 feet to a point at elevation 815.25; thence S54°35'24"E 3500.00 feet to a point at elevation 815.25; thence S42°33'06"W 4938.13 feet to a point at elevation 815.25; continue thence S42°33'06"W 5139.69 feet to a point at elevation 665.25; thence N54°34'24"W 1000.00 feet to the point of beginning.

(5) *Approach Surface No. 32.* Commence at a point on the North-South 1/4 line of Section 32, Township 4 North, Range 23 East, located N00°47'06"W 194.51 feet from the South 1/4 corner of said Section; run thence N53°53'55"W 361.46 feet to the point of beginning of this description at elevation 655.06; run thence S53°53'55"E 3768.70 feet to a point at elevation 805.06; continue thence S53°53'55"E 6281.17 feet to a point at elevation 805.06; thence S41°48'43"W 2500 feet to a point at elevation 805.06; thence N42°28'39"W 6281.17 feet to a point at elevation 805.06; continue thence N42°28'39"W 3768.70 feet to a point at elevation 655.06; thence N41°48'43"E 500.00 feet to the point of beginning.

(6) *Transition Surface "A."* Commence at a point on the Section line between Section 31, Township 4 North, Range 23 East and Section 6, Township 3 North, Range 23 East, located S88°07'45"W 35.56 feet from the Southeast corner of said Section 31; run thence S35°25'36"W 329.76 feet to the point of beginning of this description at elevation 667.20; run thence S26°53'45"W 5157.06 feet to a point at elevation 817.20; thence N38°37'31"E 5107.96 feet to a point at elevation 817.20; thence N35°25'36"E 613.87 feet to a point at elevation 809.48; thence S48°11'17"E 437.08 feet to a point at elevation 805.06; thence S58°23'32"E 3810.27 feet to a point at elevation 805.06; thence N42°28'39"W 3768.70 feet to a point at elevation 655.06; thence N48°11'17"W 1611.14 feet to a point on the primary surface; thence S35°25'36"W 1787.93 feet to the point of beginning.

(7) *Transition Surface "B."* Commence at a point on the East line of Section 31, Township 4 North, Range 23 East; located N01°21'46"W 1953.40 feet from the Southeast corner of said Section 31; run thence N48°11'17"W 1649.11 feet to the point of beginning of this description at elevation 668.61; thence S48°11'17"E 1791.55 feet to a point on the primary surface; thence S35°25'36"W 1899.83 feet to a point at elevation 667.20; thence S43°57'27"W 5157.06 feet to a point at elevation 817.20; thence N32°13'41"E 5107.96 feet to a point at elevation 817.20; thence N35°25'36"E 960.78 feet to a

point at elevation 817.96; thence N48°11'17"W 852.50 feet to a point at elevation 818.61; thence N37°59'03"W 3810.27 feet to a point at elevation 818.61; thence S53°53'55"E 3768.70 feet to the point of beginning.

(8) *Transition Surface "C."* Commence at a point on the East line of Section 31, Township 4 North, Range 23 East, located S01°21'26"E 24.73 feet from the East 1/4 corner of said Section 31; run thence N48°11'17"W 1180.00 feet to the point of beginning of this description at elevation 668.61; run thence N42°28'39"W 3768.70 feet to a point at elevation 818.61; run thence S58°23'32"E 3810.27 feet to a point at elevation 818.61; thence S48°11'17"E 561.54 feet to a point at elevation 818.02; thence N35°25'36"E 1893.70 feet to a point at elevation 815.25; thence N40°03'03"E 5116.65 feet to a point at elevation 815.25; thence S28°18'06"W 5139.69 feet to a point at elevation 665.25; thence S35°25'36"W 3067.76 feet to a point on the primary surface; thence N48°11'17"W 1735.60 feet to the point of beginning.

(9) *Transition Surface "D."* Commence at a point on the North-South 1/4 line of Section 32, Township 4 North, Range 23 East located N00°47'06"W 194.51 feet from the South 1/4 corner of said Section; run thence N53°53'55"W 361.46 feet to the point of beginning of this description at elevation 655.06; run thence N48°11'17"W 1667.09 feet to a point on the primary surface; thence N35°25'36"E 3179.66 feet to a point at elevation 665.25; thence N42°33'06"E 5139.69 feet to a point at elevation 815.25; thence S30°48'09"W 5116.65 feet to a point at elevation 815.25; thence S35°25'36"W 2240.61 feet to a point at elevation 807.15; thence S48°11'17"E 728.04 feet to a point at elevation 805.06; thence S37°59'03"E 3810.27 feet to a point at elevation 805.06; thence N53°53'55"W 3768.70 feet to the point of beginning.

(Code 1975, § 7.087; Ord. No. 97-156, 11-11-97)

Secs. 20-899--20-915. Reserved.

DIVISION 36. SSO STRUCTURAL SETBACK OVERLAY DISTRICT

Sec. 20-916. Purpose.

The SSO structural overlay district is intended to be used to protect people and property from shore erosion damage in Lake Michigan shoreland areas which are recommended to be protected by properly designed, constructed and maintained shore protection structures.

(Code 1975, § 7.0311)

Sec. 20-917. Application.

The SSO structural overlay district applies to those Lake Michigan shoreline areas which are located south of the northern one-half of Township 4 North, Range 23 East, Section 8, in the Town of Caledonia and Mt. Pleasant. In addition, the SSO district applies to the northernmost one thousand three hundred (1,300) feet of Lake Michigan shoreline in Section 6 of the Town of Caledonia, Township 4 North, Range 23 East, which is covered by fly ash deposits. All new development within this overlay district shall be adequately protected by properly designed, constructed, and maintained shore protection structures or measures. Such structural protection structures or measures shall meet the criteria established in Recommendations of the Racine County Technical Subcommittee on Shoreland Development Standards to the Racine County Land Use Committee, 1982.

(Code 1975, § 7.0311)

Sec. 20-918. Stable slope.

(a) In delineating the SSO structural setback overlay district, the required recession or regrading of the bluff needed to form a stable slope, plus a minimum facility setback distance, shall be computed. The provision of the stable slope provides protection against further major bluff recession, as long as the shore protective structures are effective. This stable slope distance is measured from the existing bluff edge. The minimum facility setback distance is then measured from the edge of the regraded bluff needed to form a stable slope. The minimum facility setback distance provides a safety factor against possible failure of the protective structures during extreme storm events or other natural occurrences, and provides a buffer area which helps protect the regraded bluff edge from excessive surface water runoff and from the potential bluff instability which could be caused by the additional weight of buildings being placed close to the bluff edge. In addition, the minimum facility setback distance provides an area which may be effectively utilized to facilitate surface water and subsurface water drainage and control.

(b) The distance required to achieve a one (1) on two and one-half (2 1/2) stable slope is set forth in Table 12, page 65, of SEWRPC Community Assistance Planning Report No. 86, A Lake Michigan Coastal Erosion Management Study for Racine County, Wisconsin, and shall be used to determine the stable slope distance. Minimum facility setback distances measured from the edge of the net stable slope distance shall be as follows:

(1) Two hundred (200) feet for all structures except public utilities, public recreational facilities and single-family residential units.

(2) One hundred (100) feet for public utilities, public recreational facilities, and single family residential units. The minimum setback distance may be reduced in areas of existing facility development to be at least the average distance from the edge of the net stable slope distance to adjacent principal structures located on abutting parcels (excluding public right-of-ways and easements), although the minimum setback distance shall not be less than fifty (50) feet from the edge of the net stable slope distance. If an abutting parcel is vacant, a setback of one hundred (100) feet will be assumed for purposes of averaging.

(Code 1975, § 7.0311; Ord. No. 2000-251S, 8-28-01)

Sec. 20-919. Modification.

The calculated SSO structural setback overlay district distance may be modified upon submittal by an applicant or property owner of acceptable engineering analyses which indicated that the required distance for a stable slope is different than as defined in SEWRPC Community Assistance Planning Report No. 86, or that the height of the bluff is different than the assumed height.

(Code 1975, § 7.0311)

Sec. 20-920. Permitted uses.

The following uses are permitted in the SSO structural setback overlay district:

(1) *Principal uses.* Surface and subsurface water drainage and control; general farming activities, not including the erection of structures; open space; outdoor recreation; yard; storage of portable equipment and supplies; accessory buildings such as storage sheds; and minor structures such as driveways, sidewalks, patios and

fences.

(2) *Conditional uses.* Tree cutting and shrubbery clearing, land disturbance and earth movements, and shore protection structures. See section 20-1291.

(Code 1975, § 7.0311)

Sec. 20-921. Structures prohibited.

New, permanent or relocatable residential, institutional, commercial, industrial, and agricultural structures designed for human habitation or the confinement of animals are prohibited in the SSO structural setback overlay district.

(Code 1975, § 7.0311)

Secs. 20-922--20-940. Reserved.

DIVISION 37. NSO NONSTRUCTURAL SETBACK OVERLAY DISTRICT

Sec. 20-941. Purpose.

The NSO nonstructural setback overlay district is intended to be used to protect people and property from shore erosion damage in Lake Michigan shoreland areas which are not protected by properly designed, constructed, and maintained shore protection structures.

(Code 1975, § 7.0311)

Sec. 20-942. Application.

The NSO nonstructural setback overlay district applies to those Lake Michigan shoreline areas which are located north of the southern one-half of Township 4 North, Range 23 East, Section 8, Town of Caledonia, except for the northernmost one thousand three hundred (1,300) feet of Lake Michigan shoreline in Section 6 of the Town of Caledonia, which is covered by fly ash deposits.

(Code 1975, § 7.0311)

Sec. 20-943. Stable slope.

(a) In delineating the NSO nonstructural setback overlay district, the expected bluff recession over a fifty-year period, plus the required recession, or regrading the bluff needed to form a stable slope, plus a minimum facility setback distance from the regraded bluff edge, shall be computed. The NSO district thus includes those Lake Michigan shoreland areas which, based on historical bluff recession rates, are expected to be lost due to bluff recession, and the formation of a stable slope, over a fifty-year period, plus a minimum facility setback distance.

(b) The distance required to achieve a one (1) on two and one-half (2 1/2) stable slope is set forth in Table 12, page 65, of SEWRPC Community Assistance Planning Report No. 86, A Lake Michigan Coastal Erosion Management Study for Racine County, Wisconsin, and shall be used to determine the stable slope distance. Minimum facility setback distances measured from the edge of the net stable slope distance shall be as follows:

(1) Two hundred (200) feet for all structures except public utilities; public recreational facilities and single-family residential units.

(2) One hundred (100) feet for public utilities, public recreational facilities, and single-family residential units. The minimum setback distance shall be reduced in areas of existing facility development to the average distance from the regraded bluff edge to adjacent structures within one hundred (100) feet of the structure, although the minimum setback distance shall not be less than fifty (50) feet from the edge of the net stable slope distance.

(Code 1975, § 7.0311)

Sec. 20-944. Modifications.

The calculated NSO nonstructural setback overlay district distance may be modified upon submittal by an applicant or property owner of acceptable engineering analyses which indicate that the actual bluff recession rate is different than as set forth in SEWRPC Community Assistance Planning Report No. 86, that the required distance for a stable slope is different, or that the height of the bluff is different than the height presented in the report.

(Code 1975, § 7.0311)

Sec. 20-945. Permitted uses.

The following uses are permitted in the NSO nonstructural setback overlay district:

(1) *Principal uses.* General farming activities, not including the erection of structures; open space, outdoor recreation; yard; storage of portable equipment and supplies; accessory buildings such as storage sheds; and minor structures such as driveways, sidewalks, patios and fences.

(2) *Conditional uses.* Tree cutting and shrubbery clearing, land disturbance and earth movements, shore protection structures, and the placement of structures or buildings which may be relocated at a cost not to exceed 30 percent of the equalized value of the structure. See section 20-1291 et seq.

(Code 1975, § 7.0311)

Sec. 20-946. Structures prohibited.

New, permanent residential, institutional, commercial, industrial and agricultural structures designed for human habitation or the confinement of animals are prohibited in the NSO nonstructural setback overlay district.

(Code 1975, § 7.0311)

Secs. 20-947--20-965. Reserved.

DIVISION 38. SWO SHORELAND-WETLAND OVERLAY DISTRICT*

***Cross references:** Schedule of deposits for violation of the provisions in this division, § 5-3.

Sec. 20-966. Purpose.

The SWO shoreland-wetland overlay district is intended to be used to maintain safe and healthful conditions, to prevent water pollution, to protect fish spawning grounds and wildlife habitat, to preserve shore cover and natural beauty and to control building and development in wetlands whenever possible. When development is permitted in a wetland, the development should occur in a manner that minimizes adverse impacts upon the wetland.

(Ord. No. 86-17, § 7.0311, 7-22-86)

Sec. 20-967. Permitted uses.

The following uses are permitted in the SWO shoreland-wetland overlay district:

(1) *Principal uses.*

a. The following uses must be carried out without filling, flooding, draining, dredging, ditching, tiling or excavating; hiking, fishing, trapping, hunting, swimming and boating; the harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops; the practice of silviculture, including the planting, thinning and harvesting of timber; the pasturing of livestock; the cultivation of agricultural crops; and the construction and maintenance of duck blinds.

b. The following uses may involve filling, flooding, draining, dredging, ditching, tiling or excavating to the extent specifically provided below; temporary water level stabilization measures, in the practice of silviculture, which are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silvicultural activities if not corrected; dike and dam construction and ditching for the purpose of growing and harvesting cranberries; ditching, tiling, dredging, excavating or filling done to maintain or repair existing agricultural drainage systems only to the extent necessary to maintain the level of drainage required to continue the existing agricultural use; limited excavating and filling necessary for the construction and maintenance of fences for the pasturing of livestock; limited excavating and filling necessary for the construction and maintenance of piers, docks and walkways built on pilings; limited excavating and filling necessary for the maintenance, repair, replacement and reconstruction of existing town and county highways; and the maintenance and repair of existing town and county bridges. A zoning permit is not required for the preceding uses.

(2) *Conditional uses.*

a. The construction and maintenance of roads which are necessary to conduct silvicultural activities or are necessary for agricultural cultivation, provided that:

1. The road cannot as a practical matter be located outside the wetland; and
2. The road is designed and constructed to minimize the adverse impact upon the natural functions of the wetland and meets the following standards:

- i. The road shall be designed and constructed as a single lane roadway with only such depth and width necessary to accommodate the machinery required to conduct agricultural and silvicultural activities;
 - ii. Road construction activities are to be carried out in the immediate area of the roadbed only; and
 - iii. Any filling, flooding, draining, dredging, ditching, tiling or excavating that is to be done must be necessary for the construction or maintenance of the road.
 - b. The construction and maintenance of nonresidential buildings used solely in conjunction with raising of waterfowl, minnows or other wetland or aquatic animals or used solely for some other purpose which is compatible with wetland preservation, if such building cannot as a practical matter be located outside the wetland, provided that:
 1. Any such building does not exceed five hundred (500) square feet in floor area; and
 2. Only limited excavating and filling necessary to provide structure support for the building is allowed.
 - c. The establishment and development of public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur and animal farms, shooting preserves, public boat launching ramps and access roads used in conjunction with a public boat launching ramp, provided that:
 1. Any private recreation or wildlife habitat area must be used exclusively for that purpose.
 2. Filling and excavating necessary for the construction and maintenance of public boat launching ramps and access roads is allowed only where such construction meets the criteria listed for roads to service silvicultural activities.
 3. Ditching, excavating, dredging, dike and dam construction may be done in wildlife refuges, game bird and animal farms, fur animal farms, private wildlife habitat areas, and shooting preserves, but only for the purpose of improving wildlife habitat or to otherwise enhance wetland values.
 - d. The construction and maintenance of electric, gas, telephone, water and sewer transmission and distribution lines, and related facilities, by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power or water to their members, provided that:
 1. The transmission and distribution lines and related facilities cannot as a practical matter be located outside the wetland; and
 2. Any filling, excavating, ditching or draining that is to be done must be necessary for such construction or maintenance and must be done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the wetlands.
 - e. The construction and maintenance of railroad lines, provided that:
 1. The railroad lines cannot as a practical matter be located outside the wetland; and

2. Any filling, excavating, ditching, or draining that is to be done must be necessary for such construction or maintenance and must be done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the wetland; and the replacement and/or reconstruction of existing town and county bridges.

f. Such conditional uses may be approved under section 20-1181 or 20-1182.

(Ord. No. 86-17, § 7.0311, 7-22-86)

Sec. 20-968. Prohibited uses.

Any use that is not listed as a principal or conditional use is prohibited in the SWO shoreland-wetland overlay district, unless the wetland or a portion of the wetland has been rezoned by amendment of this chapter in accordance with W.S.A., § 59.97(5)(e), Chapter NR115, Wisconsin Administrative Code and section 20-167.

(Ord. No. 86-17, § 7.0311, 7-22-86)

Sec. 20-969. Reserved.

DIVISION 39. PUD PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT

Sec. 20-970. Purpose.

The PUD planned unit development overlay district, set forth in this division, is intended to permit developments that will, over a period of time, be enhanced by coordinated area site planning and diversified location of structures. Such developments are intended to provide a safe and efficient system for pedestrian and vehicle traffic, to provide attractive recreation and open spaces as integral parts of the developments, to enable economic design in the location of public and private utilities and community facilities, and to ensure adequate standards of construction and planning. The PUD overlay district under this division will allow for flexibility of overall development design with benefits from such design flexibility intended to be derived by both the developer and the community, while at the same time maintaining insofar as possible the land use density and other standards or use requirements set forth in the underlying basic zoning district. The unified and planned development of a site in a single or corporate ownership or control or in common ownership under the Unit Ownership Act set forth in W.S.A., ch. 703 (condominiums), may be permitted by the board of supervisors upon specific petition under this division and after public hearing, with such development encompassing one (1) or more principal uses or structures and related accessory uses or structures when all regulations and standards as set forth in this division have been met.

(Ord. No. 90-131, § 7.0313(A), 10-7-90)

Sec. 20-971. Created.

So to ensure a maximum benefit to both the community and to developers and so as to provide for flexibility in planning in all the districts created under this division except for the A-1, A-2, A-3, A-4, R-1, R-2, P-1, P-2, C-1, M-4, FW, FCO, FFO, GFO, APO, SSO, NSO and SWO districts, there is hereby created the planned unit development overlay district (PUD). Note: While PUDs may not consist entirely of wetlands or floodplains, portions of a development may contain such features. Any parcel where the building site lies in whole or in part within the primary environmental corridor shall not be

considered for PUD until such time as the primary environmental corridor has been removed from the sites.

(Ord. No. 90-131, § 7.0313(B), 10-7-90)

Sec. 20-972. Principal, accessory and conditional uses.

Principal, accessory and conditional uses permitted in a planned unit development overlay district shall conform to uses permitted in the underlying basic use district. Individual structures shall comply with the specific building area and height requirements of the underlying basic use district. All open space and parking requirements of the underlying basic use district shall be complied with either individually or by providing the combined open space and parking space required for the entire development in one (1) or more locations within the development.

(Ord. No. 90-131, § 7.0313(C), 10-7-90)

Sec. 20-973. Ownership.

Areas designated as PUD overlay districts shall be under single or corporate ownership at the time of their creation.

(Ord. No. 90-131, § 7.0313(D), 10-7-90)

Sec. 20-974. Minimum area requirements.

Areas designed as PUD overlay districts shall contain a minimum development area of:

TABLE INSET:

Principal uses	Minimum area of PUD (acres)	Minimum frontage (feet)
Residential planned unit development	10	450
Commercial planned unit development	10	450
Industrial planned unit development	40	450

(Ord. No. 90-131, § 7.0313(E), 10-7-90)

Sec. 20-975. Minimum sanitary sewer requirements.

All planned unit developments shall be on a public sanitary sewer system.

(Ord. No. 90-131, § 7.0313(F), 10-7-90)

Sec. 20-976. Prepetition conference and general layout conceptual plan.

Prior to the official submission of the petition for the approval of a planned unit development overlay district, the owner or his agent making such petition shall meet at the county planning and development office and the designated representative of the town wherein the planned unit development is to be located to discuss the scope and proposed nature of the contemplated development and data and other information as deemed appropriate and pertinent for presentation to

the committee. At the prepetition conference, the owner or agent shall present a general layout conceptual plan including drawings and sketches of the proposed development and figures or calculations that are pertinent to the development using as a general guideline the requirements set forth in section 20-977(2).

(Ord. No. 90-131, § 7.0313(G), 10-7-90)

Sec. 20-977. Petition.

Following the prepetition conference, the owner or his agent may file a petition with the planning and development office for approval of a planned unit development overlay district. Such petition shall be accompanied by the required review fee as well as the following information:

(1) A statement which sets forth the relationship of the proposed planned unit development to any existing or proposed master plans or any adopted component thereof, and the general character of the uses to be included in the proposed planned unit development including the following information:

- a. Total area to be included in the planned unit development, area of open space (minimum required is twenty (20) percent of total area), residential density computations, proposed number of dwelling units, population analysis, availability of, or requirements for, municipal services and any other similar data pertinent to a comprehensive evaluation of the proposed development.
- b. A general summary of the estimated value of structures and site improvement costs, including landscaping and special features of common open spaces.
- c. A general outline of the organizational structure of a property owner's association which may be proposed to be established for the purpose of providing any necessary private services or maintenance of common open spaces.
- d. Any proposed departures from the standards of development as set forth in the county zoning regulations, other county regulations or administrative rules, or other county or town ordinances.
- e. The expected date of commencement, schedule of development by phases, and completion of physical development as set forth in the proposal.

(2) A detailed development site plan including:

- a. A survey and legal description of the boundaries of the subject property included in the proposed planned unit development and its relationship to surrounding properties prepared by a land surveyor registered by the state.
- b. The location of public and private roads, driveways, and parking facilities.
- c. The size, arrangement, and location of any individual building sites and proposed building groups on each individual site.
- d. The location of institutional, recreational, and open space areas and areas reserved or dedicated for public uses, including schools, parks and drainageways.
- e. The type, size, and location of all structures.
- f. General landscape treatment.
- g. Architectural plans, elevation, and perspective drawings and sketches illustrating the design and character of the proposed structures.

- h. The existing and proposed location of public sanitary sewer and water supply facilities.
- i. The existing and proposed location of all private utilities or other easements.
- j. The characteristics of soils related to contemplated specific uses.
- k. Existing topography on the site with contours at no greater than two-foot intervals.
- l. Detailed stormwater drainage plans prepared by a professional engineer registered by the state.
- m. Anticipated uses of adjoining lands in regard to roads, surface water drainage, and compatibility with existing adjacent land uses.
- n. Any other data or information requested at the prepetition conference.

(Ord. No. 90-131, § 7.0313(H), 10-7-90)

Sec. 20-978. Referral to town board and planning and development committee.

The petition and detailed site plan for a planned unit development overlay district shall be referred to the town board of the town wherein the proposed planned unit development is to be located for its review and recommendation, which may include any additional conditions or restrictions which it may deem necessary or appropriate. Following such review, the petition and recommendation shall be forwarded to the county planning and development committee for similar review and recommendations.

(Ord. No. 90-131, § 7.0313(I), 10-7-90)

Sec. 20-979. Public hearing.

The planning and development committee before formulating its recommendations to the board of supervisors shall hold a public hearing pursuant to the requirements of section 20-144. Notice for such hearing shall include reference to the development plans filed in conjunction with the requested planned unit development overlay district.

(Ord. No. 90-131, § 7.0313(J), 10-7-90)

Sec. 20-980. Basis for petition approval.

The planning and development committee in making its recommendation to the board of supervisors and the board of supervisors in making its determination shall find that:

- (1) The petitioners for the proposed planned unit development overlay district have indicated that they intend to begin the physical development of the planned unit development within twelve (12) months following the approval of the petition and the development will be carried out according to a reasonable construction schedule satisfactory to the county.
- (2) The proposed planned unit development overlay district is consistent in all respects to the purpose of this section and to the spirit and intent of this division, is in conformity with any existing or proposed adopted master plans or any adopted components thereof, and that the development would not be contrary to the general welfare and economic prosperity of the community.

(3) The planning and development committee in making its recommendations and the board of supervisors in making its determination shall further find that:

- a. The proposed site is provided with adequate drainage facilities for surface waters and stormwaters.
- b. The proposed site is accessible from public roads that are adequate to carry the traffic that can be expected to be generated by the proposed development.
- c. No undue constraint or burden will be imposed on public services and facilities, such as, but not limited to, fire and police protection, street maintenance, and maintenance of public areas by the proposed development.
- d. The streets and driveways on the site of the proposed development are adequate to serve the proposed development and to meet the minimum standards of all applicable ordinances or administrative regulations of the county or town, whichever is more restrictive.
- e. Centralized public sewer facilities are provided; centralized public water is desired.
- f. The entire tract or parcel of land to be included in a planned unit development overlay district is held under single ownership, or, if there is more than one (1) owner, the petition for such planned unit development overlay district is considered as one (1) tract, lot or parcel and the legal description defines such planned unit development as a single parcel, lot or tract and is jointly petitioned by the several owners. This requirement shall not be deemed to prevent further divisions of the land after creation of the planned unit development.

(4) That in the case of a proposed residential planned unit development overlay district:

- a. Such development creates an attractive residential environment of sustained desirability and economic stability, including structures in relation to terrain, consideration of safe pedestrian flow, ready access to recreational space, and coordination with overall plans for the county and the town wherein the planned unit development is to be located.
- b. The following table has been used and complied with for the following districts in determining the density of a development or site. In no case shall the density of a development or site exceed the net residential density of its neighborhood based on the regional plan or county plan.

TABLE INSET:

Zoning district	Maximum gross density (dwelling units/acre)	Average net area per dwelling unit (sq. ft.)
R-2S	0.9	40,000
R-3	1.8	20,000
R-3A	2.7	13,500
R-4	3.6	10,000
R-5	5.0	7,200
R-5A	3.6	10,000
R-6	7.3	5,000
R-7*	12.1	3,000 Zoning district

R-7**	14.5	2,500
R-7***	18.1	2,000

*Two (2) or more bedrooms per unit.

**One-bedroom units.

***Efficiency units.

c. The residential planned unit development project is limited to development types set forth as follows:

1. Cluster developments and detached condominiums are permitted in the R-2S, R-3 and R-3A districts.
2. Cluster developments, attached single-family dwellings, townhouses, and condominiums are permitted in the R-4, R-5, R-5A and R-6 districts but shall not exceed two (2) dwelling units per structure.
3. Cluster developments, townhouses, and condominiums are permitted in the R-7 district. The number of units per structure and the precise location of any such buildings shall be determined by the town and the county on a site specific basis.

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

e. Provision has been made for adequate, continuing fire and police protection.

f. The population composition of the development will not have an adverse effect upon the individual town's capacity to provide needed school or other municipal service facilities.

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

(5) That in the case of a proposed commercial planned unit development overlay district:

- a. The economic practicality of the proposed development can be justified.
- b. The proposed development will be adequately served by off-street parking and truck service facilities.
- c. The proposed development is adequately provided with and does not impose any undue burden on public services and facilities such as fire and police protection, street maintenance, and maintenance of public areas.
- d. The location for entrances and exits have been designated to prevent unnecessary interference with the safe and efficient movement of traffic on surrounding streets, and that the development will not create an adverse effect upon the general traffic pattern of the surrounding neighborhood.
- e. The architectural design, landscaping, control of lighting, and general site development will result in an attractive and harmonious service area compatible with and not adversely affecting the property values of the surrounding neighborhood or area.

(6) That in the case of a proposed industrial planned unit development overlay district:

- a. The operational character, physical plant arrangement, and architectural design of buildings will be compatible with the latest in performance standards

and industrial development design and will not result in adverse effects upon the property values of the surrounding neighborhood.

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

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

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

(Ord. No. 90-131, § 7.0313(K), 10-7-90)

Sec. 20-981. Determination.

The board of supervisors, after due consideration, may deny the petition, approve the petition as submitted, or approve the petition subject to additional conditions and restrictions. The approval of a planned unit development overlay district shall be based upon and include as conditions thereto adherence to the building, site, and operational plans for the development as approved by the board of supervisors. The above described conditions shall be recorded with the deeds to the parcels.

(Ord. No. 90-131, § 7.0313(L), 10-7-90)

Sec. 20-982. Changes and additions.

Any subsequent change or addition to the plans or uses shall first be submitted for approval to the designated town board and the planning and development committee and, if in the opinion of either, such change or addition constitutes a substantial alteration of the original plan, a public hearing before the planning and development committee shall be required and notice thereof shall be given pursuant to the provisions of section 20-144, and the proposed alterations shall be submitted to the board of supervisors for approval. Any change in ownership, contractor, or other responsible party during the course of construction shall only be made with the full knowledge of the board of supervisors.

(Ord. No. 90-131, § 7.0313(M), 10-7-90)

Sec. 20-983. Subsequent land division.

The division of any land within a planned unit development overlay district for the purpose of change or conveyance of ownership shall be accomplished pursuant to the land division regulations of the county and the individual town.

(Ord. No. 90-131, § 7.0313(N), 10-7-90)

Sec. 20-984. Failure to begin development.

If no substantial construction has commenced or no use established in the planned unit development district within the time schedule which addresses construction commencement and construction completion submitted to the board of supervisors, the county planning and development office shall petition the board of supervisors for the purpose of rescinding the planned unit development

overlay designation so as to allow the land in question to revert to its underlying zone. The procedures set forth in section 20-122, relating to the amendment of this chapter, shall be adhered to in its discretion and, for good cause, the board of supervisors may extend for a reasonable period of time, not to exceed one (1) year, the period for the beginning of construction or the establishment of a use. If the planned unit development overlay district is rescinded, the planning and development office shall remove the district from the official zoning map. Those zoning regulations applicable before the creation of the district shall then be in effect and no vested rights in the planned unit development overlay district shall be deemed to have accrued.

(Ord. No. 90-131, § 7.0313(O), 10-7-90)

Sec. 20-985. Failure to comply with the provisions of the planned unit development approval.

It shall be unlawful to construct, develop or use any structure or develop or use any land, water or air in violation of any provisions or conditions of a planned unit development approval or order of the planning and development committee regarding compliance with conditions of approval. In case of any violation, the board of supervisors, the corporation counsel, the planning and development director, the planning and development committee, any municipality, or any owner of real estate within the district affected who would be specifically damaged by such violation may institute appropriate legal action or proceedings to enjoin a violation of the conditions or provisions of planned unit development approval, or seek abatement or removal. In addition, those actions commenced on behalf of the county may seek a forfeiture or penalty as outlined elsewhere in this division.

(Ord. No. 90-131, § 7.0313(P), 10-7-90)

of the town in which such lot is located.

(f) Widths and area of all lots not served by a public sanitary sewer system or other sewage disposal system approved by that state agency having jurisdiction over the approval or disapproval of such system shall be sufficient to permit the use of a private on-site wastewater treatment system (POWTS) designed in accordance with applicable state and county sanitary regulations but in no case shall be less than one hundred fifty (150) feet in width and forty thousand (40,000) square feet in area unless said lot width and area has been approved by the economic development and land use planning committee through the land division or conditional use process.

(g) When there is a reasonable likelihood that unsewered lots will be sewerred within ten (10) years and that the required frontage thereafter will be seventy-five (75) feet, the planning and development committee or subdivider may cause dotted lines to be drawn across the center of the lots applicable on plat and zoning maps so as to notify prospective purchasers of that possibility.

(h) Within the APO airport protection overlay district, no structure shall be erected, altered or maintained, nor shall any mobile object be operated, nor shall any vegetation be allowed to grow if such structures, object or vegetation penetrates or intrudes upon any of the protected surfaces defined in section 20-898, except that nothing in this section shall be construed as prohibiting the construction, alteration or maintenance of any structure or the growth of any tree up to a height of fifty (50) feet above the ground surface at its base; or prohibiting the construction, alteration or maintenance of structures necessary to the operation of the airport. Trees shall be trimmed to a height of five (5) feet below the elevation of the protected surface to provide a reasonable interval of clearance between the time of trimming and the time when the vegetation again grows to a height which invades the protected surface.

(Code 1975, § 7.025; Ord. No. 86-17, § 7.025, 7-22-86; Ord. No. 2000-251S, 8-28-01; Ord. No. 2007-28, 6-26-07)

Sec. 20-987. Sanitary regulations.

Where public water supply systems are not available, private well construction shall be required to conform to ch. NR112, Wisconsin Administrative Code. Where a public sewage collection and treatment system is not available, design and construction of private sewage disposal systems shall be governed by chapter 19 adopted by the county pursuant to W.S.A., § 59.065. No private waste disposal systems or parts thereof shall be located, installed, moved, reconstructed, extended, enlarged, converted, substantially altered or their use changed without full compliance with chapter 19. A zoning permit for a principal structure or an addition thereto may not be issued until evidence of such compliance is provided to the zoning administrator.

(Code 1975, § 7.027; Ord. No. 86-17, § 7.027, 7-22-86)

Secs. 20-988--20-1005. Reserved.

DIVISION 2. USES*

***Cross references:** Schedule of deposits for violation of the provisions in this section, § 5-3.

Sec. 20-1006. Application.

The use restrictions and regulations set forth in this division shall apply throughout the county.

(Code 1975, § 7.026)

Sec. 20-1007. Principal uses.

Only those principal uses specified for a district, their essential services, and the following uses on the conditions specified in this division shall be permitted in that district.

(Code 1975, § 7.026)

Sec. 20-1008. Accessory uses and structures.

(a) Accessory uses and structures are permitted in any district, but not until their principal structure is present or under construction, except as provided in subsection (b) below.

(b) Accessory structures may be permitted in the agricultural districts prior to the presence of the principal structure provided that the parcel on which the accessory structure will be located is ten (10) contiguous acres in size or larger, the accessory structure is intended for an agricultural use, the proposed accessory structure meets the setback requirements needed for a principal structure in that district, and the accessory structure is at least one hundred (100) feet from any existing residence on abutting parcels.

(c) Accessory uses may include, but are not limited to, incidental repairs; incidental storage; parking areas; private swimming pools; private emergency shelters; and gardening. Examples of accessory structures (regardless of whether attached to a foundation) are barns, detached garages, playhouses, sheds, private greenhouses, gazebos, storage buildings, boathouses, wind energy facilities, swimming pool pump houses, and tower broadcast facilities.

(d) Servant's and itinerant agricultural laborer's quarters not for rent may be considered accessory uses, subject to conditional use approval. In areas not served by public sanitary sewer, any added quarters must have private onsite wastewater treatment system (POWTS) sanitary approval prior to zoning permit issuance. These uses will also require a recorded deed restriction at the time of the filing of the zoning permit application indicating that the proposed use is associated with the principal use on the property, that the quarters are not for rent, that quarters are limited in area to the lesser of eight hundred (800) square feet or fifty (50) percent of the habitable floor area of the main residence, and that the structure with this use will be utilized as a single housekeeping entity and not as a multi-family dwelling. In addition, a detached accessory structure used for the above quarters must be located on the same property as the principal structure/use and comply with accessory structure setbacks, but in no case may be less than twenty-five (25) feet from a lot line.

(e) In-law suites (herein "suite") may be allowed as an accessory use to a single-family residence located in the R-1, R-2, R-2S, R-3, R-3A, R-4, R-5, R-5A, A-1, A-2 and C-2 zoning districts, subject to the following:

(1) Up to two (2) family members related by blood or marriage to the family occupying the principal structure may reside in the suite and must be allowed unrestricted access to the common areas of the dwelling.

(2) The suite shall not have separate gas, water, and/or electric meters (more than one (1) meter per utility would constitute a multi-family dwelling unit, which is prohibited).

- (3) The suite shall not be located in any detached accessory structure.
- (4) The gross floor area of the suite shall not exceed eight hundred (800) square feet (not including areas for common utilities such as water heater, furnace, etc.).
- (5) The suite shall be connected to the main heated living area of the dwelling by way of common walls (the suite shall not be connected to the dwelling by a breezeway, garage, or corridor as this would constitute a multi-family dwelling unit and that is prohibited). A code-compliant suite may be located above a garage that is attached in its entirety to a single-family residence.
- (6) There shall be only one address and one mailbox for the lot containing the residence and suite.
- (7) The suite addition shall be constructed so as to be compatible and in harmony in terms of architecture, color, materials and texture with the exterior of the principal residence.
- (8) In areas not served by public sanitary sewer, any suite that is added onto or created within an existing residence must have private onsite wastewater treatment system (POWTS) sanitary approval prior to zoning permit issuance.
- (9) The suite shall have its principal means of access to the outdoors from the main dwelling unit via said dwelling unit's main exterior doorways (a sole segregated doorway from the suite to the outdoors would constitute a multi-family dwelling unit and that is prohibited).
- (10) The suite may have up to one (1) bedroom, kitchenette, and bathroom, along with a sitting room or parlor.
- (11) There may be no more than one (1) suite addition within or attached to a single-family residence.
- (12) Evidence of a recorded deed restriction will be required at the time of the filing of the zoning permit application that establishes that persons within the home are required to be living together in the dwelling as a single housekeeping entity, that the living area shall not be utilized as a two-family dwelling, and that the suite will be in compliance with subsection 20-1008(e).

(f) "A", "C-2" and "R" district residential accessory uses and structures shall not involve the conduct of any business, trade, or industry, except if allowed as a principal or conditional use, and as allowed in section 20-1015 for storage of home occupation materials, which may not exceed two hundred (200) square feet of storage area for the home occupation.

(Code 1975, § 7.026; Ord. No. 86-86, § 7.026, 8-26-86; Ord. No. 2007-28, 6-26-07)

Sec. 20-1009. Parking.

- (a) Parking of vehicles accessory to a residential use shall be limited to those actually used by the residents or for temporary parking for guests. Vans or pickup trucks used for private and recreational use, or a motor home (recreational vehicle), or a van or pickup truck used in a business or trade and commercial vehicle per subsection (b) used for transportation to and from a place of employment or workplace of the occupant may be parked on a residential property.
- (b) One (1) commercial vehicle of not over one-ton rated capacity may be parked per residential dwelling unit, providing all of the following conditions are met; vehicle is registered and licensed; used by a resident of the premises; gross weight does not exceed ten thousand (10,000) pounds, including any load; height does not exceed nine (9) feet as measured from ground level, including any load, bed, or box; and total vehicle length does not exceed twenty-

six (26) feet, including attachments thereto (such as plows, trailers, etc).

(c) Recreational vehicles shall be parked in the rear or side yards only or in compliance with same setbacks allowed in subsections 20-1115(b) and (c). Recreational vehicles must maintain a minimum of a six-foot setback from the rear and side lot lines but are not restricted to a minimum setback to the principal structure. For the purpose of this section, recreational vehicles shall include boats and trailers, snowmobiles and their trailers, minibikes or trailbikes and their trailers, and unoccupied tentcampers and travel trailers, all-terrain vehicles and personal watercraft and their trailers.

(d) No other vehicular equipment of a commercial or industrial nature, except as stated above, shall be parked or stored for more than two (2) consecutive hours and four (4) accumulated hours during any twenty-four-hour period on any lot in any zoning district except business and industrial districts or as permitted by conditional use in the A-2 district (also see section 20-1226).

(e) Outdoor parking of semi-tractors/trailers on commercial property (B-district), that is not a principal use (e.g., truck sales), an accessory use (e.g., delivery vehicles), or which has not been approved through the conditional use or site plan review process is prohibited.

(f) Agricultural equipment (such as farm tractors, plows, farm plows, seeders, combines, cultivators, trucks owned and used by the farmer in the operation of the farm, etc.) used in a farm operation are permitted in all agricultural districts.

(Code 1975, § 7.026; Ord. No. 98-21, 6-9-98; Ord. No. 2005-69S, 9-13-05)

Sec. 20-1010. Conditional uses.

(a) Conditional uses and their accessory uses are considered as special uses which require approval and a public hearing if there is approval all in accordance with section 20-1141 et seq.

(b) Any development within five hundred (500) feet of an existing or mapped right-of-way of a freeway or expressway and within one thousand five hundred (1,500) feet of their existing or mapped centerline of interchange with any other road shall be deemed to be a conditional use. Any development within fifty (50) feet of any existing or mapped state trunk highway or county trunk highway and within one hundred fifty (150) feet of an existing or mapped centerline of intersection with any other road shall be deemed to be a conditional use. Such development shall be specifically reviewed in accordance with section 20-1141 et seq.

(c) Unless otherwise provided in the permit, a conditional use permit shall have an indeterminate duration provided that the use for which it was obtained has commenced as required by subsection 20-1141(c) and continues without abandonment as provided in subsection 20-1141(d) in accordance with its terms, and a conditional use permit shall be transferable with the land, provided that the use for which it was obtained does not change.

(Code 1975, § 7.026; Ord. No. 2005-69S, 9-13-05)

Sec. 20-1011. Unclassified, unspecified uses.

Unclassified or unspecified uses may be permitted after the planning and development committee has made a review and recommendation provided that such uses are similar in character to the principal uses permitted in the district.

(Code 1975, § 7.026)

Sec. 20-1012. Temporary uses.

Temporary uses, such as real estate sales field offices or shelters for materials and equipment being used in the construction of a permanent structure, may be permitted by the planning and development committee.

(Code 1975, § 7.026)

Sec. 20-1013. Performance standards.

Performance standards listed in section 20-1061 et seq. shall be complied with by all uses in all districts.

(Code 1975, § 7.026)

Sec. 20-1014. Ponds, impoundments, etc.

Ponds, impoundments and similar bodies are permitted in all zoning districts provided that:

- (1) To the maximum extent possible, all excavated material shall remain on site and shall be integrated into the restoration of the pond area.
- (2) Detailed plans (site plan, cross section, depth, area, location and disposition of spoils, timing) of the proposed pond excavation and restoration shall be submitted to the planning and development department for review and approval.
- (3) A permit is required for such pond construction prior to any excavation.
- (4) Except as discussed below, these provisions apply to all ponds, including but not limited to those utilized for the following purposes: drainage, recreation, aesthetics, sediment control, fish management. Stormwater ponds done by drainage districts according to district plans, ponds which have been previously reviewed and approved as part of an erosion control plan and existing ponds are exempt from such provisions.
- (5) Borrow pits for public facility construction, such as for public roads, are subject to review and approval by the planning and development department.
- (6) Ponds to be constructed in the shoreland or floodplain areas remain subject to the shoreland, wetland and/or floodplain provisions of this chapter which may limit such construction and will require a shoreland conditional use permit.
- (7) Ponds should be constructed in conformance with the standards of the soil conservation service.
- (8) If the excavated material from the project site is sold, given away, or is otherwise removed from the site in a manner in which the principal use appears to be soil removal, and pond construction appears to be a secondary result, the parcel shall be rezoned to M-4 quarrying district and a mineral extraction conditional use permit shall be obtained prior to any excavation or grading on the parcel.

(Code 1975, § 7.026; Ord. No. 89-255, 2-27-90; Ord. No. 2001-185, 1-22-02)

Sec. 20-1015. Home occupations.

- (a) It is the intent of this section to regulate the operation of home occupations so that the average neighbor, under normal circumstances, will not be aware of their existence other than for a permitted sign.

(b) A home occupation is any gainful occupation or profession engaged in by an occupant of a dwelling unit which meets the following criteria:

- (1) The occupation must be clearly incidental to the use of the dwelling unit as a residence, with one-half (1/2) or less of any floor being used for the home occupation.
- (2) No outdoor display or storage of materials, goods, supplies or equipment used in the home occupation shall be permitted on the premises.
- (3) There shall be no visible evidence that a home occupation is being operated in the residence, except for the permitted sign, one (1) nonilluminated nameplate (name, address and type of home occupation) not to exceed two (2) square feet in area either mounted flat on the dwelling or a yard light post or signpost set back a minimum of five (5) feet from the highway right-of-way line.
- (4) A maximum of two (2) persons other than members of the immediate family residing in the dwelling may be employed in the dwelling unit at any given time. The applicant for a home occupation permit must reside at the location of the proposed home occupation.
- (5) Except for storage of materials, no activity related to a home occupation shall be conducted in any detached structure or in any attached garage.
- (6) No stock in trade shall be displayed or sold upon the premises.
- (7) A home occupation shall not generate noise, vibration, glare, odors, fumes, or hazards detectable to the normal senses off the property.
- (8) No toxic, explosive, flammable, combustible, corrosive, radioactive or other restricted materials shall be used or stored on the site for home occupation purposes.
- (9) The use shall not require more than two (2) additional off-street parking spaces for clients or customers.
- (10) No equipment or process shall be used which creates visual or audible electrical interference in any radio or television receiver off the premises or causes fluctuations in line voltage off the premises.

(c) Permits granted under this section shall be temporary in nature (they do not run with the land) and shall be granted to a designated person who resides at a specific residential address. Tenants must provide written evidence of the property owner's approval prior to issuance of a permit. The permits are not transferable from person to person, or from address to address.

(Code 1975, § 7.026; Ord. No. 89-255, 2-27-90)

Sec. 20-1016. Pyramiding.

No pyramiding, as defined in section 20-1, shall be permitted on any lands fronting a public body of water except as may be specifically permitted accessory to a marina or resort or which may be allowed under the terms of a conditional use permit for a planned residential development or which may be approved as a part of a subdivision plat review.

(Code 1975, § 7.026; Ord. No. 88-160, § 7.026, 1-10-89; Ord. No. 93-9, 5-11-93)

Sec. 20-1017. Reduction or joint use.

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

ARTICLE VII. SUPPLEMENTARY DISTRICT REGULATIONS AND REQUIREMENTS*

*Cross references: Sign regulations, § 20-1356 et seq.

DIVISION 1. GENERALLY**Sec. 20-986. Site restrictions.**

(a) No permit shall be issued and no land shall be used or structure erected where the land is held unsuitable for such use or structure by the planning and development committee by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics and general welfare of this county.

(b) Pursuant to the county land division control ordinance, the county shall review all land divisions, including those in shoreland areas. In such review the following factors shall be considered, where applicable:

- (1) Hazards to the health, safety or welfare of future residents.
- (2) Proper relationship to adjoining areas.
- (3) Public access to navigable waters, as required by law.
- (4) Adequate storm drainage facilities.
- (5) Conformity to state law and administrative code provisions.

(c) "Aesthetics" may only constitute grounds for prohibiting the use if such use will depreciate the value of property in the neighborhood or impose a visual effect upon neighbors or passersby which is clearly obnoxious to the prevailing taste of the community. The planning and development committee, in applying the provisions of this section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he so desires. Thereafter, the planning and development committee may affirm, modify, or withdraw its determination of unsuitability.

(d) A minimum of thirty-three (33) feet of all lots shall abut upon a public street, or other means of access that was in existence prior to the original adoption of this ordinance and which has been approved by the town. All lots shall also have a minimum width at the street yard setback line as prescribed for the particular zoning district in which the lot is located. All principal structures shall be located on a lot; and only one (1) principal structure shall be located, erected, or moved onto a lot unless more are allowed and regulated by conditional use permit or site plan review.

(e) No zoning permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width. No zoning permit shall be issued for a lot which abuts upon the termination of a nonthrough public street unless such street has been or is to be provided with a permanent cul-de-sac or other type of permanent turnaround as determined by the town board

(Code 1975, § 7.029)

Sec. 20-1018. Pet and animal regulations.

Except for the commercial raising, propagation, boarding, or butchering of animals or fowl, which are conditional uses, any restriction of the number and type of animals and pets permitted within a particular district shall be the responsibility of the local town boards.

(Ord. No. 93-183, 1-11-94)

Cross references: Animals generally, Ch. 4.

Sec. 20-1019. Community and other living arrangements.

In any district which allows single-family or two-family residences as a principal use, the following are permitted uses.

- (1) Licensed community living arrangements which have a capacity for eight (8) or fewer persons, subject to the limitations set forth in W.S.A., § 59.97(15).
- (2) Licensed family foster homes subject to the regulations set forth in W.S.A., § 48.62.
- (3) Licensed family day care homes subject to the regulations set forth in W.S.A., § 48.65.

(Ord. No. 93-183, 1-11-94)

Sec. 20-1020. Single family dwelling and two-family dwelling requirements.

No single family dwelling or two-family dwelling shall be erected or installed in any zoning district unless it meets all of the following:

- (1) Is set on an enclosed foundation in accordance with W.S.A., § 70.043(1), which meets the standards set forth in Subchapters III, IV, and V of Chapter ILHR 21 Wis. Adm. Code, or is set on a comparable enclosed foundation system approved by the town building inspector. The building inspector may require a plan certified by a registered architect or registered professional engineer to be submitted in order to ascertain that a proposed comparable foundation system provides proper support for the structure.
- (2) Is properly connected to utilities.
- (3) Shall have core area of living space, measured at the ground floor, twenty (20) feet by twenty (20) feet in size.
- (4) Shall have a total core area of living space of at least eight hundred (800) square feet.

Subject to provisions (1)--(4) above, manufactured dwellings, manufactured homes, and modular homes that are installed in accordance with the manufacturer's instructions or a plan certified by a registered architect or engineer so as to insure proper support for the home, are permitted in any district where single family dwellings or two-family dwellings are shown as permitted or conditional uses.

(Ord. No. 94-235, 2-28-95; Ord. No. 96-116, 10-8-96)

Secs. 20-1021--20-1035. Reserved.

DIVISION 3. SHORELAND*

***Cross references:** Schedule of deposits for violation of the provisions in this section, § 5-3.

State law references: Construction site erosion and storm water management zoning, W.S.A., § 59.974.

Sec. 20-1036. Application.

- (a) In addition to any other applicable use, site or sanitary regulation, the provisions of this division shall apply to shorelands within the county.
- (b) With respect to the application of this division during such time period, if any, when any town in the county shall not have adopted this chapter and related zoning map, see section 20-8.

(Code 1975, § 7.028)

Sec. 20-1037. Tree cutting, shrubbery clearing.

- (a) Tree cutting and shrubbery clearing are prohibited except for home and park site development, access roads, customary trimming, dead tree removal, stream and drainage projects approved by the planning and development committee, and managed timber harvesting under a state district forester's plan within the following distances from high-water elevation:

TABLE INSET:

(1)	Lakes 50 acres or more in area	300 feet
(2)	Lakes less than 50 acres in area	200 feet
(3)	Navigable streams	100 feet
(4)	All other streams	50 feet

- (b) Within the Lake Michigan shoreland area, such tree cutting and shrubbery clearing, except for the permitted uses noted above, shall be prohibited within the SSO structural setback overlay district and the NSO nonstructural setback overlay district.

(Code 1975, § 7.028)

Sec. 20-1038. Clearing requiring approval.

Site, road (except roads used primarily for agricultural purposes), path, and trail development and all other cutting and trimming within the shoreland area may be conditional uses requiring review, public hearing and approval by the planning and development committee or may be subject to review and approval by the zoning administrator in accordance with section 20-1141 et seq.

(Code 1975, § 7.028)

Sec. 20-1039. Earth moving activities.

(a) Earth movements and soil disturbance activities such as grading, topsoil removal, filling, road cutting, construction, altering, or enlargement of waterways, removal of stream or lakebed material, excavation, channel clearing, ditching, dredging, lagooning, and soil and water conservation structures may be conditional uses requiring review, public hearing, and approval by the planning and development committee or may be subject to review and approval by the zoning administrator in accordance with section 20-1141 et seq., in addition to the permit required from the state agency having jurisdiction under W.S.A., §§ 30.11, 30.12, 30.19, 30.195, 30.20. Within the Lake Michigan shoreland area, the construction of new permanent residential, institutional, commercial, industrial, agricultural and transportation structures is prohibited within the SSO structural setback overlay district and the NSO nonstructural setback overlay district, section 20-916 et seq.

(b) In addition, only filling, grading, lagooning, dredging, ditching or excavating that is done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat may be permitted in the shoreland area. Filling, grading, lagooning, dredging, ditching or excavating in a SWO shoreland-wetland overlay district may be permitted only if the requirements of section 20-966 et seq. are met.

(c) A state or federal permit may be required, in addition to a permit under this chapter, if state or federal laws are applicable to the filling, grading, lagooning, dredging, ditching or excavating that is proposed.

(Code 1975, § 7.028; Ord. No. 86-17, § 7.028, 7-22-86)

Sec. 20-1040. Residential uses.

All new, single-family residential parcels created in the shoreland area shall at the minimum meet either the standards of the R-5A urban residential district (III) in areas with public sanitary sewer or the standards of the R-2 suburban residential district (unsewered) in those areas without public sanitary sewer.

(Ord. No. 86-17, § 7.028, 7-22-86)

Sec. 20-1041. Relocatable structures.

Within the NSO nonstructural setback overlay district, relocatable structures may be allowed as a conditional use provided that:

- (1) The property extends sufficiently outside the NSO nonstructural setback overlay district so that the structure can be relocated outside the NSO district in the future; and
- (2) The structure is certified by a professional building moving contractor as being relocatable at a cost not exceeding thirty (30) percent of the estimated equalized value of the structure.

This conditional use requires review, public hearing, and approval by the planning and development committee and approval by the zoning administrator in accordance with section 20-1141 et seq. Relocatable structures are not allowed as conditional uses within the SSO structural setback overlay district.

(Code 1975, § 7.028)

Sec. 20-1042. Grazing, feeding, fertilizing restricted.

Grazing, livestock watering and feeding, and application of fertilizers shall be prohibited unless conducted in accordance with the county's conservation standards, as such standards are formulated and adopted by the planning and development committee.

(Code 1975, § 7.028)

Sec. 20-1043. Approval for state permit.

Where W.S.A., §§ 30.18, 144.025(2) and 144.555, require a state permit for surface waters withdrawal, diversion or discharge for irrigation, processing, cooling or any other purpose, then such activities may be a conditional use requiring review, public hearing and approval by the planning and development committee or may be subject to review and approval by the zoning administrator in accordance with section 20-1141 et seq. The planning and development committee shall advise the state agency having jurisdiction of the results of the public hearing or the zoning administrator's review and whether the conditional use was approved.

(Code 1975, § 7.028)

Sec. 20-1044. Crop production on eroded lands.

(a) In order to help prevent and control further erosion and consequent sedimentation of the surface waters of the county, crop production on lands that are severely eroded is prohibited, and such lands shall be planted to permanent vegetation.

(b) For purposes of this section, all lands designated by the U.S. Soil Conservation Service as having an erosion factor of three (3) or more, as shown on the operational soil survey maps on file with the zoning administrator, shall be considered as being severely eroded. An erosion factor of three (3) means that three-fourths or more of the surface soil has been removed by erosion.

(Code 1975, § 7.028)

Sec. 20-1045. No structure permitted within shoreland setback area.

Within the shoreland setback area in conformance with the regulations of the Wisconsin Department of Natural Resources, no structures are permitted. "Structures" includes fences, ice fishing shanties, accessory buildings other than boathouses, minor structures, and any retaining wall not approved by the Wisconsin Department of Natural Resources.

(Ord. No. 91-130, § 7-028, 11-5-91)

Sec. 20-1046. Mitigated shore yard structure.

Notwithstanding section 20-1045 above, special zoning permission shall be granted for the construction or placement of a structure on property in a shore yard setback area if all of the following apply:

- (1) The part of a structure that is nearest to the water is located at least thirty-five (35) feet landward from the ordinary highwater mark.

(2) The total floor area of all of the structures in the shore yard setback area of the property will not exceed two hundred (200) square feet. In calculating this square footage, boathouses shall be excluded.

(3) The structure that is the subject of the request for special zoning permission has no sides or has open or screened sides.

(4) Once the location of the structure is approved by the county, a plan must be submitted by the applicant(s) for county approval. The plan must be implemented by the owner of the property to preserve or establish a vegetative buffer zone that covers at least seventy (70) percent of the half of the shore yard setback area that is nearest to the water. The plan shall contain the following information:

- a. Location of mitigated structure.
- b. Location of vegetative buffer.
- c. Number, type and size of proposed native vegetation to be installed or identification of existing plant/materials to be maintained.
- d. Installation schedule/deadline.
- e. Erosion control measures.
- f. Maintenance plan to replace dead/diseased vegetation.
- g. Before and after photographs of vegetative buffer area.
- h. Description of how the project is to be implemented.

(5) The structure meets the height and street, side and rear yard setback requirements for the zoning district in which it is located.

(6) The structure shall not be used for principal or accessory uses not allowed in the district.

(7) Such structure shall be colored in earth tones to decrease the visual intrusion near the natural shoreline.

For purposes of this section, special zoning permission includes, but is not limited to the following: shoreland contract, conditional use, special exception, special permit, zoning variance, conditional permit and words of similar intent.

(Ord. No. 2000-251S, 8-28-01)

Secs. 20-1047--20-1060. Reserved.

DIVISION 4. PERFORMANCE STANDARDS*

***Cross references:** Schedule of deposits for violation of the provisions in this division, § 5-3.

Sec. 20-1061. Compliance.

This chapter permits specific uses in specific districts; and these performance standards are designed to limit, restrict, and prohibit the effects of those uses outside their premises or district. All

structures, lands, air and waters shall hereafter, in addition to their use, site and sanitary, floodland and shoreland regulations, comply with the following performance standards.

(Code 1975, § 7.091)

Sec. 20-1062. Water quality protection.

No residential, commercial, industrial, institutional or recreational use shall locate, store, discharge or permit the discharge of any treated, untreated or inadequately treated liquid, gaseous or solid materials of such nature, quantity, obnoxiousness, toxicity or temperature that might run off, seep, percolate or wash or be harmful to human, animal, plant or aquatic life. This section shall not apply to uses other than those enumerated in it.

(Code 1975, § 7.092)

Sec. 20-1063. Noise.

All noise shall be so muffled or otherwise controlled as not to become objectionable due to intermittance, duration, beat frequency, impulse character, periodic character or shrillness.

(Code 1975, § 7.093)

Sec. 20-1064. Radioactivity and electrical disturbances.

No activity shall emit radioactivity or electrical disturbances so as to endanger the use of neighboring premises.

(Code 1975, § 7.094)

Sec. 20-1065. Exterior lighting.

Any lighting source on any use, lot or parcel which is for the purpose of illuminating any structure exterior, sign, parking lot or outdoor area shall be established in a manner which satisfies the following conditions:

- (1) Such lighting shall be arranged, oriented or shielded in such a manner that direct radiation or glare from such source does not penetrate adjacent or nearby parcels or the public right-of-way.
- (2) The source of such illumination shall be arranged, oriented or shielded in a manner which will not endanger the safety of pedestrian or vehicular traffic.

(Ord. No. 86-86, § 7.095, 8-26-86)

Sec. 20-1066. Maintenance.

Any fence, wall, hedge, yard space or landscaped area required by this chapter or grant of variance or conditional use shall be kept free of an accumulation of refuse or debris. Plant materials must be well kept in a healthy, growing condition; and structures, such as walls and fences, shall be maintained in sound conditions, good repair and appearance at all times.

(Ord. No. 86-86, § 7.096, 8-26-86)

Sec. 20-1067. Odors.

No residential, commercial, industrial, institutional or recreational use shall emit an odor of such nature or quantity as to be offensive or unhealthful which is detectable at the lot line. The guide for determining odor measurement and control shall be Chapter NR 429 of the Wisconsin Administrative Code and amendments thereto.

(Ord. No. 93-3, 5-11-93)

Cross references: Outdoor burning, § 13-51 et seq.

Sec. 20-1068. Floodproofing.

Where floodproofing by means of elevating on fill is deemed inappropriate or impractical and where floodproofing by means other than filling is permitted, floodproofing measures shall be in accordance with the following:

(a) *Floodproofing measures* shall be designed to:

- (1) Withstand the flood pressures, depths, velocities, uplift and impact forces, and other factors associated with the 100-year recurrence interval flood; and
- (2) Assure protection to an elevation at least two (2) feet above the elevation of the 100-year recurrence interval flood; and
- (3) Provide anchorage of structures to foundations to resist flotation and lateral movement; and
- (4) Insure that the structural walls and floors are watertight and completely dry without human intervention during flooding to a point at least two (2) feet above the elevation of the 100-year recurrence interval flood.

(b) *No permit* or variance shall be issued until the applicant submits a plan or document certified by a registered professional engineer or architect certifying that the floodproofing measures are adequately designed to protect the structure or development to a point at least two (2) feet above the elevation of the 100-year recurrence interval flood for the particular area.

(c) *Floodproofing measures* may include, but are not limited to:

- (1) Reinforcement of walls and floors to resist rupture or collapse caused by water pressure or floating debris;
- (2) Addition of mass or weight to structures to prevent flotation;
- (3) Placement of essential utilities above the flood protection elevation;
- (4) Surface subsurface drainage systems, including pumping facilities, to relieve external foundation wall and basement floor pressures;
- (5) Construction of water supply wells, and waste treatment and collection systems to prevent the infiltration of floodwaters into such systems;
- (6) Cutoff valves on sewer lines and the elimination of gravity flow basement drains; and/or
- (7) The construction of permanent or moveable watertight bulkheads, erection of permanent watertight shutters and doors, and installation of wire reinforced glass or glass block for windows.

(Ord. No. 94-155, § 11, 11-10-94)

Editor's note: Provisions enacted by Ord. No. 94-155, § 11, adopted Nov. 10, 1994, as § 20-1067, have been redesignated at the discretion of the editor as § 20-1068 pursuant to the previous designation of material as § 20-1067 by Ord. No. 93-3, adopted May 11, 1993.

Secs. 20-1069--20-1085. Reserved.

DIVISION 5. OFF-STREET PARKING AND TRAFFIC REGULATIONS

Sec. 20-1086. Traffic visibility.

(a) No obstructions, such as structures, parking or vegetation, shall be permitted in any district between the heights of two and one-half (2 1/2) feet and ten (10) feet above the plane through the mean curb-grades within the triangular space formed by any two (2) existing or proposed intersecting street or alley right-of-way lines and a line joining points on such lines located a minimum of fifteen (15) feet from their intersection.

(b) In the case of arterial streets' intersection with other arterial streets or railways, the corner cutoff distances establishing the triangular vision clearance space shall be increased to fifty (50) feet.

(Code 1975, § 7.051)

Sec. 20-1087. Loading requirements.

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

(Code 1975, § 7.052)

Sec. 20-1088. Parking requirements.

(a) In all districts and in connection with every use, there shall be provided, at the time any use or building is erected, enlarged, extended or increased, off-street parking stalls for all vehicles in accordance with the provisions of this section.

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

(c) Each parking space shall be not less than nine (9) feet in width and not less than one hundred eighty (180) square feet in area exclusive of the space required for ingress and egress.

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

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

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

(g) All open, off-street parking areas providing more than twenty-five (25) parking spaces, except parking areas restricted to use by employees only, shall provide parking spaces for use by motor vehicles which transport physically disabled persons in accordance with the requirements of W.S.A., §§ 346.50, 346.503, and 346.505.

Number of parking stalls required:

TABLE INSET:

Single-family dwelling and mobile homes	2 stalls for each dwelling unit
Two-family and multi-family dwellings	2 stalls for each dwelling unit
Hotels, motels	1 stall for each guest room plus 1 stall for each 3 employees
Hospitals, clubs, lodges, sororities, dormitories, lodginghouses and boardinghouses	1 stall for each 2 beds plus 1 stall for each 3 employees
Sanitariums, institutions, rest and nursing homes	1 stall for each 5 beds plus 1 stall for each 3 employees
Medical and dental clinics	3 stalls for each doctor plus 1 stall for each employee
Churches, theaters, auditoriums, community centers, vocational and night schools and other places of public assembly	1 stall for each 5 seats
Colleges, secondary and elementary schools	1 stall for each 2 employees plus a reasonable number of stalls for student and other parking
Restaurants, bars, places of entertainment, repair shops, retail and service stores	1 stall for each 150 square feet of floor area
Manufacturing and processing plants, laboratories and warehouses	1 stall for each 2 employees during any 12-hour period
Financial institutions; business, governmental and professional offices	1 stall for each 300 square feet of floor area
Funeral homes	1 stall for each 4 seats
Bowling alleys	5 stalls for each alley

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

(h) Combinations of any of the above uses shall provide the total of the number of stalls required for each individual use during such periods of time as the various uses are reasonably likely to be simultaneously requiring parking for employees, customers and other persons.

(Code 1975, § 7.053; Ord. No. 88-160, § 7.053, 1-10-89)

Sec. 20-1089. Driveway access.

(a) No direct access shall be permitted to the existing or proposed rights-of-way of expressways, freeways or interstate highways, nor to any other road, street or highway, without permission of the authority maintaining the facility.

(b) Vehicle entrances and exits to drive-in theaters, banks, and restaurants; motels; funeral homes; vehicular sales, service, washing and repair stations; garages; or public parking lots shall be not less than two hundred (200) feet from any pedestrian entrance or exit to a school, college, university, church, hospital, park, playground, library, public emergency shelter or place of public assembly.

(c) Adjacent residential uses may agree to establish a common driveway. In such cases, the driveway midpoint should be the property line between the two (2) parcels; however, the precise location of such driveway will be determined by the jurisdictional highway authority. The driveway must meet standard specifications and the landowner(s) shall record cross access agreements to ensure continued use, upkeep and maintenance of the combined access points.

(d) Sharing of access to state and county trunk highways by commercial or industrial land uses may also be permitted. Such shared access shall be shown on an adopted neighborhood or similar town plan as may be determined by the planning and development committee. Such shared access shall have the approval of the county highway department or state department of transportation, depending upon jurisdiction. A cross access agreement shall be recorded by all landowners utilizing such shared access. Such shared access must meet standard specifications.

(e) When a parcel contains two (2) or more different zoning districts, a driveway shall not traverse the district abutting the highway to service a use/structure on the rear portion of the parcel in a different zone(s) unless that use/structure is also permitted in the zoning district abutting the highway or when specifically allowed in a planned unit development.

(f) New or reconstructed access drives onto existing county trunk highways require the review and approval of the Racine County Public Works Department prior to their construction. Such approval will be based upon sight distances, road speeds, adopted public works department policy, and other factors.

(g) Access drives to principal structures which traverse wooded, steep, or open fields shall be constructed and maintained to a width and base material depth sufficient to support access by emergency vehicles. All driveways shall have a minimum width of twelve (12) feet with road strength capable of supporting emergency and fire vehicles, in compliance with any town standards.

(Code 1975, § 7.054; Ord. No. 86-86, § 7.054, 8-26-86; Ord. No. 2000-251S, 8-28-01; Ord. No. 2005-69S, 9-13-05)

Sec. 20-1090. Off-street parking in B-4, B-5, B-6 districts.

Off-street parking is permitted in all yards of the B-4, B-5 and B-6 business districts, but shall not be closer than twenty-five (25) feet to any public right-of-way.

(Code 1975, § 7.062)

Sec. 20-1091. Abandoned, unlicensed, inoperative, discarded or junked vehicles.

The outside storage of abandoned, unlicensed, inoperative, discarded or junked vehicles on privately owned properties within Racine County is a source of annoyance to members of the public and to owners and occupants of adjacent land. The outdoor storage of such vehicles on private property is unsightly and constitutes an attractive nuisance to children and peril to their safety. This legislation is intended hereby to protect public health and safety and to curb the deterioration of the community environment.

(1) No property shall be used for the outside storage of abandoned, unlicensed,

inoperative, dismantled, partially dismantled, discarded or junked vehicles, except as may be otherwise permitted in this chapter.

(2) No dismantled, partially dismantled or parts of vehicles shall be stored outside on any property within the county, except as otherwise permitted within this chapter.

(3) No person shall abandon any vehicle within Racine County and no person shall leave any vehicle at any place within the county for such time and under such circumstance as to reasonably cause such vehicle to appear to have been abandoned.

(4) As used in this section, an abandoned, unlicensed, inoperative, discarded or junked vehicles is:

a. Any vehicle that is:

1. Without a current license;
2. Being held or used for the purpose of resale of used parts therefrom or for the purpose of reclaiming for use some of the materials therein for the purpose of disposing of the same;
3. Wrecked, discarded or dismantled;
4. In such a condition as to cost more to repair and place in operating condition than its reasonable market value after such repair; or
5. Left unattended for more than forty-eight (48) hours on property of another, if left without permission of the property owner.

b. With respect to any vehicle not required to be licensed or not usually used on the public highways, the fact that such vehicle has remained unused for more than six (6) months and is not in condition to be removed under its own power shall be presumptive evidence that such vehicle is an abandoned, junked and/or inoperative vehicle.

c. The fact that a vehicle does not display a current motor vehicle registration or license plate shall be presumptive evidence that such vehicle is not in any condition for legal use upon the highways.

(5) The provisions of this section do not apply to vehicles kept by collectors or hobbyists pursuant to W.S.A. 341.266(4) or 341.268(4).

(Ord. No. 2005-69S, 9-13-05)

Secs. 20-1092--20-1110. Reserved.

DIVISION 6. HEIGHT AND AREA REGULATIONS

Sec. 20-1111. Height.

The district height limitations stipulated elsewhere in this ordinance may be exceeded, but such modification shall be in accord with the following:

- (1) Architectural projections, such as spires, belfries, parapet walls, cupolas, domes, flues and chimneys, are exempt from the height limitations of this chapter.
- (2) Special structures, such as elevator penthouses, gas tanks, grain elevators, scenery lofts, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations and

smoke stacks, are exempt from the height limitations of this chapter.

(3) Essential services, utilities, water towers, electric power and communication transmission lines are exempt from the height limitations of this chapter.

(4) Communication structures, such as radio and television transmission, receiving, and relay towers, aerials, and observation towers, shall not in any event exceed in height their distance from the nearest lot line, provided, however that any such structure, aerial or tower, if located within three (3) miles of a boundary line of an airport and landing strips, may not exceed the height limitations of the district in which it is located without prior proof of written notification of the public hearing to the owner of the said airport or landing strip, and prior written approval from the F.A.A. and Wisconsin Bureau of Aeronautics, if applicable.

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

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

(Code 1975, § 7.061; Ord. No. 99-58S, pt. 2, 7-13-99)

Sec. 20-1112. Modification of yard requirements.

The yard requirements stipulated elsewhere in this chapter may be modified as provided in this division.

(Code 1975, § 7.062)

Sec. 20-1113. Projections into yards.

(a) Uncovered decks, stairs, landings and fire escapes may project into any yard but not to exceed six (6) feet and not closer than three (3) feet to any lot line.

(b) Architectural projections, such as chimneys, flues, sills, eaves, belt courses, ornaments, decorative projections, lighting fixtures, balconies, and bay/bow windows, may project into any required yard; but such projection shall not exceed two (2) feet and bay/bow windows must be less than or equal to eight (8) feet wide.

(c) The projections permitted in paragraph (a) above shall not encroach into the minimum required shore yard setback area, except as allowed by section 20-1046, and no projection shall be closer than ten (10) feet from any street right-of-way.

(d) The zoning administrator shall be authorized to review and issue a zoning permit to allow a nonconforming building addition projection, such as a wheelchair ramp, that is needed to allow the minimum required reasonable accommodation that is necessary to allow ingress/egress by a handicapped or disabled person to the following:

(1) A residential structure utilized by such person that lives on the property or such person employed in a home occupation on the property. Any such addition shall be removed within thirty (30) days from the time that the structure is no longer serving the aforementioned handicapped or disabled person. A deed restriction to this effect shall be recorded with the register of deeds department and proof of such shall be submitted to the zoning administrator before a zoning permit will be issued.

(2) A commercial facility or any other structure that provides public accommodations.

Any such projection should be designed to be at least three (3) feet from any lot line and have a minimal intrusion into a floodplain, wetland, environmental corridor, or required shore yard setback.

(Code 1975, § 7.062; Ord. No. 97-203, 1-13-98; Ord. No. 2000-251S, 8-28-01; Ord. No. 2003-197, 2-12-04; Ord. No. 2007-28, 6-26-07)

Sec. 20-1114. Security fences.

Security fences are permitted on the property lines in all districts except residential districts and as required under section 20-1226, but shall not exceed ten (10) feet in height and shall be of an open type similar to woven wire or wrought iron fencing.

(Code 1975, § 7.062)

Sec. 20-1115. Accessory regulations.

(a) Except for signs and towers for broadcast facilities and/or wind energy, which are regulated separately, any detached accessory structure less than thirty-six (36) square feet in area is exempt from the requirement for obtaining a zoning permit. In addition, any temporary, seasonal outdoor above-ground swimming pool, hot tub, or whirlpool bath that does not remain erected on the same lot for more than one hundred twenty (120) consecutive days is exempt from the requirement for obtaining a zoning permit.

(b) Detached accessory structures shall not be closer than ten (10) feet to the principal structure; not closer than three (3) feet to a side or rear lot line if less than seven hundred twenty (720) square feet in footprint area or five (5) feet to a side or rear lot line if > 720 square feet in footprint area; not closer than five (5) feet to an alley line; shall not exceed seventeen (17) feet in height; and are permitted in the rear and side yards only, except as follows:

(1) Within the shoreland area, accessory structures are permitted in the street yard portion of waterfront lots provided that they are not placed within the required minimum street yard setback and provided that the principal and accessory structure's street yard setbacks are within seventy-five (75) feet of each other.

(2) For lots with multiple street yards and no defined rear yard area, accessory structures are permitted in the street yard portion of the secondary or non-access street provided that they are not placed within the minimum required street yard setback and provided that the principal and accessory structure's street yard setbacks are within seventy-five (75) feet of each other.

(3) Accessory structures may be placed in the street yard portion of a lot if the street yard setback of a principal structure exceeds the required setback for the particular district in question, provided that the street yard setback of the accessory structure is not less than the required setback for the district or the average street yard setback of principal structures on abutting parcels, if any, whichever is greater and provided that the principal and accessory structure's street yard setbacks are within seventy-five (75) feet of each other. On vacant parcels, the minimum setback may be used for averaging.

(4) Accessory structures located in the R-1 district and other non-"R" districts are limited in height to that listed for the principal structures in those districts, but shall not exceed in height twice their distance from the nearest lot line. A greater height may be approved through a site plan review process and as allowed in section 20-1111.

(5) Any portion of an accessory structure placed or constructed in a side yard area of a nonconforming principal structure shall not encroach into the minimum required street and/or shore yard setback.

(6) Tower broadcast facilities and wind energy facilities restrictions may be found in articles X and XI, respectively.

(c) For all residential "R" district accessory structures, and residential accessory structures associated with a nonconforming use in any other district, there shall be no more than three (3) detached accessory structures allowed per lot, and the aggregate total footprint area shall not exceed the following square footage for the stated lot size, exclusive of road right-of-way:

Lot Size / Accessory Structure(s) Maximum Aggregate Total Footprint Area

< 20,000 square feet lot = 950 square feet

> 20,000 square feet to < 1 acre lot = 1,200 square feet

1 acre to < 2 acre lot = 1,450 square feet

2 acre to < 3 acre lot = 1,700 square feet

3 acre to < 4 acre lot = 1,950 square feet

4 acre to < 5 acre lot = 2,200 square feet

> 5 acre lot = the greater of 2,200 square feet or one (1) percent of lot area

Note: A greater amount of square footage per lot size may be allowed if approved as part of a conditional use permit or site plan review when needed as an integral part of the plan of operation and where said structure(s) is used solely accessory to the permitted conditional use on said lot. In addition, the aggregate total amount of accessory structures on an R-1 zoned lot will be allowed to exceed the above allowable square footage per lot size, up to three (3) percent of the total lot area.

(d) The aggregate total footprint area for all non-"R" district accessory structures (see above for residential accessory nonconforming use) shall not exceed three (3) percent of the total lot area, except as follows:

(1) On all "A" district or C-2 zoned parcels, ten (10) acres or more in area, the aggregate total footprint area of all accessory structures may not exceed five (5) percent of the total lot area when the principal use is for the pursuit of farming and related agricultural uses.

(2) A greater amount of square footage per lot size may be allowed if approved as part of a conditional use permit or site plan review when needed as an integral part of the plan of operation and where said structure(s) is used solely accessory to the permitted principal or conditional use on said lot.

(e) Where an accessory structure is permanently attached to the principal structure by a roof or wall-to-wall, such accessory structure shall be considered as a part of the principal structure. Decks, stairs and landings that abut a principal structure, whether or not physically attached, and outdoor swimming pools, hot tubs or whirlpools on top of, within, or immediately abutting such shall be considered to be part of the principal structure and principal structure setbacks would apply for required setbacks except where sections 20-1113, 20-1118 and 20-1120 setbacks apply. Attachments which are cosmetic such as a fence, trellis, sidewalk or patio less than six (6) inches from grade are not considered an attachment.

(Code 1975, § 7.062; Ord. No. 86-86, § 7.062, 8-26-86; Ord. No. 2000-251S, 8-28-01; Ord. No. 2007-28, 6-26-07)

Sec. 20-1116. Exemptions from yard requirements.

(a) Essential services, utilities, electric power and communication transmission lines are

exempt from the yard and distance requirements of this chapter.

(b) Landscaping and vegetation are exempt from the yard requirements of this chapter.

(Code 1975, § 7.062)

Sec. 20-1117. Boathouses.

(a) Boathouses accessory to residential uses may be located within a shore yard but shall:

(1) Be no closer than twenty (20) feet to the average annual high-water elevation of the stream, lake, pond or wetland. This distance may be varied by the board of adjustment in accordance with section 20-31 et seq.; in no case, however, shall boathouses be allowed to project beyond the shoreline;

(2) Not exceed one (1) boathouse on the premises for each shoreland lot;

(3) Not exceed a height of fifteen (15) feet above the high-water elevation;

(4) Not exceed two hundred fifty (250) square feet in horizontal area covered; and

(5) Not be closer than fifteen (15) feet to any side lot line.

(6) Be constructed in such a manner as to orient the main opening of the boathouse toward the body of water.

(7) Be used strictly for the storage of boats and water-related recreational accessories.

(b) The use of a boathouse for human habitation is prohibited. No plumbing, heating or cooking facilities may be provided in or for a boathouse.

(c) The roof of a boathouse shall not be used as a deck or for other such purposes, nor shall railings be placed on top of the boathouse.

(Code 1975, § 7.062; Ord. No. 86-17, § 7.062, 7-22-86; Ord. No. 97-203, 1-13-98)

Sec. 20-1118. Adjustment of shore yards.

Shore yards may be reduced to the average of the shore yards existing on the abutting properties within a straight-line distance of one hundred (100) feet, excluding highway right-of-way or road easements, of the subject site but shall not be reduced to less than fifty (50) feet. Only principal structures on abutting lots within one hundred (100) straight-line feet of the proposed structure may be used for averaging. Any existing uncovered and/or unenclosed portion of a principal structure, such as deck or covered porch, can only be used for averaging with a similar uncovered and/or unenclosed portion of a proposed structure. If an abutting lot is vacant or the existing principal structures are greater than one hundred (100) feet from the proposed structure, seventy-five (75) feet shall be used for averaging purposes. If a principal structure on an abutting lot within one hundred (100) feet is greater than the required minimum shore yard setback, the actual setback shall be used for averaging. On substandard lots, fifty (50) feet is used as the minimum setback for averaging purposes.

(Code 1975, § 7.062; Ord. No. 86-17, § 7.062, 7-22-86; Ord. No. 2000-251S, 8-28-01; Ord. No. 2007-28, 6-26-07)

Sec. 20-1119. Building projections into street yards.

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

(Code 1975, § 7.063)

Sec. 20-1120. Average street yards.

The street yard may be increased or decreased in any residential or business district to the average of the existing street yards of the abutting structures on each side. However, in no case may the street yard be decreased to less than the district minimum setback or minimum substandard lot setback, whichever applies. Only principal structures on abutting lots within one hundred (100) straight-line feet of the proposed structure may be used for averaging. Any existing uncovered and/or unenclosed portion of a principal structure, such as deck or covered porch, can only be used for averaging with a similar uncovered and/or unenclosed portion of a proposed structure. If an abutting lot is vacant or the existing principal structure is greater than one hundred (100) feet from the proposed structure, the minimum required setback for the district may be used or the minimum substandard setback may be used when said abutting lot is a substandard lot.

(Code 1975, § 7.064; Ord. No. 2000-251S, 8-28-01; Ord. No. 2007-28, 6-26-07)

Sec. 20-1121. Lot area requirements and street yard setbacks.

All lot area requirements are measured exclusive of any highway right-of-way and all street yard setbacks are measured from the outer limit of the highway right-of-way or private road easement.

(Ord. No. 2000-251S, 8-28-01)

Secs. 20-1122--20-1140. Reserved.

ARTICLE VIII. CONDITIONAL USES

DIVISION 1. GENERALLY

Sec. 20-1141. Time limitations for decision and expiration of use.

(a) The planning and development committee, acting in accordance with the provisions of section 20-1181 et seq., shall decide all applications, except applications for floodland conditional uses, within thirty (30) days after the public hearing and shall transmit a signed copy of its decision to the applicant and to the town clerk of the town in which the subject site is located. Decisions on floodland district applications shall be made as soon as is practicable, but not more than sixty (60) days after the required public hearing.

(b) Decisions on floodland district applications shall not be made for thirty (30) days or until the state department of natural resources has made its recommendation, whichever comes first. A copy of all floodland conditional use decisions shall be transmitted to the DNR within ten (10) days of their effective date.

(c) Conditional use or temporary use permits shall expire within six (6) months unless substantial work has commenced pursuant to such grant.

(d) Any conditional use granted under this article that is discontinued or terminated for a period of twelve (12) consecutive months or eighteen (18) cumulative months in a three (3) year period (A business of a seasonal nature shall not be deemed to be discontinued during periods in which it is normally inactive, i.e. summer camps, snowmobile courses, ski areas, marinas, quarries, etc.) shall be considered abandoned and any future use thereof will require additional planning and development committee and town review and approval.

(Code 1975, § 7.043; Ord. No. 2000-251S, 8-28-01)

Sec. 20-1142. Banded racing pigeons.

The keeping and racing of banded racing pigeons shall be allowed as a conditional use in all use districts.

(Code 1975, § 7.0414)

Sec. 20-1143. Exemption for certain sirens, bells, etc.

Sirens, whistles and bells which are maintained and utilized solely to serve a public purpose are exempt from the sound level standards of this chapter.

(Code 1975, § 7.065)

Secs. 20-1144--20-1160. Reserved.

DIVISION 2. PERMITS*

***Cross references:** Schedule of deposits for violation of the provisions in this division, § 5-3.

Sec. 20-1161. Application.

Applications for conditional use permits provided for in this chapter shall be made in duplicate to the zoning administrator on forms furnished by the zoning administrator and shall include the following:

- (1) Names and addresses of the applicant, owner of the site, architect, professional engineer, contractor, and all opposite and abutting property owners of record. Abutting property owners include those whose parcel(s) are on the opposite side of the highway regardless of the width of the right-of-way.
- (2) Description of the subject site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
- (3) Plat of survey prepared by a registered land surveyor showing all of the information required under section 20-81 et seq. for a zoning permit and, in addition, the following: mean and historic high-water lines, on or within forty (40) feet of the subject premises, and existing and proposed landscaping.
- (4) For floodland conditional uses, the applicant shall include information that is necessary for the county planning and development committee to determine whether the proposed development will hamper flood flows, impair floodplain storage capacity, or cause danger to human or animal life. This additional information may include plans, certified by a registered professional engineer or land surveyor, showing elevations or contours of the ground; fill or storage elevations, lowest floor elevations of structures, size, location, and spatial arrangement of all existing and proposed structures on the site; location and elevation of streets, water supply, and sanitary facilities; photographs showing existing land uses and vegetation upstream and downstream; soil types and other pertinent information.
- (5) Fee receipt from the zoning administrator for the fee required by the schedule of fees adopted by the board of supervisors Report 79-92 and any subsequent resolutions.

(Code 1975, § 7.041; Ord. No. 91-130, § 7.041, 11-5-91)

Sec. 20-1162. When hearing required.

An application for a conditional use permit will be rejected without a hearing if either the committee or the town board in which the proposed site is located, acting pursuant to section 20-1181 et seq., votes such rejection. In all other cases, the committee shall fix a reasonable time and place for a public hearing on the application, and give public notice thereof in accordance with the applicable requirements of the Wisconsin Statutes. A copy of all notices for public hearings on applications for conditional use in the floodland districts, including a copy of the application, shall be transmitted to the state department of natural resources for review and comment. Final action on floodland applications shall not be taken for thirty (30) days or until the DNR has made its recommendation, whichever comes first.

(Code 1975, § 7.041)

Sec. 20-1163. Notice of hearings on shoreland, shoreland-wetland uses.

Notice of public hearings on shoreland and shoreland-wetland conditional uses shall be mailed to the DNR district office at least ten (10) days prior to the hearing. A copy of any decision on any such conditional use shall be mailed to the DNR district office within ten (10) days after it is granted or denied.

(Code 1975, § 7.041; Ord. No. 86-17, § 7.041, 7-22-86)

Sec. 20-1164. Failure to comply.

(a) No person, firm or corporation shall violate, disobey, neglect or refuse to comply with or abide by the terms and conditions of a conditional use permit.

(b) The failure of any person, firm or corporation to obtain a conditional use permit when required shall constitute a violation of this chapter.

(c) In the event of a violation of subsection (a), above, the zoning administrator or his designee may revoke any conditional use permit, whether or not a citation is issued or injunctive relief is sought.

(Ord. No. 93-9, 5-11-93)

Sec. 20-1165. Modification of existing conditional use permit.

Should the conditions of the area in which a conditional use exists change such that the conditional use allowed by the permit presents an imminent and substantial threat to public health, safety, or property, the committee may review such conditional use permit upon notification and hearing as set forth in this chapter. Any review conducted hereunder shall be limited to revision of the permit to eliminate the threat(s) to public health, safety, or property. Revision of the permit may include addition and/or deletion of specific conditions.

(Ord. No. 93-183, 1-11-94)

Sec. 20-1166. Conditional use permit revocation.

(a) The economic development and land use planning committee may, by motion, initiate a revocation of a conditional use permit. When initiated, the revocation process shall be handled as would a new application for a conditional use permit, following the procedures set forth herein.

(b) After review by the planning and development department and consideration and recommendation by the economic development and land use planning committee, the committee shall act on the proposal to revoke the conditional use permit. Grounds for revocation shall include, but not be limited to, the following:

(1) A change in conditions affecting the public health, safety, and welfare since adoption of the conditional use permit; or

(2) Repeated violations of this chapter by the owner/operator of the use, including violations of any conditions attached to the conditional use permit; or

(3) Fraudulent, false, or misleading information supplied by the applicant or his agent

for the conditional use permit; or

(4) Improper public notice of the conditional use permit public hearing(s) when the permit was considered by the economic development and land use planning committee.

(Ord. No. 2005-69S, 9-13-05)

Sec. 20-1167. Procedures for siting livestock facilities.

(a) These procedures apply to livestock facilities that require a conditional use permit under this chapter which are all new or expanded livestock facilities that will have five hundred (500) or more animal units.

(b) *Permits for existing livestock facilities.*

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

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

b. The maximum number previously approved or, if no maximum number was previously approved, a number that is twenty (20) percent higher than the number kept on May 1 2006, or on the effective date of the permit requirement, whichever date is later.

(2) A permit is not required for livestock facility that existed before May 1, 2006, or before the effective date of the permit requirement in this division, except as provided in subsection (1).

(3) A permit is not required for livestock facility that was previously issued a conditional use permit or other local approval, except as provided in subsection (1). A prior approval for the construction of a livestock facility implies approval for the maximum number of animal units that the approved livestock facility was reasonably designed to house, except as otherwise clearly provided in the approval. Prior approval of a single livestock structure, such as a waste storage structure, does not constitute prior approval of an entire livestock facility.

(c) *Application procedures.* In addition to the standard conditional use application requirements of section 20-1161, a livestock operator must complete the application and worksheets prescribed by § ATCP 51, including any authorized local modifications. The application requirements specified in § ATCP 51, Wis. Adm. Code, are incorporated by reference, without reproducing them in full. The application form and worksheets establish compliance with the standards in ATCP 51 and this division.

The operator must file four (4) duplicate copies of the § ATCP 51 application form, including worksheets, maps and documents (other than engineering design specifications) included in the application.

(d) *Application fee.* In addition to the standard conditional use filing fee, a non-refundable § ATCP 51 application fee as established by board of supervisors resolution shall accompany an application.

(e) *Application review procedure.*

(1) Within forty-five (45) days after the planning and development department receives an application, it shall notify the applicant whether the application is complete. If the application is not complete, the notice shall describe the additional information needed. Within fourteen (14) days after the applicant provides all of the required information, the

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

(2) Within fourteen (14) days after the department notifies an applicant that the application is complete, the department shall notify adjacent landowners of the application. The department shall use the approved notice form in § ATCP 51, and mail a written notice to each adjacent landowner.

(3) The economic development and land use planning committee shall grant or deny an application within ninety (90) days after the notice of a complete application is provided as required by subsection (2) above. The economic development and land use planning committee may extend this time limit for good cause, including any of the following:

- a. The committee needs additional information to act on the application.
- b. The applicant materially modifies the application or agrees to an extension.

The committee shall give written notice of any extension. The notice shall specify the reason for the extension, and the extended deadline date by which the committee will act on the application.

(f) *Public hearing.* The economic development and land use planning committee will schedule a public hearing on the application within ninety (90) days after issuing notice of a complete application.

(g) *Standards.* The standards for issuing a permit are as follows:

- (1) The state livestock facility siting standards adopted under § ATCP 51, Wis. Adm. Code. These standards are incorporated by reference, without reproducing them in full.
- (2) Setbacks authorized by this chapter.

(h) *Criteria for issuance of a permit.*

(1) A permit shall be issued if the application for the proposed livestock facility contains sufficient credible information to show, in the absence of clear and convincing information to the contrary, that the proposed livestock facility meets the standards specified in the ordinance. Note: If the application and worksheets prescribed by ATCP 51 are properly completed, there is a rebuttable presumption that the applicant has met the application requirements.

(2) A permit may be denied if any of the following apply:

- a. The application, on its face, fails to meet the standard for approval.
- b. The political subdivision finds, based on other clear and convincing information in the record, that the proposed livestock facility does not comply with applicable standards in this division.
- c. Other grounds authorized by W.S.A., § 93.90, that warrant disapproving the proposed livestock facility.

(3) No conditions may be imposed on the permit other than the standards provided in this chapter.

(i) *Record of decision.*

(1) The economic development and land use planning committee shall issue its decision in writing. Its decision shall be based on written findings of fact supported by evidence in the record.

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

in the application.

(j) *Notice to the department of agriculture, trade and consumer protection.* Racine County, as required by § ATCP 51.34(5), within thirty (30) days of the county decision on the application shall do all of the following:

(1) Give the department of agriculture, trade and consumer protection written notice of the town/county decision.

(2) File with the ATCP a copy of the final application granted or denied, if the county has granted or denied an application under this ordinance. (The copy shall include all of the worksheets, maps and other attachments included in the application, except that it is not required to include the engineering design specifications).

(3) If the county has withdrawn a local approval under this division, file with the department a copy of the county final notice or order withdrawing the local approval.

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

(1) Begin populating the new or expanded livestock facility.

(2) Begin constructing all of the new or expanded livestock housing or waste storage structures proposed in the permit application.

(l) *Permit modifications.* The operator may make reasonable changes that maintain compliance with the standards in this division, and the county shall not withhold authorization for those changes. It is Racine County's responsibility to determine what changes are reasonable.

(m) *Compliance monitoring.* The county shall monitor compliance with the chapter as follows:

(1) Upon notice to the livestock facility owner, request the right of the zoning administrator to personally view the permitted facility at a reasonable time and date to ensure that all commitments of the application as approved are being complied with.

(2) If the livestock facility owner refuses the zoning administrator the right to view the permitted facility, the zoning administrator may request the assistance of the sheriff or deputy sheriff to obtain an inspection warrant from the circuit court to inspect the permitted facility for the purpose of protection of the public health and safety under W.S.A., § 66.0119.

(3) If a permitted facility is found not to be in compliance with the commitments made in the approved application, the zoning administrator shall issue a written notice to the livestock facility owner stating the conditions of non-compliance and directing that compliance of the commitments of the approved application be complied with in a reasonable amount of time stated in this notice.

(4) If non-compliance of the permit conditions as described in the written notice given by the zoning administrator continue past the stated reasonable time to comply, the zoning administrator may take further action as provided in this division, including, but not limited to, issuance of a citation or seeking of injunctive relief.

(5) If the livestock facility owner disputes that the conditions of the permit have not been complied with, the livestock facility owner may request a hearing in writing within five (5) days of receipt of the notice of non-compliance. The economic development and land use planning committee shall schedule a hearing within five (5) days to determine if the conditions of the permit have been complied with or whether non-compliance of the commitments of the approved application and local approval exists. The date of the

hearing shall be based on the economic development and land use planning committee's published hearing schedule.

(n) *Terms of the permit.* A permit and the privileges granted by a permit issued under this chapter are conditioned on the livestock operator's compliance with the standards in this chapter and with commitments made in the application for a permit. Racine County is authorized to suspend a permit or seek other redress provided in this division for non-compliance.

(o) *Transferability.*

(1) A permit and the privileges granted by the permit run with the land and remain in effect, despite a change in ownership of the livestock facility, as long as the new operator does not violate the terms of the local approval. An applicant may record with the register of deeds, at the applicant's expense, the duplicate copy of the approved application.

(2) Upon change of ownership of the livestock facility, the new owner of the facility shall file information with the town/county clerk providing pertinent information, including, but not limited to, such information as the name and address of the new owner and date of transfer of ownership.

(Ord. No. 2006-91, 10-26-06)

Secs. 20-1168--20-1180. Reserved.

DIVISION 3. REVIEW PROCEDURE AND APPROVAL STANDARDS

Sec. 20-1181. Joint approval by planning and development committee and town board.

(a) The county zoning administrator shall mail to the clerk of the town within which the conditional use is proposed a copy of all maps, plans and other documents submitted by the applicant and notice of the time and place of the public hearing to be held on the proposed conditional use. Such information must be mailed at least ten (10) days prior to the hearing. The town board may attend the hearing and in any event may then or earlier indicate its position with regard to granting, denying, granting in part or conditionally the application.

(b) The town board may communicate its position by any representative it may select and either orally or in writing. Failure of the town board to communicate its position on the application prior to the hearing shall be deemed to constitute approval by the town board of whatever action the planning and development committee may take unless the town board or its representative shall attend the hearing, in which case it or its representative shall meet jointly with the planning and development committee after the hearing and indicate the town board's position. If the town board or its representative shall at such joint meeting request an extension of time within which to determine its position, such extension shall automatically be granted for a period of one (1) week or for such longer period as the planning and development committee shall consider to be reasonable after taking into account these factors: the complexity and importance of the matter; the diligence shown by the applicant in submitting the application; the need of the applicant and the area for a prompt decision.

(c) Approval of conditional uses may be by the planning and development committee alone, if the town board fails to take a position before or at the hearing, or by the end of any due extension of time after the hearing. Denial may be by the vote of either the planning and development committee or, if timely done, by the town board. The town board, however, shall not have the power to approve or disapprove conditional uses in any areas such as shorelands, where applicable statutes of the state give such power exclusively to the board of supervisors

and the state, provided, however, that the town board shall have the power to impose conditions on such conditional use which are more strict than those imposed by the county.

(d) If the town board and planning and development committee shall both approve the application subject to certain conditions and such conditions shall not be identical, then the more restrictive conditions shall apply. If the applicant, or the town board, or the planning and development committee, shall deem it to be unclear as to which restrictions apply, it may request a joint meeting of the town board and county planning and development committee for the purpose of clarifying or, if need be, amending the restrictions so as to clarify the applicable restrictions.

(e) In those cases where this chapter requires the planning and development committee to request a recommendation of a state agency or other planning agency prior to taking final action, the time within which the town board may disapprove such a proposed conditional use shall be extended until the meeting at which the planning and development committee finally acts on the application, or seven (7) days thereafter, if the town board so requests at such meeting.

(Code 1975, § 7.042(A))

Sec. 20-1182. Standards in reviewing conditional uses.

In reviewing the proposed conditional uses, the planning and development committee and the town board shall be guided by the following standards and requirements:

(1) All conditional uses must be in accordance with the purpose and intent of this chapter and shall not be hazardous, harmful, offensive or otherwise adverse to the environmental quality, water quality, shoreland cover or property values in the county and its communities.

(2) A review of the site, existing and proposed structures, architectural plans, neighboring land and water uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, waste disposal, water supply systems, and the effect of the proposed use, structure, operation and improvement upon flood damage protection, water quality, shoreland cover, natural beauty and wildlife habitat.

(3) Conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, location, size and number of signs, water supply and waste disposal systems, higher performance standards, street dedication, certified survey maps, floodproofing, ground cover, diversions, silting basins, terraces, stream bank protections, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or additional parking may be required by the planning and development committee upon its finding that these are necessary to fulfill the purpose and intent of this chapter and the State Water Resources Act of 1965, and to meet the provisions of state's floodplain, and shoreland management programs.

(4) Compliance with all other provisions of this chapter, such as lot width and area, yards, height, parking, loading, traffic, highway access and performance standards, shall be required of all conditional uses. Variances shall only be granted as provided in section 20-31 et seq.

(5) With respect to conditional uses within shorelands, the standards set forth in W.S.A., § 144.26(5)(a), in particular as they relate to the avoidance or control of pollution.

(Code 1975, § 7.042(B))

Sec. 20-1183. Review and approval by the zoning administrator of shoreland, floodplain applications.

(a) The zoning administrator may approve shoreland/floodplain conditional use permit applications under sections 20-1036 et seq., 20-1266 et seq., and 20-1291 et seq. without a public hearing provided that the applicant agrees to sign a contract setting forth the methods for eliminating erosion, sedimentation, and pollution.

(b) The zoning administrator may request technical assistance from the county land conservation office, county park department, county highway engineer, county sanitarian or other county officers, departments, commission and boards in reviewing a shoreland/floodplain conditional use permit application prior to setting forth the contractual provisions. Such contractual provisions shall be in compliance with the standards set forth in this division.

(c) The applicant may request a public hearing if he does not agree with the provisions of the contract or feels the public hearing is in the applicant's best interest.

(d) The zoning administrator may require a formal conditional use public hearing where it is deemed that the subject land may be susceptible to flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low bearing strength, erosion or any other feature likely to be harmful to the sensitive environment of the shoreland/floodplain areas, or to the public interest of the county.

(e) The zoning administrator shall mail a copy of the application together with all maps, plans, and other documents submitted by the applicant to the town board within which the subject land lies. The town board shall have the power to impose conditions on shoreland/floodplain conditional use applications which are more strict than those imposed by the zoning administrator. The town board shall have twenty (20) days from the receipt of the application to notify the zoning administrator of the more strict conditions being imposed for inclusion in the contract.

(Code 1975, § 7.042(C))

Sec. 20-1184. Review and approval of minor additions and accessory structures.

(a) Approval of minor additions, expansions or alterations to principal or accessory structures, where such structures were previously approved after a conditional use public hearing, may be granted without further public hearing as a site plan review function of the planning and development committee and the appropriate town board. Such additions, expansions or alterations may be approved in this manner provided that total lifetime additions, alterations or expansions do not exceed fifty (50) percent of the current equalized assessed value of the structure to which they are being attached. Further accessory structures for such previously approved uses/structures may also be approved via site plan review.

(b) The applicant may request a public hearing if he does not agree with the provisions of the conditions of approval or feels that a public hearing is in the applicants' best interest.

(c) The planning and development committee through the zoning administrator may request technical assistance from the county land conservation office, county park department, county highway engineer, county environmental control department or other county officers, departments, commission, and boards in reviewing a site plan approval application prior to setting forth the provisions of site plan approval. Such provisions shall be in compliance with the standards set forth in this division.

(d) The zoning administrator shall mail a copy of the application together with all maps, plans,

and other documents submitted by the applicant to the town board within which the subject land lies. The town board shall have the power to impose conditions on site plan approval applications which are more strict than those imposed by the planning and development committee or may approve or deny the request. The town board shall have twenty (20) days from the receipt of the application to notify the zoning administrator of the more strict conditions being imposed or if the request is approved or denied.

(Code 1975, § 7.042(D); Ord. No. 86-86, § 7.042(D), 8-26-86)

Sec. 20-1185. General standards applicable to all floodplain districts.

(a) *Hydraulic and hydrologic analyses.*

(1) Except as allowed in subsection (3) below, no floodplain development shall:

- a. Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, increasing regional flood height; or
- b. Increase regional flood height due to floodplain storage area lost, which equals or exceeds 0.01 foot.

(2) The zoning administrator shall deny permits if it is determined the proposed development will obstruct flow or increase regional flood heights 0.01 foot or more, based on the officially adopted FIRM or other adopted map, unless the provisions of subsection (3) are met.

(3) Obstructions or increases equal to or greater than 0.01 foot may only be permitted if amendments are made to this division, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with article IV.

(b) *Watercourse alterations.* No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the local official has notified in writing all adjacent municipalities, the department and FEMA regional offices and required the applicant to secure all necessary state and federal permits.

The flood carrying capacity of any altered or relocated watercourse shall be maintained. As soon as is practicable, but not later than six (6) months after the date of the watercourse alteration or relocation, the zoning administrator shall notify FEMA of the changes by submitting appropriate technical or scientific data in accordance with NFIP guidelines that shall be used to revise the FIRM, risk premium rates and floodplain management regulations as required.

(c) *Chapter 30, 31, Wis. Stats. Development.* Development which requires a permit from the department, under W.S.A. chs. 30 and 31, such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodway lines water surface profiles, BFE's established in the FIS, or other data from the officially adopted FIRM, or other floodplain zoning maps or the floodplain zoning ordinances are made according to § 8.0.

(d) *Public or private campgrounds.* Public or private campgrounds shall have a low flood damage potential and shall meet the following provisions:

- (1) The campground is approved by the department of health and family services.
- (2) A conditional use permit for the campground is issued by the zoning administrator.
- (3) The character of the river system and the elevation of the campground is such that a seventy-two-hour warning of an impending flood can be given to all campground occupants.

(4) There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation.

(5) This agreement shall be for no more than one (1) calendar year, at which time the agreement shall be reviewed and updated (by the officials identified in subsection (4)) to remain in compliance with all applicable regulations, including those of the state department of health and family services and all other applicable regulations.

(6) Only camping units are allowed.

(7) The camping units may not occupy any site in the campground for more than one hundred eighty (180) consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of twenty-four (24) hours.

(8) All camping units that remain on site for more than thirty (30) days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed one hundred eighty (180) days and shall ensure compliance with all the provisions of this section.

(9) The municipality shall monitor the limited authorization issued by the campground operator to assure compliance with the terms of this section.

(10) All camping units that remain in place for more than one hundred eighty (180) consecutive days must meet the applicable requirements in either § 3.0 or § 4.0 for the floodplain district in which the structure is located.

(11) The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued.

(12) All service facilities, including but not limited to refuse collections, electrical service, natural gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or flood proofed to the flood protection elevation.

(Ord. No. 2005-155, 1-10-06)

Secs. 20-1186--20-1200. Reserved.

DIVISION 4. MOBILE HOME PARKS*

***Cross references:** Mobile homes and mobile home parks in the floodplain overlay districts, § 20-1270.

Sec. 20-1201. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings

ascribed to them in this section, except where the context clearly indicates a different meaning:

Lot shall mean a mobile home space plus all required yards for a mobile home.

Mobile home shall have the meaning listed in section 20-1. Any additions, attachments, annexes, foundations and appurtenances shall be approved by the town building inspector.

Mobile home park shall have the meaning listed in section 20-1.

Space shall mean a plot of ground designed for the accommodation of one (1) mobile home.

(Code 1975, § 7.048(A); Ord. No. 94-235, 2-28-95)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 20-1202. When, where allowed.

Mobile home parks may be allowed as a conditional use in the A-2 agricultural district subject to the requirements of this division and all provisions of this chapter pertaining to conditional uses. No mobile home shall be used as a residence within the county unless located within a mobile home park.

(Code 1975, § 7.048)

Sec. 20-1203. Application for zoning permit.

(a) An application for a county zoning permit for a mobile home park shall be accompanied by a duly issued license or permit from the town in which the mobile home park is to be located. In the absence of such town license or permit, the application for a county permit shall be denied. The application shall be filed with the zoning administrator in duplicate and shall be accompanied with duplicate sets of plans and specifications which shall be in compliance with all county or town ordinances and provisions of the state division of health and a performance bond in the sum of five thousand dollars (\$5,000.00) to insure completion of the mobile home park within six (6) months from the date of the issuance of the county zoning permit and insuring further that such completion is in compliance with the requirements of this chapter. No mobile home shall be occupied until all conditions of this chapter have been met and an occupancy permit issued.

(b) The life of a county zoning permit for a mobile home park shall be six (6) months, but may be extended for not more than an additional ninety (90) days in the aggregate by the zoning administrator with the approval of the planning and development committee upon the holder of the county zoning permit showing good cause arising out of an act of God, delay in construction due to the elements, fire or due to a strike that is not within the control of the person requesting the extension.

(c) The application shall contain the following information:

- (1) Name, address and telephone number of applicant;
- (2) A legal description of the land upon which applicant seeks to have a zoning permit for a mobile home park;
- (3) The names and addresses of all persons owning land abutting upon such land; and
- (4) The names and addresses of all persons owning lands located across the street from such land.

(Code 1975, § 7.048(B))

Sec. 20-1204. Location.

No mobile home shall be located less than fifty (50) feet from any highway right-of-way line. The location of each mobile home park shall be approved or denied in writing within sixty (60) days. In approving such location, the zoning administrator shall view the proposed site or sites and shall consider such evidence as may be presented, bearing upon the general purposes and intent of this chapter to promote the public health, safety and general welfare and the specific purpose of this section to prevent the overcrowding of land and the development of housing blight in rural area.

(Code 1975, § 7.048(C))

Sec. 20-1205. Specific requirements.

(a) *Drainage.* Every mobile home park shall be located on a well drained site and shall be so graded and adequately drained as to eliminate collection of surface waters at any point in the mobile home park and drainage easements obtained when necessary.

(b) *Sewage.* Adequate provisions shall be made for the disposal of all sewage from a mobile home park into a municipal sanitary sewer where available, or by properly constructed and maintained sewage exidation system approved by the state DNR.

(c) *Water.* Where a public water supply is not available within the mobile home park an adequate supply of pure water for drinking and domestic purposes shall be provided in an amount sufficient to care for the needs of the maximum number of persons which can be accommodated in such mobile home park, approved by the state DNR.

(d) *Refuse.* Every mobile home in the park shall have at least two (2) containers with close fitting covers for garbage and provisions shall be made for the handling and removal of all garbage, trash or refuse from the park no less than twice each week.

(e) *Lighting.* All entrances, exits, lanes, and driveways between rows of trailers used or occupied in any mobile home park shall be lighted by electric lighting of at least one (1) watt per lineal foot.

(Code 1975, § 7.048(D))

Sec. 20-1206. Mobile home lots.

(a) Each mobile home shall be located on a lot of not less than five thousand (5,000) square feet.

(b) Each mobile home lot shall contain a parking space upon which the mobile home shall be situated which parking space shall be graveled or paved with concrete or bituminous material. Each parking space shall be not less than ten (10) feet wide nor of less length than the length of the trailer to be parked therein, plus five (5) feet.

(c) There shall be additional parking spaces for automotive vehicles within such park, surfaced as required above. Each automobile parking space shall be not less than nine (9) feet wide and one hundred sixty (160) square feet in area, exclusive of maneuvering and access space.

(d) There shall be a system of driveways, with a minimum of thirty-six (36) feet widths, surfaced as required by subsection (b) above, providing access from each and every trailer and automobile parking space within such mobile home park to the public street or highway; provided that there shall not be more than two (2) entrances from or exits to such street or highway from any one (1) such park.

(e) Each mobile home space shall be separated from all other mobile home spaces, automobile parking spaces or service buildings or structures within such park by open spaces,

permanently planted to grass, flowers, shrubs or trees, which shall be not less than fifteen (15) feet wide, except that there need not be more than a five-foot setback from an access driveway; provided, however, that such five-foot setback shall apply to the longest trailer to be accommodated within such park.

(f) Each mobile home park shall be completely surrounded, except for permitted entrances and exits, by a yard, in addition to all other required yards and open spaces, which shall not be less than fifteen (15) feet wide.

(Code 1975, § 7.048(E))

Sec. 20-1207. Mobile home use restrictions.

(a) *Businesses prohibited.* No business shall be conducted in any trailer in a mobile home park.

(b) *Registers.* Each mobile home park shall maintain an office where a register shall be kept for the registration of all occupants, which register shall be open to county or town officials for inspection and shall contain information as follows:

- (1) Name and address of each occupant;
- (2) Trailer license number and manufacturer's name;
- (3) Automobile license number, and name and make of automobile;
- (4) Number of site to which assigned;
- (5) Last place of location;
- (6) Date of arrival; and
- (7) Date of departure.

(Code 1975, § 7.048(F), (G))

Sec. 20-1208. Appeal from denial.

In the event the zoning administrator is required to deny an application for a county zoning permit for a mobile home park, the applicant has the right to appeal to the board of adjustment as in other cases for a variance.

(Code 1975, § 7.048(H))

Secs. 20-1209--20-1225. Reserved.

DIVISION 5. INDUSTRIAL AND AGRICULTURAL USES

Sec. 20-1226. Uses permitted conditionally.

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

- (1) Animal hospitals in the A-1, A-2 and A-4 agricultural districts, the B-5 business district and the M-2 and M-3 industrial districts; provided the lot area is not less than

three (3) acres, and all principal structures and uses are not less than one hundred (100) feet from any residential district.

(2) Commercial raising, propagation, boarding or butchering of animals, such as dogs, mink, rabbits, foxes, goats and pigs; the commercial production of eggs; and the hatching, raising, fattening or butchering of fowl in the A-1 and A-2 agricultural districts. Pea vineries, creameries and condenseries in all agricultural districts and the M-3 industrial district.

(3) Manufacture and processing of abrasives, acetylene, acid, alkalies, ammonia, asbestos, asphalt, batteries, bedding, bleach, bone, cabbage, candle, carpeting, celluloid, cement, cereals, charcoal, chemicals, chlorine, coal tar, coffee, coke, cordage, creosote, dextrine, disinfectant, dye, excelsior, felt, fish, fuel, furs, gelatin, glucose, gypsum, hair products, ice, ink, insecticide, lampblack, lime, lime products, linoleum, matches, meat, oil cloth, paint, paper, peas, perfume, pickle, plaster of paris, plastics, poison, polish, potash, pulp, pyroxylin, radium, rope, rubber, sausage, shoddy, shoe and lampblacking, size, starch, stove polish, textiles, and varnish, manufacturing, processing, and storage of building materials, explosives, dry ice, fat, fertilizer, flammables, gasoline, glue, grains, grease, lard, plastics, radioactive materials, shellac, soap, turpentine, vinegar and yeast; manufacture and bottling of alcoholic beverages, bag cleaning, bleacheries, canneries, cold storage warehouses; electric and steam generating plants; electroplating; enameling; forges, foundries; garbage; incinerators; lacquering; lithographing; offal, refuse, or animal reduction; oil, coal, and bone distillations; refineries, road test facilities; slaughterhouses; smelting; stockyards; tanneries; and weaving, all in the M-3 heavy industrial district and shall be at least six hundred (600) feet from residential and public and semipublic districts.

(4) Outside storage and manufacturing areas in the M-3 heavy industrial district. Wrecking, junk, demolition and scrap yards shall be surrounded by a solid fence or evergreen planting screen completely preventing a view from any other property or public right-of-way and shall be at least six hundred (600) feet from residential, public and semipublic districts.

(5) Commercial service facilities, such as restaurants and fueling stations, in the M-1, M-2 and M-3, industrial districts provided all such services are physically and sales-wise oriented toward industrial district users and employees and other users are only incidental customers.

(6) The parking of school buses, semi-tractors and trailers or other vehicles of a commercial nature in the A-2 agricultural district provided all such uses are at least six hundred (600) feet from any residential district and one hundred (100) feet from any other residence and landscape screening to be determined on a site specific basis is in place. If the vehicles are parked inside a structure, the above distance may be reduced. Only one (1) vehicle unit (a school bus, a semi-tractor or trailer, etc.) may be allowed on a parcel of land.

(7) Sanitary landfills and their related accessory uses when operated in accordance with the provisions of the applicable chapters of the Wisconsin Administrative Code in the M-3 industrial district.

(8) Airports, airstrips and landing fields for the use of the property owner for personal and farm related activities in the A-1 and A-3 agricultural districts.

(9) Airports, airstrips and landing fields in the A-2 district.

(10) Storage and maintenance of construction equipment and vehicles in the A-2 district. The storage area for all such equipment and vehicles shall be at least six hundred (600) feet from residential, public and semipublic districts.

(11) Recycling centers and recycling plants in the M-3 district.

(12) This conditional use category is created in recognition of the potential which exist in livestock facility operations for uncontrolled runoff and animal waste pollution of surface and groundwater and potential for such uses to become a nuisance. Livestock facilities as defined herein, including livestock and poultry of all types, may be permitted as conditional uses in all agricultural districts subject to the following:

- a. No livestock facility operation shall be permitted on less than thirty-five (35) acres of agriculturally-zoned land (including A-2) nor closer than one thousand (1,000) feet from any land presently zoned residential (does not include A-2 zoned parcels).
- b. No accessory residence shall be permitted closer than one hundred (100) feet to the livestock facility.
- c. Except as provided for waste storage structures, no part of the livestock facility operation shall be closer than one hundred (100) feet from the right-of-way line of any public road if the livestock facility will have fewer than one thousand (1,000) animal units, and one hundred fifty (150) feet if the livestock facility will have one thousand (1,000) or more animal units, nor closer than one hundred (100) feet if the livestock facility will have fewer than one thousand (1,000) animal units, and two hundred (200) feet if the livestock facility will have one thousand (1,000) or more animal units from any other lot lines of the site on which the production unit is situated. In addition the requirements below, proximity to lakes, ponds, rivers, streams, wells, bedrock and groundwater for feedlot and manure storage facility must meet NRCS standards.
- d. A new waste storage structure may not be located within three hundred fifty (350) feet of the nearest point of any public road right-of-way.

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

- Located on the same tax parcel as a waste storage structure in existence before May 1, 2006;
- No larger than the existing structure;
- No further than fifty (50) feet from the existing structure; or
- No closer to the road or property line than the existing structure.

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

e. 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 W.S.A., § 59.692, 61.351 or 62.231, Stats., and 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 granted under W.S.A., § 87.30, Stats.

f. All wells located in a livestock facility shall comply with chs. NR811 and 812. New or substantially altered livestock structures shall be separated from existing wells by the distances required in chs. NR 811 and 812, regardless of whether the livestock facility operator owns the land on which the wells are located. A livestock structure in existence on May 1, 2006, may be altered as long as the alteration does not reduce the distance between the livestock structure and an existing well.

g. It is important that careful planning and sound management be applied to the operation of manure handling and waste run-off. A conservation plan addressing the proposed methods of manure handling, storage, disposal and waste runoff controls shall be prepared and made a part of the plan of operation for any proposed livestock facility operation and shall be approved by the land conservation department, the economic development and land use planning committee and town in which the facility is located.

h. Animal waste shall not be surface applied on the land between December 1 and April 1 unless the manner of application has been reviewed by and approved by the town plan commission and land conservation department staff.

i. The site plan must show surface water drainage patterns and the methods to be employed to control, contain or divert clean water runoff from the livestock facility/manure storage facilities. All polluted surface water runoff must conform to NRCS standards.

j. An operations plan detailing the method of operation and the equipment necessary to accomplish a safe and sanitary disposal of animal waste. An agreement must be filed with the town and county by the owner of the land that any manure discharged in a drainage way or a public way, either intentionally or accidentally, will be cleaned up by the owner and that the town and county may clean up such condition and the cost thereof assessed back to the property owner.

k. A statement of the maximum number of animals to be contained in the proposed livestock facility. This plan shall include numbers, types, and weights.

l. No single-family residence shall be constructed within one thousand (1,000) feet of a livestock structure or building. This provision shall not apply to dwelling units that are accessory to a livestock facility.

(13) Off-season storage facilities for boats and other recreational vehicles, such as campers, travel trailers, snowmobiles, off-road vehicles, and motor homes, in the B-3, B-5, M-2, M-3, and A-2 districts.

In the A-2 District, such storage may only occur in a barn or other accessory building that was constructed prior to January 1, 2000.

In the B-3, B-5, and M-2 districts, such storage may only occur as an accessory use to an approved self-service storage facility.

(14) Non-municipal, non-commercial off-road trails for off-road vehicles in the A-2 agricultural district subject to the following:

a. The off-road trails shall be at least six hundred (600) feet from residential, institutional park and recreational park districts, and at least six hundred (600) feet from the nearest lot line in any other zoning district if there exists a legal public or semi-public use listed in section 20-1336.

b. A detailed plan shall be presented showing the location of off-road trails and indicating speed limits and the posting thereof along with other warning and cautionary signs.

c. Noise, land disturbance, dust and safety issues must be addressed. In addition, a restoration plan must be in place if the landscape is altered.

d. The economic development and land use planning committee shall consider the effect of the proposed operation upon existing streets, neighboring development, proposed land use, drainage, soil erosion, and natural beauty.

e. The conditional use permit shall be valid for one (1) year. Renewal request shall be filed with the planning and development department at least sixty (60) days prior to the expiration date.

f. Commercial off-road trails for off-road vehicles are prohibited in all but the B-3, B-4, B-5 and B-6 districts, pursuant to section 20-1246(b).

g. Seasonal snowmobile trails mapped by the Racine County Alliance of snowmobile clubs and/or with oversight by the Racine County Public Works Department are exempt from the provision of this section.

(Code 1975, § 7.049; Ord. No. 93-99, 9-14-93; Ord. No. 97-155, 11-11-97; Ord. No. 2005-69S, 9-13-05; Ord. No. 2006-91, 10-26-06; Ord. No. 2007-28, 6-26-07)

Sec. 20-1227. Application.

Application for the conditional use permit for sanitary landfills shall be accompanied by the following:

- (1) A plat of survey of the proposed site and an adequate description of the operational methods, including leachate collections and disposition;
- (2) A list of equipment, machinery, and structures to be used;
- (3) The source, quantity, and disposition of any water or other material to be used in the sanitary landfill operation;
- (4) A topographic map of the site showing existing contours with a maximum vertical contour interval of two (2) feet, existing trees, proposed and existing access roads, and the depth of all existing and proposed excavations and fills; and
- (5) A restoration and reuse plan. The restoration and reuse plan provided by the applicant shall contain:
 - a. Proposed contours after filling or restoration;
 - b. Depth of the restored topsoil; and
 - c. Planting or restoration and reforestation commencement and completion dates.

(Code 1975, § 7.049)

Sec. 20-1228. Mineral extraction.

Mineral extraction operations, including washing, crushing or other processing, are conditional uses and may be permitted in the M-4 quarrying district provided:

- (1) The application for the conditional use permit shall include: an adequate description of the operation; a list of equipment, machinery and structures to be used; the source, quantity and disposition of water to be used; a topographic map of the site showing existing contours with a contour interval no greater than five (5) feet, trees, proposed and existing access roads, the depth of all existing and proposed excavations; and a restoration plan.
- (2) The restoration plan provided by the applicant shall contain proposed contours after filling, depth of the restored topsoil, type of fill, planting or reforestation, restoration commencement and completion dates. The applicant shall furnish the necessary fees to provide for the county's inspection and administrative costs and the necessary sureties

which will enable the county to perform the planned restoration of the site in event of default by the applicant. The amount of such sureties shall be based upon cost estimates prepared by the county engineer, and the form and type of such sureties shall be approved by the corporation counsel.

(3) The conditional use permit shall be in effect for a period not to exceed two (2) years and may be renewed upon application for a period not to exceed two (2) years. Modifications or additional conditions may be imposed upon application for renewal.

(4) The planning and development committee shall particularly consider the effect of the proposed operation upon existing streets, neighboring development, proposed land use, drainage, water supply, soil erosion, natural beauty, character and land value of the locality and shall also consider the practicality of the proposed restoration of the site.

(Code 1975, § 7.0410)

Secs. 20-1229--20-1245. Reserved.

DIVISION 6. RECREATIONAL USES

Sec. 20-1246. Uses permitted conditionally.

(a) The following public recreational facilities shall be conditional uses and may be permitted as specified: archery ranges, bathhouses, beaches, boating, camps, conservatories, driving ranges, firearm ranges, golf courses, gymnasiums, hunting, ice boating, marinas, music halls, polo fields, pools, riding academies, skating rinks, sport fields, stadiums, swimming pools and zoological and botanical gardens in the P-2 district provided that the lot area is not less than three (3) acres and all structures are not less than fifty (50) feet from any district boundary.

(b) Commercial recreation facilities, such as arcades, bowling alleys, clubs, dance halls, driving ranges, gymnasiums, lodges, miniature golf, physical culture, pool and billiard halls, racetracks, rifle ranges, turkish baths, skating rinks and theaters are conditional uses and may be permitted in the B-3, B-4, B-5 and B-6 business districts.

(Code 1975, § 7.0411)

Secs. 20-1247--20-1265. Reserved.

DIVISION 7. FLOODLAND USES*

***Editor's note:** Ord. No. 94-155, § 12, adopted Nov. 10, 1994, repealed former Div. 7, §§ 20-1266--20-1268, 20-1270--20-1274, relative to floodland uses, and enacted a new Div. 7 to read as herein set out. The provisions of former Div. 7 derived from Code 1975, § 7.0412 and Ord. No. 88-23, adopted June 28, 1988.

Sec. 20-1266. Uses permitted conditionally.

The floodland uses are conditional uses and may be permitted by the planning and development committee as specified in this division.

(Ord. No. 94-155, § 12, 11-10-94)

Sec. 20-1267. Open space, related uses.

(a) Open space and related uses may be permitted in any floodland district for the following uses provided that the applicant shall show that such use or improvement will not impede drainage, will not cause ponding, will not obstruct the floodway, will not increase flood flow velocities, will not increase the flood stage, and will not retard the movement of floodwaters. When permitted, all structures shall be floodproofed in accordance with the standards set forth in section 20-1068 of this chapter and constructed so as not to catch or collect debris nor be damaged by floodwaters. All floodproofed structures shall be securely anchored to protect them from large floods. Certification of floodproofing shall be made to the zoning administrator and shall consist of a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the flood velocities, forces, depths, and other factors associated with the one-hundred-year recurrence interval flood.

- (1) Navigational structures.
- (2) Public water measuring and control facilities.
- (3) Bridges and approaches.
- (4) Marinas.
- (5) Utility poles, towers, and underground conduit for transmitting electricity, telephone, natural gas and similar products and services.
- (6) Park and recreational areas, not including structures.
- (7) Parking lots and loading areas accessory to permitted uses in adjacent districts, not including new or used vehicle sales or storage areas, provided that such uses shall not be subject to inundation depths greater than two (2) feet or flood velocities greater than two (2) feet per second.
- (8) Filling as authorized by the state department of natural resources to permit the establishment of approved bulkhead lines.
- (9) Other open space uses consistent with the purpose and intent of the district and compatible with uses in adjacent districts, not including structures.

(b) The thin mantle spreading of spoils resulting from the cleanout and/or dredging of existing drainage ditches or canals may be permitted in the FCO urban floodplain conservancy overlay district, the FFO urban floodplain fringe overlay district and the GFO general floodplain overlay district provided that such spreading does not result in an increase in the flood stage of the one-hundred-year recurrence interval flood equal to or greater than 0.01 foot; the spoils are leveled to a maximum depth of twelve (12) inches; and provided that such spreading will not have a significant adverse impact upon the criteria established by the State Department of Natural Resources in NR116.07.

(c) Flood control/flood hazard mitigation projects which are contained in watershed plans approved and adopted by the board of supervisors may be permitted in the FCO urban floodplain conservancy overlay district, the FFO urban floodplain fringe overlay district, and the GFO general floodplain overlay district provided that such projects will not result in an increase in the flood stage of the one-hundred-year recurrence interval flood equal to or greater than 0.01 foot.

(Ord. No. 94-155, § 12, 11-10-94)

Sec. 20-1268. Residential and commercial uses.

(a) Residential, commercial, and institutional structures shall be permitted in the FFO urban floodplain fringe overlay district provided that the structure is permitted in the underlying basic use district and subject to the standards in this section. Any structure or building used for human habitation which is to be erected, constructed, reconstructed, altered, or moved into the floodfringe area shall meet the following standards:

(1) The lowest floor, excluding the basement or crawlway, shall be placed on fill at or above the flood protection elevation (which is a point two (2) feet above the regional flood elevation). The fill elevation surrounding the structure shall be one (1) foot or more above the regional flood elevation extending at least fifteen (15) feet beyond the limits of the structure. The State Department of Natural Resources may authorize other floodproofing measures where existing streets or sewer lines are at elevations which make compliance impractical provided the board of adjustment grants a variance due to dimensional restrictions.

(2) The basement or crawlway floor may be placed at the regional flood elevation providing it is floodproofed to the flood protection elevation. No permit or variance shall allow any floor, basement or crawlway below the regional flood elevation.

(3) Contiguous dryland access as a vehicle access route above regional flood elevation shall be provided from a structure or building to land which is outside of the floodplain, except in subsection (4) below.

(4) In existing developments where existing streets or sewer lines are at elevations which make dryland access impractical, the municipality may permit new development and substantial improvements where access roads are at or below the regional flood elevation, provided that:

a. The municipality has written assurance from the appropriate local units of police, fire, and emergency services that rescue and relief service will be provided to the structure(s) by wheeled vehicles, considering the anticipated depth, duration, and velocity of the regional flood event; or

b. The municipality has an adequate natural disaster plan concurred with by the division of emergency government and approved by the state department of natural resources. The Town of Norway Floodplain Emergency Action Plan has been adopted pursuant to this section and is in effect for the area encompassed by the town sanitary district in the Town of Norway.

(b) In commercial and institutional areas, any structure or building which is to be erected, constructed, reconstructed, altered or moved into the floodfringe area shall meet the requirements for residential use. Storage yards, parking lots, and other accessory structures or land uses may be at lower elevations, subject to the storage requirements of section 20-816 et seq. However, no such area in general use by the public shall be inundated to a depth greater than two (2) feet or subjected to flood velocities greater than two (2) feet per second during the regional flood. Inundation of such yards or parking areas exceeding two (2) feet may be allowed provided that an adequate warning system exists to protect life and property.

(c) Structures placed on fill may be removed from the urban floodplain fringe overlay district provided that lands have been filled to the flood protection elevation or higher; that the fill is contiguous to lands lying outside of the floodlands, and further provided that the property owner, or his agent, has complied with all the requirements for amending the zoning map as set forth in section 20-121 et seq.

(Ord. No. 94-155, § 12, 11-10-94; Ord. No. 97-128, 9-23-97)

Sec. 20-1269. Reserved.

Sec. 20-1270. Mobile homes, parks.

(a) Mobile home parks and mobile home units located within a mobile home park in the FFO urban floodplain fringe overlay district are permitted, provided that the use is permitted in the underlying use district; that a conditional use permit pursuant to section 20-1201 et seq. has been granted; and further provided that the following design and construction standards are complied with:

(1) All mobile homes shall be placed on a concrete pad constructed on fill or on pilings so that the pad elevation is at least one (1) foot above the elevation of the one-hundred-year recurrence interval flood. Fill shall extend at least fifteen (15) feet beyond the limits of the concrete pad.

(2) All mobile homes shall have the lowest floor elevation of the mobile home unit at least two (2) feet above the elevation of the one-hundred-year recurrence interval flood.

(3) Mobile home units placed on pilings shall be placed on lots that are large enough to permit steps.

(4) Where pilings are constructed, they shall rest on stable soil, shall not be greater than ten (10) feet apart, and pilings extending more than six (6) feet above the ground level shall be reinforced.

(5) Mobile home units shall be anchored to resist flotation, collapse or lateral movement. Anchoring shall consist of over-the-top and frame ties to ground anchors. Over-the-top ties shall be installed at each of the four (4) corners of the mobile home unit with two (2) additional ties per side at intermediate points. Only one (1) additional over-the-top tie per side shall be required for mobile home units less than fifty (50) feet in length. Frame ties shall be required at each of the four (4) corners of the mobile home unit with five (5) additional ties per side at intermediate points. Only four (4) additional frame ties shall be required for mobile home units less than fifty (50) feet in length. All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds. Any additions to the mobile home shall be similarly anchored.

(6) All mobile home parks shall be adequately drained and appropriate access for a hauler shall be provided.

(7) Owners and operators of all mobile home parks and mobile home subdivisions located in a floodplain district shall file an adequate evacuation plan indicating vehicular access and escape routes, including mobile home hauler routes, with the county and the appropriate disaster preparedness authorities, and shall provide for adequate surface drainage within the mobile home park to minimize flood damage.

(b) Certification of anchoring, pier construction and pad construction shall be made to the zoning administrator and shall consist of a plan or document certified by a registered professional engineer that the anchoring, pier and/or pads meet the minimum requirements set forth herein, and will withstand the flood velocities, forces, depths and other factors associated with the one-hundred-year recurrence interval flood. Mobile home sites placed on fill may be removed from the urban floodplain fringe overlay district provided that lands have been filled to the flood protection elevation or higher; that the fill is contiguous to lands lying outside of the floodlands, and further provided that the property owner, or his agent, has complied with all the requirements for amending the zoning map as set forth in section 20-121 et seq.

(Ord. No. 94-155, § 12, 11-10-94)

Cross references: Mobile home parks, § 20-1201.

Sec. 20-1271. Accessory; industrial structures.

(a) Accessory structures associated with an open space use, or which are functionally dependent on a waterfront location may be permitted in the FW urban floodway district and the FCO (urban) floodplain conservancy overlay district provided that all structures, when permitted, are not designed for human occupancy, have a low flood damage potential, are constructed and placed to provide minimum obstruction to flood flows (whenever possible, accessory structures shall be placed with their longitudinal axis parallel to the flow of floodwaters), are firmly anchored to prevent them from floating away and restricting bridge openings, and have all service facilities (such as electrical and heating equipment) at an elevation at least two (2) feet above the one-hundred-year recurrence interval floodplain.

(b) Accessory structures associated with agricultural, residential, commercial, institutional, or industrial uses in the FFO urban floodplain fringe overlay district are permitted, provided that all structures, when permitted, are not attached to the principal structure, are not designed for human occupancy or the confinement of animals, have a low flood damage potential, are constructed and placed to provide minimum obstruction to flood flows (whenever possible, accessory structures shall be placed with their longitudinal axis parallel to the flow of floodwaters), are firmly anchored to prevent them from floating away and restricting bridge openings, and have all service facilities (such as electrical and heating equipment) at an elevation at least two (2) feet above the one-hundred-year recurrence interval floodplain.

(1) Except as provided in subsection (2), an accessory structure which is not connected to the principal structure may be constructed with its lowest floor at or above the regional flood elevations.

(2) An accessory structure which is not connected to the principal structure and which is less than six hundred (600) square feet in size and valued at less than ten thousand dollars (\$10,000.00) may be constructed with its lowest floor no more than two (2) feet below the regional flood elevations if it is subject to flood velocities of no more than two (2) feet per second, it meets all the provisions of subsections 20-819(b)(1), (2), (3) and (4), and materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life be stored at or above the flood protection elevation or floodproofed. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.

(c) Industrial structures [in the] FFO urban floodplain fringe overlay district are permitted provided that the structure is permitted in the underlying district and provided that the fill requirements and dryland access requirements for residential structures in the FFO district are complied with. However, when the intent and purpose of this chapter cannot be fulfilled by filling the floodplain fringe due to existing and committed development, and when the planning and development committee has made a finding to this effect, all new structures and all additions to existing structures in the urban floodplain fringe overlay district shall be floodproofed in accordance with the standards set forth in section 20-1068 of this chapter to a point two (2) feet above the elevation of the one-hundred-year recurrence interval flood.

(d) Certification of floodproofing shall be made to the zoning administrator and shall consist of a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the velocities, forces, depths and other factors associated with the one-hundred-year recurrence interval flood level for the particular stream reach.

(e) Structures placed on fill may be removed from the urban floodplain fringe overlay district provided that lands have been filled to the flood protection elevation or higher; that the fill is

contiguous to lands lying outside of the floodlands, and further provided that the property owner, or his agent, has complied with all the requirements for amending the zoning map as set forth in section 20-121 et seq.

(Ord. No. 94-155, § 12, 11-10-94; Ord. No. 2005-155, 1-10-06)

Sec. 20-1272. Water, sewer systems.

Municipal water supply and sanitary sewerage systems in any floodland district may be permitted provided that the system is floodproofed--in accordance with the standards set forth in section 20-1068 of this chapter--to an elevation at least two (2) feet above the elevation of the one-hundred-year recurrence interval flood, and is designed to eliminate or minimize infiltration of floodwaters into the system. All floodproofed utilities shall be anchored to prevent floatation. Certification of floodproofing shall be made to the zoning administrator and shall consist of a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the flood velocities, forces, depths, and other factors associated with the one-hundred-year recurrence interval flood level for the particular stream reach.

(Ord. No. 94-155, § 12, 11-10-94)

Sec. 20-1273. Limited boundary adjustments.

(a) Limited floodland boundary adjustments by a combination of excavating and filling may be permitted in the GFO general floodplain overlay district provided that:

- (1) The excavation shall take place prior to or simultaneously with the filling and shall be in areas either within or contiguous to the floodland;
- (2) The filling of the floodlands shall be to an elevation of at least two (2) feet above the elevation of the one-hundred-year recurrence interval flood;
- (3) The excavated earth material, if suitable for reuse in the area to be filled, shall be so used and, if not suitable or if insufficient in quantity for the fill required, the applicant may be permitted to utilize suitable fill obtained from land other than that which is being excavated;
- (4) There shall be created by the excavation floodwater storage and conveyance capacity at least equal to that which shall be lost by filling.

(b) It is the express legislative intent of this section to allow, after careful review, limited excavation and filling in and immediately adjacent to floodlands so as to create more usable and functional parcels in and adjacent to floodlands while not reducing the floodwater storage and conveyance capacity then existing in the floodlands.

(c) Before issuing a conditional use permit under this section, the planning and development committee shall make a specific written determination that the proposed excavation and filling complies with each of the foregoing four (4) standards as well as the standards applicable to conditional uses under section 20-1182. In making such determinations, the planning and development committee may request an advisory review by a duly constituted watershed committee of the Southeastern Wisconsin Regional Planning Commission.

(d) A limited floodplain boundary adjustment requires department of natural resources and federal emergency management agency approval before a conditional use permit may be issued.

(Ord. No. 94-155, § 12, 11-10-94)

Sec. 20-1274. Preservation of drainageways.

No permit granted for filling or development in the FFO urban floodplain fringe overlay district shall be permitted to adversely affect the channels, floodways or shorelands of any navigable water in the county, or other land lying outside the floodlands.

(Ord. No. 94-155, § 12, 11-10-94)

Secs. 20-1275--20-1290. Reserved.

DIVISION 8. SHORELAND USES**Sec. 20-1291. Uses permitted conditionally.**

The uses set forth in this division may be conditional uses requiring review, public hearing, and approval by the planning and development committee or may be permitted by the zoning administrator subject to the provisions of this article.

(Code 1975, § 7.0413)

Sec. 20-1292. Tree cutting, shrubbery clearing.

(a) Tree cutting and shrubbery clearing not prohibited in section 20-1036 et seq. may be permitted, provided that such cutting and clearing within thirty-five (35) feet inland from the ordinary high-water mark shall not exceed thirty (30) feet in any one hundred (100) feet, as measured along the ordinary high-water mark and shall be so regulated as to prevent erosion and sedimentation, preserve and improve scenic qualities, and during foliage substantially screen any development from stream or lake uses. Paths and trails shall not exceed ten (10) feet in width and shall be so designed and constructed as to result in the least removal and disruption of shoreland cover and the minimum impairment of natural beauty. Any path or trail within the thirty-five-foot area described above shall be constructed and surfaced so as to effectively control erosion.

(b) The planning and development committee or the zoning administrator shall request a review of such tree cutting and shrubbery clearing in excess of one (1) acre by the state department of natural resources and await their recommendations before taking final action, but not to exceed sixty (60) days.

(Code 1975, § 7.0413; Ord. No. 86-17, § 7.0413, 7-22-86)

Sec. 20-1293. Earth movements.

(a) Earth movements, such as grading, topsoil removal, stream course changing, road cutting, waterway construction or enlargement, removal of stream or lake bed materials, excavation, channel clearing, ditching, dredging, lagooning, and soil and water conservation structures, may be permitted provided that such uses are so regulated as to prevent erosion and sedimentation and to least disturb the natural fauna, flora, watercourse, water regimen, and topography.

(b) The planning and development committee or the zoning administrator shall request a review of such earth movement by the county land conservation office and the state district fish

and game managers and a review of each such cutting and clearing from the state district forester and await their recommendations before taking final action, but not to exceed sixty (60) days.

(c) A copy of the planning and development committee's or the zoning administrator's decision on such application shall be forwarded to the department of natural resources and the Region 2 Water Resources Advisory Board within ten (10) days of such decision.

(Code 1975, § 7.0413)

Sec. 20-1294. Shore protection structures.

(a) Shore protection structures for the Lake Michigan shoreline include such items as groins, revetments, breakwaters, bulkheads and piers, and may be permitted. All such structures shall meet the criteria set forth in recommendations of the Racine County Technical Subcommittee on Shoreland Development Standards to the Racine County Land Use Committee, 1982.

(b) The planning and development committee or the zoning administrator shall request a review of such shore protection structures by the county technical subcommittee on shoreland development standards and await their recommendations before taking final action, but not to exceed sixty (60) days.

(Code 1975, § 7.0413)

Sec. 20-1295. Relocatable structures.

(a) The placement of relocatable structures or buildings within the NSO district may be permitted.

(b) The property owner shall submit a report from a professional building moving contractor certifying that the structure can be feasibly moved at a cost not to exceed thirty (30) percent of the equalized value of the structure. In addition, the property shall extend sufficiently outside the NSO district so that the structure can be relocated in the future outside the NSO district. Relocatable structures are not permitted within the SSO structural setback overlay district.

(Code 1975, § 7.0413)

Secs. 20-1296--20-1335. Reserved.

Editor's note: Ord. No. 2003-132, adopted Nov. 18, 2003, repealed Art. VIII, Div. 9, in its entirety. Former Div. 9 pertained to Adult entertainment uses, and derived from Code 1975, § 7.0415, and Ord. No. 85-2, § 7.0415, adopted May 14, 1985.

DIVISION 9. REGULATIONS FOR OTHER SPECIFIC USES

Editor's note: Ord. No. 2003-132, adopted Nov. 18, 2003, renumbered former Div. 10 as Div. 9 to read as set out herein.

Sec. 20-1336. Public and semipublic uses.

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

(1) Airports, airstrips and landing fields in the M-2 and M-3 industrial districts, the A-2

and A-4 agricultural districts and the P-1 institutional park district, provided the site area is not less than twenty (20) acres.

(2) Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds and museums in all residential and business districts; M-1, M-2 and M-3 industrial districts, and P-1 and P-2 park districts.

(3) Utilities in all districts provided all principal structures and uses are not less than fifty (50) feet from any residential district lot line.

(4) Public passenger transportation terminals, such as heliports, bus and rail depots, except airports, airstrips and landing fields, in all business districts and the M-1, M-2 and M-3 industrial districts, provided all principal structures and uses are not less than one hundred (100) feet from any residential district boundary.

(5) Public and parochial and private elementary and secondary schools and churches in all residential districts and P-1 institutional park district, provided the lot area is not less than two (2) acres and all principal structures and uses are not less than fifty (50) feet from any lot line.

(6) Colleges; universities; hospitals; sanitariums; religious, charitable, penal and correctional institutions; cemeteries and crematories in the A-2 and A-4 agricultural districts and P-1 institutional park district, provided all principal structures and uses are not less than fifty (50) feet from any lot line.

(7) Clubs, fraternities, lodges, sororities and similar semipublic associations, where the principal purpose of the facility is for social, educational, recreational or similar nonresidential type use in the B-3 or B-5 districts, provided that all principal structures and uses conform to the setbacks for those districts.

(Code 1975, § 7.044; Ord. No. 86-243, § 7.044, 2-24-87)

Sec. 20-1337. Residential uses.

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

(1) Planned residential developments in the R-8 residential district. In addition to the development, park land, lot, building and yard requirements specified in the R-8 residential district, deed restrictions enforceable by the county shall be given to assure the proper preservation, care and maintenance, by the original and all subsequent owners, of the exterior design and layout of the development and of all common structures, facilities, utilities, accesses, open spaces and park lands.

(2) Clubs, fraternities, lodges, sororities, religious and charitable institutions, where the principal purpose of the facility is to provide lodging and meals for the members of such organization in the R-7 residential district, provided that all principal structures and uses are not less than twenty-five (25) feet from any lot line. This provision is not intended to limit "community living arrangements" as defined by the state statutes.

(3) Rest homes, nursing homes, homes for the aged, clinics and children's nurseries in the R-6 or R-7 residential districts provided all principal structures and uses are not less than fifty (50) feet from any lot line.

(4) Cluster residential developments in the A-1 and C-2 districts shall be permitted as conditional uses. The district regulations may be varied provided that adequate open space shall be provided so that the average intensity and density of land use shall be no greater than one dwelling unit per five (5) acres. The original and all subsequent owners

shall assure, by deed restrictions enforceable by the jurisdictional zoning body, proper preservation, care, and maintenance of: exteriors; designs; all common structures; facilities; utilities; accesses; and open spaces.

TABLE INSET:

<i>Development</i>		
Area	Minimum	20 acres
<i>Lot</i>		
Width	Minimum	150 feet
Area	Minimum	40,000 square feet
<i>Buildings</i>		
Dwelling	Height maximum	35 feet
Residential accessory structures	Height maximum	17 feet
Agricultural structures such as barns, silos, sheds and storage bins	Height maximum	Two (2) times the distance from the nearest lot line
<i>Yard setbacks</i>		
All structures		
Rear	Minimum	50 feet
Side	Minimum	15 feet
Street	Minimum	50 feet
Shore	Minimum	75 feet

(5) Bed and Breakfast (B&B) in all residential districts and the A-2 district.

(6) Servant's quarters not for rent in any district that allows residential development as a principal use; itinerant agricultural laborer's quarters not for rent in any agricultural district. All such structures must be clearly accessory to the principal use.

(Code 1975, § 7.045; Ord. No. 86-243, § 7.045, 2-24-87; Ord. No. 89-255, 2-27-90; Ord. No. 97-203, 1-13-98; Ord. No. 2000-251S, 8-28-01; Ord. No. 2003-197, 2-12-04; Ord. No. 2007-28, 6-26-07)

Sec. 20-1338. Temporary structures.

Temporary structures shall be conditional uses in all zoning districts. The zoning administrator may grant conditional use permits for temporary structures. Any person aggrieved by a decision of the zoning administrator or any officer, department, board or bureau of the county affected by a decision of the zoning administrator may appeal that decision to the planning and development committee.

(Code 1975, § 7.046)

Sec. 20-1339. Highway-oriented uses.

(a) The following commercial uses shall be conditional uses and may be permitted as specified:

(1) Drive-in theaters in the B-5 business district provided that a planting screen at least twenty-five (25) feet wide is created along any side abutting a residential district and no access is permitted to or within one thousand (1,000) feet of an arterial street.

- (2) Drive-in establishments serving food or beverages for consumption outside the structure in the B-3, B-5 and B-6 business districts.
- (3) Motels in the B-5 and B-6 business districts.
- (4) Funeral homes in the B-2 and B-5 business districts, provided all principal structures and uses are not less than twenty-five (25) feet from any lot line.
- (5) Drive-in banks in the B-2, B-3, B-4 and B-5 business districts.
- (6) Tourist homes in the B-5 and B-6 business districts provided such district is located on a state trunk or U.S. numbered highway.
- (7) Truck and bus terminals for the parking, repair and servicing of vehicles, provided no trans-shipment or warehousing facilities are provided, in the B-5 highway business district.
- (8) Self-service storage facilities including incidental managers office/quarters in the B-3 business district along county trunk highways, state trunk highways and other similar major arterials, the B-5 business district and in the M-2 and M-3 industrial districts. The maximum lot coverage by structures for a self-service storage facility shall not exceed fifty (50) percent, and such facility shall not exceed fifteen (15) feet in height and shall meet the setbacks for the district in which it is located.
- (9) Vehicle sales, service, washing and repair stations, garages, taxi stands and public parking lots, in all business districts provided all gas pumps are not less than thirty (30) feet from any side or rear lot line and twenty-five (25) feet from any existing or proposed street line.

(b) Any development within five hundred (500) feet of an existing or mapped right-of-way of a freeway or expressway and within one thousand five hundred (1,500) feet of their existing or mapped centerline of interchange with any other road shall be deemed to be a conditional use. Any development within fifty (50) feet of any existing or mapped state trunk highway or county trunk highway and within one hundred fifty (150) feet of an existing or mapped centerline of intersection with any other road shall be deemed to be a conditional use.

(Code 1975, § 7.047; Ord. No. 86-86, § 7.047, 8-26-86; Ord. No. 87-144, 11-10-87; Ord. No. 88-160, § 7.047, 1-10-89)

Sec. 20-1340. Business uses.

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

- (1) Recycling drop-off sites in the B-3, M-2, M-3 and P-1 (for municipally owned sites) zoning districts subject to the following criteria:
 - a. Sites shall be located so as to generate minimum impact on adjacent areas.
 - b. Sites shall be fenced so that their hours can be controlled and site locked when not open.
 - c. It is preferred that sites be accessory to established commercial, industrial or municipal uses.
 - d. The site's storage area, parking area, and driveway shall be maintained in an all-weather, dust-free surface. Parking for a minimum of five (5) vehicles shall be provided.
 - e. The non-surfaced areas of the site shall be landscaped and maintained.
 - f. Trash receptacles shall be provided at the site, in addition to the receptacles

for recyclable materials.

g. Security lighting shall be provided.

h. Sites shall not occupy required parking, not impede vehicular or pedestrian traffic flow nor disrupt on site drainage for the principal use.

i. Sites shall be limited to collection of recyclable materials as defined in this chapter. Each site will be limited to acceptance of those materials approved by the committee and the affected town.

j. No composting is permitted on the site.

k. Owner and/or operator shall keep each site clean and in a neat appearance and shall dispose of material and other litter from the site.

l. Signs shall indicate only name of site, operator, phone number, hours of collection, and types of materials collected.

(2) Licensed commercial day care centers in the R-6 and R-7 residential districts; the B-1, B-2, and B-3 commercial districts; and in the P-1 institutional park district.

(3) Flea markets in the B-3 and B-5 business district.

(4) In any business district any development involving multiple, principal use buildings or multiple tenants in a single building or any single commercial building two thousand five hundred (2,500) gross square feet or larger.

(5) Brew pubs in the B-3 business district.

(6) Landscape contractors offices and yards in the B-3 business district.

(Ord. No. 93-99, 9-14-93; Ord. No. 93-183, 1-11-94; Ord. No. 2000-251S, 8-28-01)

Secs. 20-1341--20-1355. Reserved.

ARTICLE IX. SIGNS*

***Editor's note:** Ord. No. 2004-190, adopted Mar. 8, 2005, repealed Art. IX in its entirety and reenacted a new Art. IX to read as set out herein. Former Art. IX pertained to similar subject matter and derived from Code 1975m §§ 7.071--7.076, 7.078, 7.079; Ord. No. 87-113, § 7.0710, adopted Oct. 13, 1987; Ord. No. 88-160, § 7.073, adopted Jan. 10, 1989; Ord. No. 89-89, § 7.074, adopted Aug. 8, 1989; Ord. No. 90-255, § 7.704, adopted Mar. 12, 1991 and Ord. No. 93-9, adopted May 11, 1993.

Cross references: Schedule of deposits for violation of the provisions in this section, § 5-3; district regulations, § 20-211 et seq.; supplementary district regulations and requirements, § 20-986 et seq.

State law references: Authority to regulate billboards, etc., W.S.A., § 59.07(49).

DIVISION 1. GENERALLY

Sec. 20-1356. Purpose

This article regulates all signs in Racine County that are readable/visible from the street right-of-way, public facilities, trails open to the public, and navigable waterways. Racine County has a tradition and reputation as a community with a rich mix of land uses that blend into a landscape of high aesthetic quality. Depending on their size, number, and character, signs may attract or repel visitors, affect the visual quality enjoyed daily by residents, affect the safety of vehicular traffic, and define the character of the area. Thus aesthetic considerations impact economic values as well as public health, safety, and welfare. Therefore, this article sets standards for the following purposes:

- (1) Maintain and enhance the visual quality (aesthetics) of the community;
- (2) Enhance the pedestrian environment and improve pedestrian and motorist safety by minimizing distractions and obstacles to clear views of the street and of directional or warning signs;
- (3) Protect and enhance economic viability by assuring that Racine County will be a visually pleasant place to visit or live;
- (4) Protect property values and private/public investments in property;
- (5) Protect views of the natural landscape and sky;
- (6) Avoid personal injury and property damage from structurally unsafe signs;
- (7) Provide businesses with effective and efficient opportunities for identification by reducing competing demands for visual attention.
- (8) Create attractive gateways and enhance the image of the community.

(Ord. No. 2004-190, 3-8-05)

Sec. 20-1357. General restrictions.

- (a) All signs are prohibited in any zoning district, except as provided in sections 20-1380, 20-

1381, 20-1401, 20-1402, 20-1403, 20-1404, 20-1405, 20-1406, and 20-1407.

(b) Only those signs allowed under sections 20-1380, 20-1381, 20-1402, 20-1405, 20-1406, and 20-1407 are permitted to face a residential or park district within one hundred (100) feet of such district boundary.

(c) No sign may be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered in any conservancy district, SWO district, or any floodplain district other than the FFO Urban Floodplain Fringe Overlay District.

(d) All signs in shoreland areas that are readable to stream or lake users at any time of the year may not exceed twenty-five (25) square feet in area on one (1) side or fifty (50) square feet in area on all sides for any one (1) premises; the sign may not exceed a height of twenty (20) feet, may not be located closer than twenty-five (25) feet to any side lot lines, and may not be located closer than seventy-five (75) feet to the ordinary high water mark of any navigable water body, unless subsection 20-1380(8) applies.

(e) Sign designs should be compatible with the fundamental components, composition, and character of the buildings on which they are mounted.

(f) No sign may be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a zoning permit, except as provided herein and except for normal maintenance and repair, and without being in conformity with the provisions of this article.

(g) The following items are prohibited:

(1) Beacons, streamers, pennants, pinwheels, strings of lights not permanently mounted to a rigid background, and inflatable signs and tethered balloons, except as may be allowed under subsections 20-1380 (12), (14), and (17) and section 20-1404.

(2) Parking any vehicle, trailer, farm wagon, or equipment to be readable from a street right-of-way, that has attached thereto or located thereon any sign or advertising device for the purpose of providing advertisement of a product or directing people to a business or activity. This provision shall not prohibit signs attached to a vehicle, trailer, farm wagon, or equipment if the sign is incidental to the primary use of the vehicle, trailer, farm wagon, or equipment; nor shall this provision prohibit any official signs in the street right-of-way regulated by the federal, state, county, or local government.

(3) Signs that revolve, are animated, or have moving parts, or signs that contain, include, or are illuminated by flashing or moving lights, have a display that may appear to grow, melt, x-ray, up- or down-scroll, write-on travel, inverse, roll, twinkle, snow, or present pictorials or other animation, or are externally illuminated other than by white lights. This section shall not prohibit changeable copy signs and time and temperature signs with displays that are steady in nature and that are otherwise allowed an intermittent change of display as authorized under this article.

(4) Signs that resemble, imitate, or approximate the shape, size, form, location, or color of railroad or traffic signs, signals, or devices.

(5) Signs that interfere with the effectiveness of railroad or traffic signs, signals, or devices. Signs that obstruct or interfere with traffic visibility by blocking sight lines for streets, sidewalks, or driveways, or are lighted in such a way as to cause glare or impair driver visibility upon public ways.

(6) Signs that are located in a vision corner or vision triangle unless in compliance with section 20-1086.

(7) Signs that prevent free ingress to or egress from any door or window, or any other way required by the local building or fire codes.

(8) Signs that contain characters, cartoons, statements, works or pictures of an

obscene nature that are deemed to be obscene material as described in W.S.A. § 944.21(2)(c).

(Ord. No. 2004-190, 3-8-05)

Sec. 20-1358. Existing signs.

(a) Signs lawfully existing at the time of the adoption or amendment of this article may be continued, although the use, size, height, or location does not conform to the provisions of this article. However, they are deemed a nonconforming use or structure and the provisions of section 20-186 et. seq. apply.

(b) A sign loses its legal nonconforming status if the size, design, or structure of the sign is altered in any way that makes the sign less in compliance with requirements of this article than it was before alteration.

(c) Notwithstanding subsection 20-1357(f), a zoning permit will be required for any structural alteration, addition, or repair to a legal nonconforming sign.

(Ord. No. 2004-190, 3-8-05)

Sec. 20-1359. Obsolete signs.

Upon vacating a commercial, industrial, agricultural, or institutional establishment, obsolete signs must be removed within sixty (60) days, or for wall signs, may be painted out to match the building's exterior color, by the owner, agent, or person having the beneficial use of the property, building, or structure upon which such signs may be found.

(Ord. No. 2004-190, 3-8-05)

Secs. 20-1360--20-1379. Reserved.

DIVISION 2. ADMINISTRATION

Sec. 20-1380. Signs for which no permit is required--All zoning districts.

The following signs may be located in any zoning district without a permit and subject to the conditions herein specified:

(1) Nameplates not over two (2) square feet in area, provided the same is limited to one (1) for each premises, tenant, or family and the same is located at least five (5) feet from the outer limits of the street right-of-way and lot lines (see subsection 20-1015(b)(3) for additional provisions regarding home occupation nameplates).

(2) Real estate signs that advertise the sale, lease, or rental of the structure(s) and/or property upon which said signs are temporarily located are permitted on all properties advertised for sale, lease, or rent. Such real estate signs are not to exceed nine (9) square feet in area on one (1) side and eighteen (18) square feet in area on all sides in a residential ("R") district, or thirty-two (32) square feet in area on one (1) side and sixty-four (64) square feet in area on all sides in other districts. These signs shall be removed within thirty (30) days following sale, lease, or occupancy. Real estate signs may be located not closer than ten (10) feet to any street right-of-way, nor closer than ten (10) feet to a side or rear lot line, except where section 20-1357 supersedes this requirement.

Only one (1) such sign is permitted per street frontage and no sign may exceed a height of twenty (20) feet.

(3) Off-premises signs directing the public to governmental, cultural, religious, or charitable institutions not to exceed twelve (12) square feet in area on one (1) side and twenty-four square feet in area on all sides, providing such signs are located at least fifteen (15) feet from the outer limits of the street right-of-way or a side or rear lot line, and at least one hundred (100) feet from any street right-of way intersection. Each institution erecting such a sign is limited to three (3) in number, under this section. Such signs are limited to a maximum height of ten (10) feet.

(4) Legal signs such as "No Hunting" and "No Trespassing" signs provided the sign does not encroach upon any street right-of-way and is not over two (2) square feet in area.

(5) Names of federal, state, county, municipal, and historical buildings, and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.

(6) Property address numbers assigned by the town and/or Racine County and of a design approved by the town, that are required to be placed on every principal structure or as designated by the town in clear view from the street on which the address is assigned.

(7) Signs not readable beyond the boundaries of the lot or parcel upon which they are situated and not readable from any street right-of-way or which are intended solely for providing information to parties on-site.

(8) Miscellaneous traffic and other official signs of any public or governmental agency, such as railroad crossing signs, trespassing signs, signs indicating danger, or signs used as aids to service or safety including water dependent informational signs with public health, safety or regulatory information that are no larger than necessary to accommodate the information that needs to be displayed.

(9) Any identification or display of any official court or public office, notices thereof, or any flag, emblem, or insignia of a nation, federal, state, county, or other governmental unit or school.

(10) Any sign that is located completely within an enclosed building and such sign is not readable from outside the building.

(11) Tablets, grave markers, headstones, statuary, or monuments of persons or events that are noncommercial in nature.

(12) Temporary signs, not over four (4) square feet in area and not more than five (5) feet in height, for events sponsored by non-profit organizations or for a non-profit charitable event. Such signs must be located at least five (5) feet from the outer limits of the street right-of-way and ten (10) feet from a side or rear lot line, and may be erected thirty (30) days prior to the event, and must be removed within three (3) days after the event.

(13) Works of art with no commercial message.

(14) Temporary holiday decorations or displays with no commercial message.

(15) Signs on a truck, bus, trailer, or other vehicle incidental to the use of such vehicle while operated in the normal course of a business. See subsection 20-1357(g)(2).

(16) Recreational, informational, and directional signs within a federal, state, or municipal park or cemetery, which are not readable from external streets.

(17) Temporary political signs that promote a particular candidate or candidates for a

particular election may be erected during an election campaign period if in compliance with subsections 20-1357(g)(3)-(7) and W.S.A. § 12.04. The person or organization responsible for the erection or distribution of any such signs, or the owner or owner's agent of the property upon which such signs may be located, shall be responsible for the proper erection or removal of said signs. Such signs are also subject to the conditions herein specified:

- a. Signs erected on residential property must be located behind the outer limits of the street right-of-way line.
- b. Signs not located on residential property shall not exceed sixteen (16) square feet in sign area on one (1) side and thirty-two (32) square feet in area on all sides. A maximum of four (4) such signs may be placed on a zoning lot. Such signs must be behind the outer limits of the street right-of-way and be more than fifty (50) feet from any street right-of-way intersection.

(18) On-premises directional signs such as "Enter", "Exit", and "Do Not Enter" signs, when the principal purpose of the sign is traffic control, the sign does not exceed twelve (12) square feet in area on one side and twenty four (24) square feet on all sides, the sign height is five (5) feet or less, and the sign is set back at least ten (10) feet from any property line or outer limits of the street right-of-way line. The number of signs on one (1) premises shall be limited to the number necessary to safely direct traffic into the specific site.

(19) Temporary private sale signs advertising occasional noncommercial sales of personal property such as "house sales", "garage sales", "rummage sales", and the like.

(20) Construction signs erected on the premises where construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors, or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project. Such signs are subject to the dimensional and locational standards or subsection 20-1403(4) ground signs.

(Ord. No. 2004-190, 3-8-05)

Sec. 20-1381. Signs for which no permits are required--Agricultural, resource conservation, and park districts.

The following signs may be located in all agricultural, resource conservation, and park districts without a permit and subject to the conditions herein specified:

- (1) On-premises or off-premises recreational directory signs not to exceed two (2) in number, indicating the direction and/or distance to a specific cottage, resort, residence, or recreation facility that is located within an agricultural, resource conservation or park district, not to exceed twelve (12) square feet in display area on one (1) side and twenty-four (24) square feet on all sides, five (5) feet in height and no closer than ten (10) feet to any right-of-way or property line.
- (2) Signs over show windows or doors of a nonconforming business establishment not to exceed two (2) in number announcing, without display or elaboration, only the name and occupation of the proprietor and not to exceed a total of twenty (20) square feet in area for all signs, and twenty (20) feet in height.
- (3) Name, occupation, and warning signs not to exceed two (2) square feet located on the premises.
- (4) On-premises agricultural homestead signs, where the principal purpose of the sign

is to identify the name and address of a farm operation and/or date of establishment, which may not exceed twenty-four (24) square feet in area on one (1) side and forty-eight (48) square feet in area on all sides, limited to one (1) sign for any one (1) farm, and such signs are located at least ten (10) feet from the outer limits of the street right-of-way or any property line, and such signs do not exceed ten (10) feet in height. Such signs may be exempt from the aforementioned height limit if painted upon the wall of an accessory structure. The size of such wall signs may exceed twenty-four (24) square feet if done in an aesthetically pleasing manner that is approved through a site plan review by the county economic development and land use planning committee.

(Ord. No. 2004-190, 3-8-05)

Sec. 20-1382. Sign permit.

Notwithstanding section 20-81, a zoning permit application for a sign must be submitted to the county zoning administrator on forms provided by the zoning administrator. The zoning permit application must contain or have attached thereto at least the following information:

- (1) Applicant's name, address, and telephone number.
- (2) Location of building, structure, or lot to which or upon which the sign is to be located.
- (3) Name of person, firm, corporation, or association erecting the sign.
- (4) Written consent of the owner or lessee of the building, structure, or land to or upon which the sign is to be located. Owner or lessee's signature on the zoning permit application is considered written consent. The signature of an owner's representative or agent is acceptable provided a letter of agency is on file with Racine County.
- (5) A drawing of such sign indicating the materials to be used, the type of illumination, if any, and the method of construction and attachment. Said drawing must be drawn at a scale no smaller than one-tenth (1/10) inch equals one (1) foot or dimensions must be shown on the drawing.
- (6) A drawing indicating the location and position of such sign in relation to nearby buildings, structures, and lot lines. Said drawing must include the sign's height above finished yard grade. Said drawing must be at a scale no smaller than one (1) inch equals fifty (50) feet or dimensions must be shown on the drawing.
- (7) Signs requiring state or federal approval must provide a copy of such approval with the sign permit application.
- (8) Additional information as may be required by the zoning administrator, the economic development and land use planning committee, or the board of adjustment.

(Ord. No. 2004-190, 3-8-05)

Secs. 20-1383--20-1400. Reserved.

DIVISION 3. SPECIFIC SIGN REGULATIONS

Sec. 20-1401. Billboards.

- (a) Billboards may be erected in all commercial and industrial districts with a permit and subject to the conditions specified in this section.
- (b) No billboard erected in the county shall be within twenty (20) feet of a side or rear lot line and fifty (50) feet of a street right-of-way line, and all such billboards shall be set back at least one hundred (100) feet from any freeway or expressway. Such street setback shall be measured from the outer right-of-way line of the freeway complex including frontage roads regardless of jurisdiction.
- (c) Billboards designed, intended or located in a manner to be visible to the traveling public on a freeway or expressway shall be limited to seven hundred fifty (750) square feet in area including temporary cutouts or extensions but excluding ornamental base or apron, supports and other structural members. The maximum size limitation shall apply to each side of a billboard and may be double faced, V type or placed back to back.
- (d) Billboards designed, intended or located in such a manner as to be visible to the traveling public on a freeway or expressway shall be limited to forty (40) feet in height. Such height shall be measured from the mean centerline street grade of such freeway or expressway to which the billboard is oriented or ground level at the billboard location, whichever is higher.
- (e) Illuminated billboards shall be erected or maintained so that the beams or rays of light are effectively shielded so as not to cause glare or impair the vision of the driver of any motor vehicle and shall contain no flashing, intermittent or moving lights.
- (f) No billboard shall be erected within a two-thousand-foot radius of any other billboard or within two thousand (2,000) feet of any intersection, or within two thousand (2,000) feet of the property line of any airport, airfield or landing strip. In those instances where vision corners are a part of the right-of-way, the two-thousand-foot distance shall be measured from the intersection right-of-way lines as if the vision corner did not exist.
- (g) Billboards which are not designed, intended or located in a manner so as to be visible to the traveling public on freeways and expressways shall not exceed twenty (20) feet in height above mean centerline street grade and shall not exceed three hundred (300) square feet on one (1) nor six hundred (600) feet on all sides for any one (1) sign.
- (h) The owner of any billboard shall keep it in sound condition, well-maintained, and in good appearance and repair which includes restoring, repainting, or replacement of a worn or damaged legally existing billboard to its original condition, and shall maintain the premises on which the billboard is erected in a clean, sanitary, and inoffensive condition, free and clear of all obnoxious substances, rubbish, refuse, debris and weeds.
- (i) All billboards designed, intended or located in a manner to be visible to the traveling public on a freeway or expressway shall be erected on a single steel pole upright.

(Ord. No. 2004-190, 3-8-05)

Sec. 20-1402. On-premises signs permitted in all residential districts with a permit.

The following signs may be located in any residential district and are subject to the conditions herein specified:

- (1) Single-family, two-family, and multi-family permanent residential development signs not to exceed forty-eight (48) square feet in area on one (1) side and ninety-six (96) square feet in area on all sides, that are located at entrances to subdivisions or developments or along abutting streets or highways, identifying residential complexes or displaying the property addresses. Said signs must be located on an outlot, permanent easement, or other common area and they must be located not closer than fifteen (15) feet to any street right-of-way, nor closer than ten (10) feet to any side or rear lot line.

Such signs may not exceed twelve (12) feet in height. No more than two (2) such signs are permitted for any one (1) subdivision or development.

(2) Temporary development signs for the purpose of designating a new building or development or for promotion of a subdivision may be permitted for a period up to two (2) years, and extensions may be granted for a period not to exceed five (5) years total. Signs may not exceed forty-eight (48) square feet in area on one (1) side and ninety-six (96) square feet in area on all sides; may not exceed twelve (12) feet in height, and must be located not closer than fifteen (15) feet from any street right-of-way and seventy-five (75) feet from any street right-of-way intersection, nor closer than ten (10) feet to any side or rear lot line. Only one (1) such sign is permitted per street frontage.

(Ord. No. 2004-190, 3-8-05)

Sec. 20-1403. On-premises signs permitted in all business and industrial districts with a permit.

The following signs may be located in all business and industrial districts, except for adult establishments, subject to the conditions herein specified:

(1) Wall signs placed against the exterior walls of buildings may not extend more than twelve (12) inches outside of a building's wall surface may not exceed thirty (30) feet in height, and may not extend above the roof line of a flat roof, or the eave line of a building with a gambrel, gable, dome, or hip roof or the deckline of a building with a mansard roof. Total area of all wall signs may not exceed five hundred (500) square feet in area for any one (1) premises; except that in multi-tenant shopping centers, the anchor tenant (s) may each have five hundred (500) square feet of allowable sign area and the total area of all individual wall signs for non-anchor businesses within such multi-tenant structures shall not exceed fifty (50) square feet per tenant. An anchor tenant is defined as the major store or stores within a shopping center exceeding forty thousand (40,000) square feet in total floor area.

(2) Projecting signs fastened to, suspended from, or supported by structures may not extend more than six (6) feet from said structure; may not be less than ten (10) feet from all lot lines; may not exceed a height of twenty (20) feet; and the bottom of the sign may not be less than twelve (12) feet above the sidewalk or fifteen (15) feet above a driveway or an alley. Total area of all projecting signs may not exceed one hundred (100) square feet in area for any one (1) premises, regardless of the number of projecting signs on the site.

(3) Marquee, awning, and canopy signs affixed flat to the surface of a marquee, awning, or canopy are permitted provided that the signs do not extend vertically or horizontally beyond the limits of such marquee, awning, or canopy. A marquee, awning, or canopy for a shopping center may not extend beyond a point one (1) foot back from the vertical plane formed by the curblin in the shopping center. No marquee, awning, or canopy may project into a required street yard, side yard, or rear yard, unless such structure already exists as an existing legal nonconforming structure or was approved by variance by the board of adjustment and such sign does not increase the dimensional nonconformity. A name sign not exceeding two (2) square feet in area located immediately in front of the entrance to an establishment may be suspended from a marquee, awning, or canopy provided that the bottom of the name sign is at least twelve (12) feet above the sidewalk or fifteen (15) feet above a driveway or alley. Total area of all marquee, awning, or canopy signs may not exceed sixty (60) square feet in area for any one (1) premises.

(4) Ground signs may not exceed fifteen (15) feet in height and may not exceed one hundred (100) square feet on one (1) side or two hundred (200) square feet on all sides

for any one (1) premises. Ground signs must be located not closer than fifteen (15) feet to a street right-of-way or closer than ten (10) feet to a side or rear lot line.

(5) Pole signs may not exceed a height of twenty (20) feet; the bottom of the sign may not be less than twelve (12) feet above the lot grade; may not exceed two hundred (200) square feet on one (1) side or four hundred (400) square feet on all sides for any one (1) premises. Pole signs must be located not closer than twenty-five (25) feet from a street right-of-way or closer than twenty (20) feet to a side or rear lot line. The area of signs may be increased to a total of three hundred (300) square feet on one (1) side and six hundred (600) square feet on all sides if the sign is within one hundred (100) feet of the right-of-way of an Interstate freeway and is designed and located to be read from the Interstate freeway. One (1) pole sign within one hundred (100) feet of the right-of-way of an Interstate freeway may be up to thirty-five (35) feet in height.

(6) Roof signs may not exceed ten (10) feet in height above the roof; may not extend horizontally beyond the wall of the roof to which they are attached; may not exceed height requirements for the district in which they are located; and may not exceed three hundred (300) square feet in area on all sides for any one (1) premises.

(7) Time and/or temperature devices and/or changeable copy signs may be erected as wall signs, projecting signs, ground signs, canopy signs, or pole signs and must meet the requirements attendant to those sign types. Notwithstanding the provisions of section 20-1357(g)(3), time and/or temperature devices may change their copy not more than once every four (4) seconds.

(8) Window signs, except for painted signs and decals, that may be placed on the outside of the glass, may be placed only on the inside of buildings and only in first floor windows/doors. No permit is required for window signs that are not readable from the street right-of-way. The total area of all window signs requiring a permit shall not cover more than twenty (20) percent of the total window area or door window area to which they are applied, or one hundred (100) square feet, whichever is less.

(9) Signs on any one (1) site are further limited as follows:

- a. Shopping centers and multi-tenant buildings may provide one (1) ground or pole sign for each street frontage. Such facilities may also provide one (1) wall sign or one (1) canopy sign for each business in the building.
- b. Gasoline stations, service stations, convenience stores with pumps, or any combination thereof may provide one (1) ground sign and one (1) pole sign. Wall signs and canopy signs may also be provided subject to total square footage limitations. Signs advertising incidental products for sale that are window signs or located on the gasoline pumps, and are not readable from the street right-of-way, will not require permits or be regulated in number.
- c. For all other uses, total signs are limited to two (2) signs per street frontage.
- d. Window signs are not subject to the limitation on number of signs. However, such signs may not occupy more than twenty (20) percent of the total window area or one hundred (100) square feet, whichever is less.
- e. The total of all signs that require permits that are erected or placed on any one (1) premises may not exceed twelve hundred (1,200) square feet in total display area, except for multi-tenant shopping centers, which will be allowed an additional five hundred (500) square feet of display area for each anchor store beyond the first one, under subsection (1) above.
- f. As an alternative to limitations in subsections (1), (2), (3), and (5) above, the parcel owner may submit a master sign plan to the county economic development and land use planning committee for review and approval. This

master sign plan must indicate the type, construction, location, and height of each proposed sign on the site. Approval of the master sign plan is required before issuance of the first sign permit for the property. After approval of a master sign plan, no sign shall be erected, placed, painted, or maintained, except in conformance with such plan, and such plan may be enforced in the same way as any provision of this chapter. In cases of any conflict between the provision of such a plan and any other provisions of this chapter, the chapter shall control.

(10) Any sign authorized in this chapter is allowed to contain non-commercial copy in lieu of any other copy.

(Ord. No. 2004-190, 3-8-05)

Sec. 20-1404. On premises temporary signs with a permit.

(a) A permit is required for temporary signs, including portable signs and banners, and such signs must conform to all regulations of this section. These provisions do not apply to subsections 20-1380(12), (14) and (19), section 20-1402(2), and subsection 20-1407(a).

(b) Such signs for on-premises advertising purposes are allowed in any business or industrial district provided that such signs will not be located closer than fifteen (15) feet to any street right-of-way, will not be located closer than ten (10) feet to an adjacent property line, will not exceed twenty (20) feet in height {six (6) feet for a portable sign}, will not cause a hazard to traffic or adjoining properties, will not exceed thirty-two (32) square feet in area on one (1) side nor sixty-four (64) square feet in area on all sides for any one (1) premises.

(c) Such signs for events sponsored by non-profit organizations or for a non-profit charitable event may be permitted in any district. The permit application must specify the time that the non-profit organization's sign(s) may be in place. The requirements of subsection (b) above apply.

(d) The application for a temporary sign permit must state who is responsible for the removal of the sign and must include that person's address and telephone number. Such permit authorizing any temporary sign may not exceed thirty (30) days in a calendar year and the sign may not remain more than three (3) days after the expiration of the permit. Only one (1) such permit may be issued per premises per year.

(e) The above provisions do not apply to adult establishments.

(Ord. No. 2004-190, 3-8-05)

Sec. 20-1405. On premises signs permitted in park and resource conservation districts with a permit.

(a) Public and private institutional and park name signs shall be permitted in the P-1, P-2, C-1, and C-2 districts with a permit. Such signs may be erected as wall signs, projecting signs, ground signs, or pole signs and shall meet the requirements under section 20-1403.

(b) Cluster residential developments in the C-2 district may have permanent residential development signs pursuant to the provisions of subsection 20-1402(1).

(Ord. No. 2004-190, 3-8-05)

Sec. 20-1406. Institutional signs with a permit.

Institutional signs in any zoning district, except for signs in zoning districts regulated by section 20-1405, for all private and public institutions having governmental, educational, religious, or social

purpose, including state-licensed community based residential facilities, must be located on the same premises as the institution and may be displayed after obtaining a zoning permit, subject to the following restrictions:

(1) Projecting signs may not project further than four (4) feet into any required yard, except that no such projection is allowed into the shore yard. Roof, wall, or projecting signs may not exceed thirty-two (32) square feet in area for one (1) side and sixty-four (64) square feet in area on all sides, may not exceed the height requirement of the district, and the number of signs may not exceed two (2) signs per street frontage.

(2) Ground signs must be located not less than fifteen (15) feet from the street right-of-way line, nor closer to the rear or side yard line than ten (10) feet. Such institutional ground signs may not at any point exceed fifteen (15) feet in height. The area of such sign may not exceed sixty-four (64) square feet on one (1) side and one hundred twenty-eight (128) square feet in area on all sides. The number of signs may not exceed two (2) signs per street frontage.

(Ord. No. 2004-190, 3-8-05)

Sec. 20-1407. Agricultural signs with a permit.

(a) Temporary, non-illuminated, off-premises agricultural directional signs not to exceed four (4) in number, indicating the direction and/or distance to an agricultural roadside stand, not to exceed twelve (12) square feet in display area on one side and twenty-four (24) square feet in area on all sides, a maximum of five (5) feet in height, at least ten (10) feet from the outer limits of the street right-of-way and five (5) feet to any other property line. Such signs must be removed within ten (10) days of discontinuing operation of a roadside stand. Provided the sign (s) are relocated per the issued permit and the permit holder remains the same, the issued permit continues to be valid for successive years.

(b) Agricultural signs pertaining to the sale of products actually grown on the farm or in connection with a roadside stand not to exceed thirty-two (32) square feet in area on one (1) side and sixty-four (64) square feet on all sides for no more than two (2) signs on any one (1) farm, such signs are located at least ten (10) feet from the outer limits of the street right-of-way or any property line, such signs do not exceed fifteen (15) feet in height, and such signs are located on the same premises as the products for sale.

(c) Signs for agricultural businesses approved by conditional use shall be treated as commercial/industrial signs pursuant to section 20-1403 and are also allowed in agriculturally zoned districts.

(Ord. No. 2004-190, 3-8-05)

Sec. 20-1408. Construction and maintenance standards.

(a) All signs allowed under section 20-1401 through section 20-1407 and subsections 20-1381 (1) and (4) must be designed and constructed to withstand wind pressure of not less than forty (40) pounds per square foot of area and must be constructed to receive dead loads as required by the town.

(b) The temporary occupancy of a sidewalk or street or other public property during construction, removal, repair, alteration, or maintenance of a sign is permitted subject to the approval of the jurisdictional authority, provided that the space occupied is roped off, fenced off, or otherwise isolated as directed by said authority.

(c) Subject to the provisions of section 20-1358, the owner of any sign must keep it in good

maintenance and repair which includes restoring, repainting, or replacing a worn or damaged sign to its original condition; and must maintain the immediate premises on which the sign is erected in a clean, sanitary, and inoffensive condition, free and clear of all obnoxious substances, rubbish, weeds, and grass.

(d) No sign or any part thereof or sign anchor, brace, or guide rod may be attached, fastened, or anchored to any fire escape, fire ladder, or standpipe and no such sign or any part of any such sign or any anchor, brace, or guide rod may be erected, put up, relocated, or maintained so as to hinder or prevent ingress or egress through such door, doorway, fire escape, window, or opening designated by the local fire department, or so as to hinder or prevent the raising or placing of ladders against such building by the local fire department as necessity may require.

(e) Upon request of the zoning administrator, it is the responsibility of the applicant to establish by competent evidence that the sign meets any above stated standard or requirement.

(Ord. No. 2004-190, 3-8-05)

Sec. 20-1409. Measuring signs.

(a) In calculating the area of a sign to determine whether it meets the requirements of this article, the zoning administrator must include the sign copy and any border or frame surrounding that copy. Customary supporting members of a sign will be excluded from the area calculation. The area of irregularly-shaped signs or of signs containing two (2) or more detached elements will be determined by the area of the smallest circle, square, triangle, rectangle, or combination thereof, that will encompass all elements of the sign. Where individual letters, words, emblems, symbols, etc. are affixed to a building, a rectangle around the entire phrase or sentence will be measured to compute sign area. Where the sign background is made a different color from the building such as by painting, the area of different color will be measured. Back-to-back, side-by-side, bottom-on-top, and V-shaped signs constitute one (1) sign within the meaning of this article.

(b) The sign height shall be computed as the distance from the base of the sign or structure to which it is attached at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of:

(1) Existing grade prior to construction; or

(2) The newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of elevating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a street or the grade of the principal pedestrian entrance to the principal structure on the site, whichever is lower.

(c) For ground signs, the structural elements and artistic elements without any advertising language or identification on them shall not exceed one hundred (100) square feet in area for each sign face and are excluded from the square footage calculation for the ground sign. Such structural and artistic elements may exceed one hundred (100) square feet if approved through a site plan review by the county economic development and land use planning committee. Alternatively, such elements in excess of one hundred (100) square feet may be included as part of the total base of such ground signs, thereby reducing the available area.

(d) Spherical, free-form, sculptural, or other non-planar sign area is fifty (50) percent of the sum of the areas using only the four (4) vertical sides of the smallest four-sided polyhedron that will encompass the sign structure. Signs with more than four (4) faces are prohibited.

(Ord. No. 2004-190, 3-8-05)

Secs. 20-1410--20-1418. Reserved.

ARTICLE X. TOWER BROADCAST FACILITIES*

***Editor's note:** Ord. No. 99-58S, pt. 1, adopted July 13, 1999, repealed the former Art. X and enacted a new article as set out herein. The former Art. X, §§ 20-1420--20-1425, 20-1440--20-1446, pertained to similar subject matter and derived from Ord. No. 93-185S, pt. 1, adopted Jan. 11, 1994.

DIVISION 1. GENERALLY

Sec. 20-1419. Intent.

It is intended that conditional use permits shall be issued under this section to accommodate the expansion of wireless communication technology while minimizing the number of towers and the visual/aesthetic/land use impacts of those towers.

(Ord. No. 99-58S, pt. 1, 7-13-99)

Sec. 20-1420. Affected facilities: Definition.

(a) The following facilities are subject to the regulations and site development standards set forth in this article:

(1) Towers, masts, poles or other supporting buildings or structures fifty (50) feet or more in height that are used to elevate an antenna or which act as an antenna, and which are intended for transmitting or receiving radio frequency waves. Height shall be measured as the vertical distance between the highest point of the antenna or tower, whichever is higher, and the ground directly below this point. ("tower facility" or "tower")

(2) Accessory uses such as manned or unmanned equipment or buildings typically at the base of the tower.

(b) Amateur and citizen band towers and antennas where the "tower facility," as defined in section 20-1420(a)(1) is fifty (50) feet or more in height are exempt from the provisions of this article except for the following:

(1) The installation or construction of such a tower shall require site plan review and approval in accordance with the procedure set forth in section 20-1184. The committee may request a public hearing following site review if it is determined that such a hearing is in the public interest.

(2) Such "tower" shall be considered an accessory structure and permitted in the side yard or rear yard only. A minimum ten-foot side yard and rear yard setback shall be maintained.

(Ord. No. 99-58S, pt. 1, 7-13-99)

Sec. 20-1421. Existing tower facilities.

Any addition or change to an existing tower facility shall be in compliance with requirements for tower appearances and landscaping as set forth in this article. Existing tower facilities shall be exempt from the requirements concerning site size, setbacks and parking.

(Ord. No. 99-58S, pt. 1, 7-13-99)

Sec. 20-1422. Prohibition.

No installation or construction of a tower facility, or change in an existing tower facility, is permitted, except as provided in section 20-1430 and section 20-1431, without conditional use approval or amendment under chapter 20, article VIII and a zoning permit. The types of changes that would require conditional use approval under article VIII include, but are not limited to, such things as an increase in the number of towers at a site, an increase in a tower's height, a change in the type or style of tower (i.e., guyed vs. self-supporting or lattice vs. monopole), a change in the type or location of any guy wires, a change in the location of a tower, or a proposed change in the size of the tower site. Changes such as an alteration to the size of an existing service building or installation under section 20-1430 and section 20-1431 may be dealt with through the site plan review process and a zoning permit.

(Ord. No. 99-58S, pt. 1, 7-13-99)

Sec. 20-1423. Location.

Tower facilities shall not be located in any residential zoning district, shoreland/wetland or floodplain.

(Ord. No. 99-58S, pt. 1, 7-13-99)

Sec. 20-1424. Submittal requirements.

In addition to the requirements found in section 20-1161, the applicant must supply the following:

- (1) A description of the telecommunications services that the applicant offers or provides.
- (2) Name, address and telephone numbers of all proposed occupants of the tower. A letter indicating the proposed occupants commitment to place an antenna on the tower and an indication of the firmness of the commitment. The letter shall also indicate the type of service that occupant provides. The applicant shall also provide documentation showing a particularized need for each occupant to locate its antenna at the particular height indicated.
- (3) If the applicant does not own the site or the tower, the applicant shall provide a lease agreement or binding lease memorandum which shows on its face: (1) that it does not preclude the site owner from entering into leases on the site with other provider(s), (2) that it does not preclude the tower owner from entering into leases on the tower with other provider(s), and (3) the legal description and amount of property leased, and (4) in the event of abandonment, the county reserves the right to remove the tower at the property owner's expense.
- (4) An analysis of the alternatives which identifies the reasonable, technically feasible, alternative locations and/or facilities that could provide the proposed telecommunication service. The intention of the alternatives analysis is to present alternative strategies that

could minimize the number, size, and adverse environmental impacts of facilities necessary to provide the needed services to the county. This analysis shall address the potential for co-location and the potential to locate facilities as close as possible to the intended service area. It shall also explain the rationale for the selection of the proposed site in view of the relative merits of any of the feasible alternatives. A pre-application meeting between the applicant and the planning and development department shall be required. At such meeting the applicant and staff will locate all known alternative structures, and, at a minimum, five (5) alternative sites to analyze. This requirement shall not limit the committee's power to require other sites be analyzed.

(5) A tabular and map inventory of all the applicant's and occupant's existing towers and antennas that are located within the county (defined to include all incorporated and unincorporated areas) and one thousand five hundred (1,500) feet of the county's border. The inventory shall specify the location, height, type, and design of each of the applicant's existing towers and the antennas located on such towers. The inventory shall also specify whether such towers are currently in operation and indicate the ability of the existing towers to accommodate additional co-location antennas.

(6) A report by a structural engineer licensed by the State of Wisconsin certifying the structural design and its ability to accommodate additional antennas.

(7) Evidence that the applicant has informed local airport owners and operators about any permit application for structures above two hundred (200) feet tall or within a three-mile radius of any existing public or private airport including all landing strips.

(8) Such other information as the committee or zoning administrator may reasonably require.

(Ord. No. 99-58S, pt. 1, 7-13-99)

Sec. 20-1425. Maximum height.

Towers shall not exceed in height the distance from the nearest lot line, provided, however, that if any tower is located within three (3) miles of the boundary line of an airport and landing strips, said height shall not exceed the height limitations of the underlying district without prior proof of written notification of the public hearing to the owner of the said airport or landing strip, and prior written approval from the F.A.A. and Wisconsin Bureau of Aeronautics, if applicable. See also section 20-1111 (4). If the applicant presents to the committee a report by a structural engineer licensed by the State of Wisconsin certifying the fall-down radius of the proposed tower to be less than its height, the allowed set back shall be that certified distance.

(Ord. No. 99-58S, pt. 1, 7-13-99)

Sec. 20-1426. Requirements.

No conditional use permit for the placement or construction of a tower shall be issued unless the applicant presents to the committee credible evidence establishing to a reasonable degree of certainty the following:

- (1) Existing tower or structure is not available. This shall be proven by showing:
 - a. No existing tower or structure is located within the area in which the applicant's equipment must be located;
 - b. No existing tower or structure located within the area in which the applicant's equipment must be located is of sufficient height to meet the applicant's requirements and the deficiency in height cannot be remedied at a reasonable

cost;

c. No existing tower or structure within the area in which the applicant's equipment must be located has sufficient strength to support the applicant's equipment and the deficiency in structural strength cannot be remedied at a reasonable cost;

d. The applicant's equipment would cause electromagnetic interference with equipment on the existing tower(s) within the area in which the applicant's equipment must be located, or the equipment on the existing tower(s) would cause interference with the applicant's equipment and the interference, from whatever source, cannot be eliminated at a reasonable cost;

e. The fees, costs or contractual provisions required by an owner in order to co-locate on an existing tower or structure are unreasonable relative to industry norms; or

f. The applicant demonstrates that there are other factors that render existing towers or structures unsuitable or unavailable and establishes that the public interest is best served by the placement and construction of the new communication tower.

(2) An alternative site, as required to be analyzed under section 20-1424(4), is not reasonably available to place the proposed tower.

(3) The absolute need for the particular height of the proposed tower. Any proposal for a tower by an applicant to build a tower on speculation and seek tenants among telecommunication carriers shall include documentation of the commitments made by those carriers to co-locate at what particular height and the absolute need for such height.

(4) The proposed tower is camouflaged to the greatest extent possible in that the tower is designed to include, where appropriate, the use of compatible building materials and colors, screening, landscaping and placement within trees.

(5) The proposed tower shall accommodate other users in that any proposed tower shall be designed, structurally, electrically and in all respects to accommodate co-location of both the applicant's antenna(s) and comparable antenna(s) for at least two (2) additional users. Towers shall be designed to allow for future rearrangement of antennas upon the tower, to accept antennas mounted at varying heights, and to accommodate supporting buildings and equipment.

(Ord. No. 99-58S, pt. 1, 7-13-99)

Sec. 20-1427. Technical review.

In the event the committee determines that it is necessary to consult with a third party in considering a permit, all reasonable costs and expenses associated with such consultation shall be borne by the applicant. Failure to pay such costs and expenses or provide information requested by the committee shall be grounds for denial or revocation of a conditional use permit. The applicant may provide to the committee the names of consultants which the applicant believes are qualified to assist in resolving the issues before the committee.

(Ord. No. 99-58S, pt. 1, 7-13-99)

Sec. 20-1428. Abandonment.

(a) Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned. In such circumstances, the owner of such antenna or tower or owner(s) of the property where the tower or antenna is located shall remove said antenna and/or tower including all supporting equipment, buildings, and foundations to a depth of five (5) feet, and shall restore the location to its natural condition (except that any landscaping and grading may remain in the after-condition as determined by the zoning administrator) within ninety (90) days of receipt of notice from the zoning administrator. If removal and restoration to the satisfaction of the zoning administrator does not occur within the said ninety (90) days, the zoning administrator may remove and salvage said antenna/tower and all supporting equipment and buildings, and restore the site at the antenna/tower owner's or property owner's expense.

(b) The applicant shall submit a copy of a signed agreement, which may be the lease agreement, between the property owner and the owner of the tower, antenna(s) and supporting equipment and building(s) detailing requirements for abandonment and subsequent removal based on the provisions of section 20-1428(a). Said agreement shall also identify that the agreement shall be binding on future property owner(s) and future owner(s) of the tower, antenna and all supporting equipment and building(s).

(c) The tower and foundation shall be recorded in the register of deed's office and a copy of the deed shall be filed with the planning and development department.

(Ord. No. 99-58S, pt. 1, 7-13-99)

Sec. 20-1429. Security for removal.

The applicant shall provide to the county, prior to the issuance of the conditional use permit, a performance bond in the amount of twenty thousand dollars (\$20,000.00) to guarantee that the tower and all supporting equipment, buildings and foundations will be removed when no longer in operation. The county must be named as obligee in the bond, and it must approve the bonding company. The face of the bond must reflect that the county will be given notice if the bonding company cancels the bond. If, prior to the removal of the tower, tower removal rates exceed twenty thousand dollars (\$20,000.00), the committee reserves the right to require a corresponding increase in the bond amount.

(Ord. No. 99-58S, pt. 1, 7-13-99)

Sec. 20-1430. Use of existing structures.

A tower or antenna may locate on an alternative support structure such as clock towers, steeples, silos, light poles, buildings, water towers or similar structures provided that the placement of antenna shall not extend more than twenty (20) feet above the top of the structure and shall not extend more than six (6) feet from the structure. Towers located on roofs shall not occupy more than fifty (50) percent of the roof surface of a building and shall be secured from the remaining area to prevent unauthorized access. The towers and antenna(s) shall be painted or otherwise treated to match the exterior of the structure. Such installation shall not require a conditional use permit but shall require site plan approval.

(Ord. No. 99-58S, pt. 1, 7-13-99)

Sec. 20-1431. Co-location.

(a) A conditional use permit shall not be required for co-location on an existing tower permitted under this article, provided the co-located antenna array or equipment does not significantly alter the structural integrity of the tower, and is fully in compliance with all conditions contained

in the original conditional use permit. The holder of a permit for any tower on which co-location occurs shall within thirty (30) days of such co-location provide to the zoning administrator written notification of the identity of the co-locator and the nature of the equipment installed. Within thirty (30) days of the date on which any co-located use ceases, the permit holder shall provide the zoning administrator with written notice of the cessation of such use.

(b) The holder of a permit for a tower shall allow co-location for at least two (2) additional users and shall make access to the tower for the additional users economically feasible. If additional user(s) demonstrate that the holder of a tower permit has made access to such towers economically unfeasible, then the permit shall become null and void.

(Ord. No. 99-58S, pt. 1, 7-13-99)

Sec. 20-1432. Continued compliance.

Upon written inquiry by the committee the permit holder under this section shall have the burden of presenting credible evidence establishing to a reasonable degree of certainty the continued compliance with all conditions placed upon the conditional use permit. Failure to establish compliance with all conditions placed upon the conditional use permit shall be grounds for the revocation of the permit. All reasonable costs and expenses associated with such consultation shall be borne by the holder of the permit. Failure to pay such costs and expenses or provide information requested by the committee shall be grounds for revocation of the permit. The holder of the permit may provide to the committee the names of consultants which the permit holder believes are qualified to assist in resolving the issues before the committee.

(Ord. No. 99-58S, pt. 1, 7-13-99)

Sec. 20-1433. Indemnification.

The county does not warrant any tower against design or structural failure. The county does not certify that the design is adequate for any tower and the county hereby accepts no liability through the issuance of a conditional use permit or zoning permit. By acceptance of a conditional use permit, or by issuance of a zoning permit, under this article, the applicant agrees to indemnify the county against each and every claim, demand, or cause of action that may arise or be made against the county by reason or in any way arising out of any defect or imperfection in the tower and/or antenna, or any failure to repair the same, and also against every claim, demand, or cause of action against the county by reason of any liability that is or may be imposed on the county, on account of any such defect, imperfection, or any failure to repair the same.

(Ord. No. 99-58S, pt. 1, 7-13-99)

Secs. 20-1434--20-1439. Reserved.

DIVISION 2. SITE STANDARDS

Sec. 20-1440. Purpose.

These standards are to ensure site construction and development in a manner which will result in an appearance compatible with permitted uses in the zoning district and to protect adjacent property from safety hazards such as tower failure or falling ice.

(Ord. No. 99-58S, pt. 1, 7-13-99)

Sec. 20-1441. Site size and tower setbacks.

(a) The site shall be of a size and shape sufficient to provide an adequate setback from the base of the tower to any property line. Such setback shall be sufficient to:

- (1) Provide for an adequate vegetative, topographic or other buffer, as provided in this section.
- (2) Preserve the privacy of adjoining properties.
- (3) Protect adjoining properties from the potential impact of tower failure and falling ice by being large enough in area to accommodate such failure and falling ice on the site.
- (4) Conform to the minimum shore yard setbacks.

(b) Setbacks shall not be less than the height of the tower above grade between the base of the tower and any property line. If the applicant presents to the committee a report by a structural engineer licensed by the State of Wisconsin certifying the fall-down radius of the proposed tower to be less than its height, the allowed set back shall be that certified distance.

(c) When more than one (1) tower is placed on a site, all setback, design and landscape requirements shall be met as to each tower. Structures may be located as close to each other as technically feasible, provided tower failure characteristics of each tower on the site will not lead to multiple failures in the event that one (1) fails.

(Ord. No. 99-58S, pt. 1, 7-13-99)

Sec. 20-1442. Guy setback.

(a) For a guyed structure, the site shall be of a size and shape sufficient to provide an adequate setback from a guy anchor to any property line abutting a residential district, public property or public street. Such setback shall be adequate to provide a vegetative, topographic or other buffer sufficient to obscure view of the anchor from adjoining properties.

(b) A site with a guyed structure shall provide:

- (1) A setback of at least twenty-five (25) feet between a guy anchor and any property line abutting a residential district, public property or street; and
- (2) A setback equal to or exceeding the rear yard setback required for the adjoining property where the adjoining property is not a public property or street, nor in a residential district.

(c) A guy anchor may be located on an adjoining property when:

- (1) Written authorization from the adjoining property owner is provided at the time of application for conditional use approval; and
- (2) The guy anchor meets the requirements of subsection (b), above, as to all other adjoining property lines.

(d) Guy anchors may be located within required landscape areas.

(Ord. No. 99-58S, pt. 1, 7-13-99)

Sec. 20-1443. Setbacks for accessory uses.

Setbacks for all accessory structures and uses shall be at least as great as the required yards of the underlying zone for accessory structures. Accessory structures shall be limited to (fifteen) 15 feet in height.

(Ord. No. 99-58S, pt. 1, 7-13-99)

Sec. 20-1444. Tower appearance and illumination.

(a) For towers not regulated by the Wisconsin Division of Aeronautics or the Federal Aviation Administration, a surface paint or finish shall be used that reduces the visibility of the tower.

(b) Towers shall not be illuminated except as required by the Wisconsin Division of Aeronautics or the Federal Aviation Administration.

(c) Facility structures and equipment, including supporting structures, shall be located, designed and screened to blend with the existing natural or built surroundings so as to reduce visual impacts.

(Ord. No. 99-58S, pt. 1, 7-13-99)

Sec. 20-1445. Landscaping.

Landscaping of the leased site, which abuts or is visible from streets, residences, public parks or areas with access to the general public other than the owner of the adjoining property, in order to mitigate the aesthetic and visual impacts of the tower, shall be required, at a minimum, as follows:

(1) For towers two hundred (200) feet in height or less, a buffer area no less than twenty-five (25) feet wide shall be provided on all sides of the facility. At least one (1) row of evergreen shrubs shall be spaced not more than five (5) feet apart. Shrubs should be of a variety which can be expected to grow to form a continuous hedge at least five (5) feet in height within two (2) years of planting. At least one (1) row of evergreen trees or shrubs, not less than four (4) feet high at the time of planting, and spaced not more than fifteen (15) feet apart, shall also be planted. Trees and shrubs in the vicinity of guy wires shall [be] of a type that would not exceed twenty (20) feet in height or would not affect the stability of the guys, should they be uprooted, and shall not obscure visibility of the guy anchor from the transmission building or security facilities and staff.

(2) For towers more than two hundred (200) feet in height, a buffer area of not less than forty (40) feet wide shall be provided on all sides of the facility with at least one (1) row of evergreen shrubs spaced not more than five (5) feet apart, which will grow to form a contiguous hedge at least five (5) feet in height within two (2) years of planting. In addition, one (1) row of deciduous trees, not less than one and one-half (1 1/2) inch caliper measured three (3) feet from the ground at the time of planting and spaced not more than twenty (20) feet apart, and at least one (1) row of evergreen trees not less than four (4) feet at the time of planting and spaced not more than fifteen (15) feet apart, shall also be planted. Trees and shrubs in the vicinity of guy wires shall be of a type that does not exceed twenty (20) feet in mature height or does not affect the stability of the guys, should they be uprooted, and shall not obscure visibility of the anchor from the transmission building or security facilities and staff.

(3) The committee may allow use of an alternate plan or require a more restrictive plan providing for landscape and screening, including plantings, fences, walls and other features. The plan shall accomplish the same degree of screening for the tower(s) and accessory uses achieved in subsections (1) and (2) above, except when lesser requirements are desirable for security purposes and for continued operation of existing

agricultural or forest uses, including produce farms, nurseries, and tree farms.

(4) Native vegetation and natural land forms on the site shall be preserved to the greatest practical extent. The site plan shall show any existing native vegetation to be removed and shall indicate the type and location of native vegetation to be replanted.

(Ord. No. 99-58S, pt. 1, 7-13-99)

Sec. 20-1446. Site development, roads and parking.

(a) A minimum of one (1) parking space shall be provided on each site. On sites with personnel routinely in attendance, additional parking spaces may be required by the planning and development committee.

(b) All sites must be served by a minimum thirty-foot wide easement with a turnaround. The committee may modify the easement and turnaround requirement. All sites shall use existing access points and roads whenever possible.

(Ord. No. 99-58S, pt. 1, 7-13-99)

Secs. 20-1447--20-1459. Reserved.

Sec. 20-1463. Principal or accessory use.

Wind energy facilities may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of a wind energy facility or a part of such facility on such lot. Wind energy facilities that are constructed and installed in accordance with the provisions of this article shall not be deemed to constitute the expansion of a non-conforming use or structure.

(Ord. No. 2004-136, 12-14-04)

Sec. 20-1464. Small wind energy facility.

Small wind energy facilities shall be allowed after site plan review in all non-residential zoning classifications, including A-2 and C-2 districts, where structures are allowed, subject to certain requirements as set forth below:

- (1) *Tower height:* For property sizes between one-half (1/2) acre and one (1) acre, the tower height shall be limited to eighty (80) feet. For property sizes of one (1) acre or more, there is no limitation on tower height, except as imposed by Federal Aviation Administration (FAA) regulations.
- (2) *Setback:* No part of any small wind energy facility may extend closer than the total height of the wind energy facility to the property boundaries on the installation site. Guy wire anchors may be located within ten (10) feet of the property boundaries.
- (3) *Noise:* For wind speeds in the range of zero to twenty-five (25) miles per hour, small wind turbines shall not cause a sound pressure level in excess of sixty (60) dB (A) or in excess of five (5) dB (A) above the background noise, whichever is greater, as measured at the closest neighboring inhabited dwelling at the time of application. This level, however, may be exceeded during short-term events such as utility outages and severe wind storms.
- (4) *Approved wind turbines:* Small wind turbines must have been approved under the Emerging Renewables Program of the California Energy Commission or any other small wind certification program recognized by the American Wind Energy Association. Written evidence of such approval must be submitted as part of the project application.
- (5) *Compliance with Uniform Building Code:* Permit applications for small wind energy facilities must be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings. An engineering analysis of the tower showing compliance with the Uniform Building Code and certified by a licensed professional engineer must also be submitted. This analysis is frequently supplied by the manufacturer. Original stamps shall not be required.
- (6) *Compliance with FAA regulations:* Small wind energy facilities must comply with applicable FAA regulations, including any necessary approvals for installations close to airports. Copies of such approvals must be submitted as part of the application.
- (7) *Compliance with National Electric Code:* Permit applications for small wind energy facilities must be accompanied by written certification that the manner of installation conforms to the National Electrical Code. This information is frequently supplied by the manufacturer.
- (8) *Utility notification:* No small wind energy facility shall be installed until written evidence has been given that the utility company has been informed of the customer's intent to install an inter-connected customer-owned generator. Off-grid systems shall be

exempt from this requirement.

(Ord. No. 2004-136, 12-14-04)

Sec. 20-1465. Commercial-scale wind energy facility.

Commercial-scale wind energy facilities are conditional uses in any agricultural district in conformance with the following requirements:

(1) *Visual appearance, lighting, power lines:*

- a. Wind turbines shall be painted a non-reflective, unobtrusive color, such as gray or white.
- b. Building and related structure designs at wind energy facility sites shall, to the extent reasonably possible, use materials, colors, textures, screening, and landscaping that will blend the wind energy facility into the natural setting and the then-existing environment.
- c. Wind energy facilities shall not be artificially lighted, except to the extent required by the FAA or other applicable authority.
- d. Wind turbines shall not be used to display any advertising, except for reasonable identification of the manufacturer or wind energy facility operator
- e. Electrical controls and control wiring and power lines shall be wireless or not above ground except where wind farm collector wiring is brought together for connection to the transmission or distribution network, adjacent to that network.

(2) *Setback:* The following setbacks and separation requirements shall apply to all wind turbines, provided, however, that the committee may reduce the standard setbacks and separation requirements if the intent of this article would be better served thereby.

- a. *Inhabited structures:* Each wind turbine, at the time of application, must be set back from the nearest residence, school, hospital, church, or public library a distance no less than the greater of:
 1. Two (2) times its total height; or
 2. One thousand (1,000) feet.
- b. *Property lines:* Each wind turbine must be set back from the nearest property line a distance no less than 1.1 times its total height unless appropriate easements are secured from adjacent property owners or the committee approves other acceptable mitigation.
- c. *Public roads:* Each wind turbine must be set back from the nearest public road a distance no less than 1.1 times its total height, determined at the nearest boundary of the underlying right-of-way for such public road.
- d. *Communication and electrical lines:* Each wind turbine must be set back from the nearest existing above-ground public electric power line or telephone line a distance no less than one and one-tenth (1.1) times its total height.

(3) *Noise:*

- a. Audible noise due to wind energy facility operations shall not exceed fifty (50) dB (A) for any period of time when measured at any residence, school, hospital, church, public park or recreation area, campground, historic site, or public library existing on the wind energy facility siting permit approval date. This level, however, may be exceeded during short-term events such as utility outages and

severe wind storms.

b. In the event audible noise due to wind energy facility operations contains a steady pure tone, such as a whine, screech, or hum, the standards for audible noise set forth in subsection (3)a. above shall be reduced by five (5) dB (A).

A pure tone is defined to exist if the one-third (1/3) octave band sound pressure level in the band, including the tone, exceeds the arithmetic average of the sound pressure levels of the two (2) contiguous one-third (1/3) octave bands by five (5) dB (A) for center frequencies of five hundred (500) Hz and above; by eight (8) dB (A) for center frequencies between one hundred sixty (160) Hz and four hundred (400) Hz; or by fifteen (15) dB (A) for center frequencies less than or equal to one hundred twenty-five (125) Hz.

c. In the event the ambient noise level (excluding the development in question) exceeds the applicable standard given above, the applicable standard shall be adjusted to equal the ambient noise level. The ambient noise level shall be expressed in terms of the highest whole number sound pressure level in dB (A) that is succeeded for more than five (5) minutes per hour. Ambient noise levels shall be measured at the exterior of potentially affected existing residences, schools, hospitals, churches, and public libraries. Ambient noise level measurement techniques shall employ all practical means of reducing the effect of wind-generated noise at the microphone. Ambient noise level measurements may be performed when wind velocities at the proposed project site are sufficient to allow wind turbine operation, provided that the wind velocity does not exceed thirty (30) miles per hour at the ambient noise measurement location.

d. Any noise level falling between two (2) whole decibels shall be the lower of the two (2).

e. The committee may grant a waiver in the event wind energy facility noise levels exceed the criteria listed above, if the following has been accomplished:

1. Written consent from the affected property owners has been obtained, stating that they are aware of the wind energy facility and the noise limitations imposed by this article, and that consent is granted to allow noise levels to exceed the maximum limits otherwise allowed; and
2. If the applicant wishes the waiver to apply to succeeding property owners, a permanent noise impact easement must be recorded in the county register of deeds office that describes the benefited and the burdened properties and advises all subsequent owners of the burdened property that noise levels in excess of those permitted by this article may exist on or at the burdened property.

f. The applicant/facility operator is responsible for taking such measurements that the committee may require from time to time and for all reasonable costs and expenses associated with taking such measurements.

(4) *Minimum ground clearance:* The blade tip of any wind turbine shall, at its lowest point, have ground clearance of no less than seventy-five (75) feet.

(5) *Signal interference:* The applicant must minimize or mitigate any interference with electromagnetic communications such as radio, telephone, or television signals caused by any wind energy facility. If the applicant is a public utility, PSC 113.0707 also applies.

(6) *Safety:*

a. All wiring between wind turbines and the wind energy facility substation must be underground.

- b. Wind turbine towers shall not be climbable up to fifteen (15) feet above ground level.
- c. All access doors to wind turbine towers and to electrical equipment must be lockable.
- d. Appropriate warning signs must be placed on wind turbine towers, electrical equipment, and wind energy facility entrances.

(Ord. No. 2004-136, 12-14-04)

Sec. 20-1466. Commercial-scale wind energy facility conditional use.

(a) Every conditional use permit application must be made in writing to the planning and development department on the forms provided by the department and accompanied by the required filing fee. The application must include the following information:

- (1) Applicant name and address;
- (2) Evidence that the applicant is the property owner or that the applicant has the property owner's written permission to make such an application;
- (3) A plot plan and a development plan drawn in sufficient detail to clearly describe:
 - a. Property lines and the physical dimensions of the proposed site;
 - b. Locations, approximate dimensions, and types of major existing structures and uses of the site;
 - c. Location and elevation of proposed wind energy facility;
 - d. Locations of all above-ground utility lines and other wind energy facilities on-site or within one (1) radius of the proposed wind energy facility's total height, including the furthest vertical extension of the rotor assembly;
 - e. Locations and sizes of structures or trees that are above thirty-five (35) feet and within a five hundred-foot radius of the proposed wind energy facility. Electrical transmission and distribution lines, antennas, and slender or open-lattice towers are not considered structures for purposes of this requirement.
 - f. Locations of all transmission facilities proposed for installation;
 - g. Locations of all road and other service structures proposed as part of the installation; and
 - h. Written evidence that the applicant has informed local airport owners and operators about any application for a wind energy facility permit above two hundred (200) feet in total height or any wind energy facility within a three-mile radius of any existing public or private airport, including all landing strips.

(b) *Public hearing:* A public hearing shall be held on wind energy facility conditional use permit applications in accordance with chapter 20, article VIII. All procedural requirements and appeals rights as set forth therein shall govern the hearing.

(c) *Findings:* The committee shall approve the conditional use permit if it finds that the proposed use is not detrimental to public health and safety.

(d) *Conditions:* In approving a conditional use petition, the committee may require certain conditions under which the proposed use may be allowed that may provide suitable safeguards to the public health and safety.

(Ord. No. 2004-136, 12-14-04)

Sec. 20-1467. Technical review.

In the event the committee determines that it is necessary to consult with a third party in considering a permit, all reasonable costs and expenses associated with such consultation shall be borne by the applicant. Failure to pay such costs and expenses or provide information requested by the committee shall be grounds for denial or revocation of a conditional use permit. The applicant may provide to the committee the names of consultants that the applicant believes are qualified to assist in resolving the issues before the committee.

(Ord. No. 2004-136, 12-14-04)

Sec. 20-1468. Abandonment.

(a) Any wind energy facility that is not operated for a continuous period of twelve (12) months shall be considered abandoned. In such circumstances, the owner of such facility or owner(s) of the property where the facility is located shall remove said facility including all supporting equipment, buildings, and foundations to a depth of five (5) feet and shall restore the location to its natural condition, except that any landscaping and grading may remain in the after-condition as determined by the zoning administrator, within ninety (90) days of receipt of notice from the zoning administrator. If removal and restoration to the satisfaction of the zoning administrator does not occur within the said ninety (90) days, the zoning administrator may remove and salvage said facility and all supporting equipment and buildings and restore the site at the facility owner's or property owner's expense.

(b) The applicant shall submit a copy of a signed agreement, which may be the lease agreement, between the property owner and the facility owner detailing abandonment requirements and subsequent removal based on the provisions of subsection (a) above. Said agreement shall also identify that the agreement shall be binding on future property owners and future facility owners.

(c) The facility and foundation shall be recorded in the county register of deeds office, and a copy of the recorded deed shall be filed with county planning and development.

(Ord. No. 2004-136, 12-14-04)

Sec. 20-1469. Continued compliance.

Upon written inquiry by the committee, the permit holder under this section shall have the burden of presenting credible evidence establishing to a reasonable degree of certainty the continued compliance with all conditions placed upon the conditional use permit. Failure to establish compliance with all conditions placed upon the conditional use permit shall be grounds for the revocation of the permit. All reasonable costs and expenses associated with such consultation shall be borne by the holder of the permit. Failure to pay such costs and expenses or provide information requested by the committee shall be grounds for revocation of the permit. The permit holder may provide to the committee the names of consultants that the permit holder believes are qualified to assist in resolving the issues before the committee.

(Ord. No. 2004-136, 12-14-04)

Sec. 20-1470. Indemnification.

Racine County does not warrant any wind energy facility against design or structural failure. The

county does not certify that the design is adequate for any wind energy facility and the county hereby accepts no liability through issuance of a conditional use permit or zoning permit. By acceptance of a conditional use permit or by issuance of a zoning permit under this article, the applicant agrees to indemnify the county against each and every claim, demand, or cause of action that may arise or be made against the county by reason or in any way arising out of any defect or imperfection in the wind energy facility or any failure to repair the same, and also against every claim, demand, or cause of action against the county by reason of any liability that is or may be imposed on the county, on account of any such defect, imperfection, or any failure to repair the same.

(Ord. No. 2004-136, 12-14-04)