

Chapter 62 – Comprehensive Zoning

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1.0 Statutory Authorization, Purpose, and Finding of Fact.

A. Statutory Authorization. This Chapter is adopted pursuant to the authorization contained in §§ 59.69, 59.692, 87.30, and 91.30, Wis. Stats.

B. Statement of Purpose. The provisions of this Article are intended to promote the health, safety, comfort, prosperity, and general welfare of the public.

2.0 Abrogation and Greater Restriction.

A. It is not otherwise intended by this Article to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, Chapters, rules, regulations, or permits previously adopted or issued pursuant to law, other than Zoning, to the extent specified in this Article.

B. Interpretation. In their interpretation and application, the provisions of this Article shall be held to be minimum requirements, and shall be liberally construed in favor of the County, except as otherwise limited by Wisconsin Statutes, and shall not be deemed a limitation or repeal of any other powers granted by the Wisconsin Statutes. Nothing in this Article is to be construed as affecting any provision in the County Shoreland Zoning Article, which is in no way affected by this Article.

3.0 Jurisdiction and Effective Date

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

B. This Article shall apply to Shorelands, as that term is defined by the County Shoreland Zoning Article, to the extent that it is more restrictive than the Article regulating Shorelands.

C. The State of Wisconsin shall be exempt from the terms of this Chapter under the legal doctrine of the sovereignty of the State, all other governmental bodies shall be within the jurisdiction of this Chapter, except that the construction of public roadways and bridges is exempt from the provisions of this Chapter.

4.0 General Provisions

A. Setback, lot sizes, and other dimensional requirements applicable to the various zoning districts are indicated in this Article.

B. No structure, land, water, or air shall hereafter be used without full compliance with the provisions of this Chapter. No structure or part, except as specifically allowed hereunder, shall hereafter be located, erected, moved, reconstructed, or altered, and no substantial land use change made, without full compliance with this Chapter. For each district the permitted uses are stated, others are specifically classified as requiring special exception permits and any uses not specifically classified shall require special exception permits.

C. After adoption of this Chapter, no lot area shall be so reduced that the dimensions and yard requirements imposed by this Chapter cannot be met. However, where existing lots do not satisfy such requirements, the Board of Adjustment may grant a variance.

D. All lots shall abut upon a public street or road to which direct access is permissible, and each lot shall have a minimum frontage of at least sixty-six (66) feet. This requirement shall not be construed to conflict with the minimum average lot width standards specified in this Chapter, inasmuch as irregularly shaped lots may meet both the requirements. In the case of a corner lot, the standards specified for setbacks for that district shall apply to those sides of the lot that abut both streets forming the corner.

E. Buildings used for human habitation shall provide year-round living area of not less than four hundred (400) square feet and a minimum dwelling width of twenty (20) feet.

F. No lot shall have more than one (1) principal building for residential purposes, except as otherwise specified herein, and shall have a minimum setback from all lot lines of ten (10) feet.

G. Where accessory structures are listed as a permitted use, shipping containers, campers, semi-trailers, mobile homes, mobile office units, cargo boxes, buses,

motor coaches, box cars, or trailers may not be used as accessory buildings, unless specified as a permitted use within a zoning district.

1. The Zoning Administrator may permit the use of shipping containers, semi-trailers, cargo boxes, box cars, trailers, or similar portable storage containers ("Portable Storage Containers") as an accessory structure under an approved conditional use permit to (1) enclose the unit within a building or (2) to alter the appearance of the unit in such a manner that it appears to be an accessory structure, and does not appear to be a Portable Storage Container.

H. No provision of this Chapter shall be construed to bar an action to enjoin or abate the use or occupancy of any land or structure as a nuisance under the appropriate laws of the State of Wisconsin.

I. Any lot legally created and recorded in the Register of Deeds Office prior to the adoption of this Chapter, may be increased in size by the addition of all or part of the adjoining lots or parcels, and such resulting lots may be used for any purpose permitted in the district in which they are located, provided that the resultant lots or parcels shall not be reduced below the minimum requirements of the district or made less conforming.

J. Any lot legally created and recorded in the Register of Deeds Office prior to the adoption of this Chapter, may be used as a building site, or for any purpose permitted by this Chapter, even though such lot does not conform to the minimum frontage or area requirements of the district in which it is located, provided that all other requirements of the district can be met.

K. In districts that permit agricultural uses, the grazing or raising of farm animals shall require a minimum of one (1) acre. On lots between one (1) and five (5) acres, one (1) animal unit per acre is allowed. Units determined using the Wisconsin Department of Natural Resources Animal Unit Calculation Worksheet Form 3400-025A.

L. Camping Provisions.

1. Camping, parking, or storing a camping unit when located on a lot where a habitable residential dwelling does not exist shall be subject to the following conditions:

- a. No more than one (1) camping unit shall be allowed on a lot.

b. Approved and permitted sanitary provisions, such as State approved systems, self-contained units, non-plumbing sanitation systems, or a POWTS shall be used to serve the camping unit.

c. Arrangements shall be made for the proper disposal of trash and garbage.

d. Camping, parking, and/or storage of a unit on a lot shall only be permitted from April 15 through December 1 each year, except as permitted under Section 4.0(L)(2).

e. Occupation of a unit by a person having no other regular place, residential dwelling unit, or abode at the time the unit is so occupied is prohibited.

f. Camping may take place on an interim basis on a lot where construction of a permitted dwelling is in progress, not to exceed one (1) year from the date of issuance of a zoning and/or residential building permit.

g. Camping shall be permitted in all districts except Residential (R-1).

h. Camping units shall comply with all setback requirements for the district in which they are located.

i. Camping units shall always remain currently licensed, road worthy, and able to be legally towed or driven on a public road.

2. Camping, parking, and/or storing a camping unit on a lot where a primary residential dwelling does not exist shall be permitted on a year-round basis through a Conditional Use Permit under the following conditions:

a. Lot must be a minimum of five (5) acres and may not be located in a platted subdivision.

b. Written approval must be received from the Town Board in which the lot is located.

c. All other provisions listed in Section 4.0(L)(1) shall apply.

d. The camping unit for which the Conditional Use Permit is issued shall at all times remain currently licensed, road worthy, and able to be legally towed or driven on a public road.

e. No accessory structures or additions may be attached to the camping unit.

f. The camping unit shall meet the lot line setback for the zoning district in which it is located and be visually screened from adjacent properties and public roads using screening options such as, but not limited to, fencing, rows of trees, existing vegetation, and/or earthen berms. Compliance with visual screening standards shall be part of the Conditional Use Permit process.

g. An annual permit fee as established by the County Board of Supervisors shall be submitted to the Zoning Administrator by December 1st each year, or the Conditional Use Permit shall expire.

h. The Zoning Administrator shall conduct an annual inspection to determine that all Chapter requirements are met, including any conditions placed on the Conditional Use Permit. If the property or use is found to be in non-compliance with the Chapter requirements or permit conditions, the permit may be rescinded after a thirty (30) day written notice to the property owner.

M. Salvage Materials and Unlicensed Vehicles.

1. Purpose and Intent

a. The purpose of this section is to protect the public health, safety, and general welfare by preventing the accumulation of junk, salvage materials, and inoperable vehicles. Such accumulations can create fire hazards, harbor pests, pose a threat to children, cause environmental contamination, and degrade neighborhood property values. This ordinance provides for the orderly storage and removal of these items.

2. Definitions. For the purposes of this section, the following terms shall have the meanings indicated:

a. Inoperable Motor Vehicle: Any motor vehicle, trailer, or semi-trailer which is unable to be moved under its own power and safely operated on a public highway. Indicators of inoperability include, but are not limited to, having a wrecked or dismantled body, missing or flat tires, missing engine or transmission, or lacking a current, valid license plate.

b. Junk: Any discarded, worn-out, or cast-off material, including but not limited to refuse, garbage, scrap metal, rags, tires, bottles, and inoperable appliances.

c. Salvage Materials: Any materials, including but not limited to wood, masonry, and other building supplies, which are not part of a

structure or an active construction or remodeling project that has a valid, unexpired permit.

3. Prohibited Storage

a. Except as otherwise permitted in this Chapter, no person or property owner shall cause or permit the outdoor storage or accumulation of any of the following on any property for a continuous period of more than thirty (30) days:

(1) Junk or Salvage Materials not directly related to the ongoing maintenance or permitted construction on the property.

(2) One or more Inoperable Motor Vehicles.

(3) Any mobile home that is not occupied and is deemed uninhabitable by the Zoning Administrator or Building Inspector by reference to the standards in the applicable state or local building and health codes.

4. Exemptions. The provisions of this section shall not apply to:

a. Any material stored entirely within a fully enclosed, legally constructed building.

b. The operation of a properly licensed and zoned junk yard, salvage yard, automotive repair shop, or auto sales business.

c. Farm machinery, equipment, and materials located on the premises of a legally operating farm in a properly zoned district.

d. The limited storage of inoperable motor vehicles when authorized by a Conditional Use Permit as set forth in Section 5 below.

5. Conditional Use Permit for Limited Vehicle Storage. The storage of unlicensed or inoperable motor vehicles otherwise prohibited by this ordinance may be permitted only upon the issuance of a Conditional Use Permit (CUP) by the County, subject to the following conditions:

a. Approval Process:

(1) The Town Board in which the property is located shall provide a written recommendation to the Board of Adjustment prior to the issuance of any CUP.

b. Use Limitations.

(1) The maximum number of vehicles stored outdoors shall not exceed three.

(2) Such storage is prohibited in any Residential Zoning District or platted subdivision.

(3) Only one such CUP may be issued for a property owner's contiguous parcels.

c. Site Requirements.

(1) Vehicles must be stored a minimum of one hundred (100) feet from any lot line.

(2) Vehicles shall be visually screened from all adjacent properties and public roads by fencing, dense vegetation, or other opaque barrier approved as part of the CUP.

(3) The property owner must provide a plan for the safe handling and disposal of all automotive fluids in conformance with state and federal regulations.

d. Permit Term and Revocation.

(1) The CUP shall expire five (5) years from the date of issuance and is non-transferable with the sale of the property. The permit holder may apply for renewal prior to expiration.

(2) The Zoning Administrator reserves the right to inspect the property during normal business hours. If the use is found to be non-compliant with the ordinance or permit conditions, the CUP may be revoked following a thirty (30) day written notice to cure the violation. Failure to cure the violation will result in immediate revocation.

6. Enforcement and Penalties.

a. Notice of Violation: Upon determination of a violation, the Zoning Administrator shall issue a written notice to the property owner specifying the nature of the violation and requiring its abatement within thirty (30) days.

b. Failure to Comply: If the violation is not corrected within the specified time, the County may take action to abate the nuisance at the property owner's expense, and the costs thereof shall be assessed as a special charge against the property.

c. Citations: In addition to abatement, any person who violates this section may be subject to citations and forfeitures as provided for in the County's general penalty ordinance. Each day a violation continues shall constitute a separate offense.

N. Unless permitted under Section 4.0(O), every structure shall be set back seventy-five (75) feet from a wetland boundary or the ordinary high-water mark of a lake,

stream, man-made lake, or impoundment, as determined by the Zoning Administrator. Building near the above-described boundaries is subject to reduced building setback averaging as defined herein.

O. On properties abutting man-made lakes that are not under the jurisdiction of the County Shoreland Zoning Article, the following structures shall be exempt from the setback requirements of Section 4.0(N):

1. Retaining walls with a maximum depth of eighteen (18) inches and not exceeding two (2) feet in height from original grade prior to installation.
2. One pathway, access, and/or walkway may be established from a residence to the ordinary high-water mark and shall not exceed four (4) feet in width. The path shall be as perpendicular to the residence as practical.
3. Patios, decks, and open-air structures that do not exceed two hundred fifty (250) feet in area, twelve (12) inches in height from original grade, and are set back a minimum of twenty (20) feet from the ordinary high-water mark.
4. Patios, decks, and open-air structures built adjacent to a residence provided the structure is setback a minimum of fifty (50) feet from the ordinary high-water mark.
5. On any single lot or parcel, a maximum of one (1) primary residential structure and two (2) non-residential storage structures may be constructed under the provisions of Section 4.0(N) & 4.0(O)(4) for a total of three (3) structures.

P. A building setback less than the setback required may be permitted where there are existing buildings within five hundred (500) feet of the proposed site that are built at less than the required setback. In such cases, the setback shall be the average of the setbacks of the existing similar buildings in the area. In no case shall a setback of less than fifty (50) feet be allowed except by the granting of a Variance by the Board of Adjustment.

Q. In each quadrant of every public street intersection, excepting those controlled by arterial or all way stop signs and also excepting Class A intersections, there shall be a visual clearance triangle bounded by the street centerlines and a line connecting points on them seventy-five (75) feet from the intersection. Objects permitted within highway setback lines and visual clearance triangles are as follows:

1. Open fences.

2. Telephone, telegraph, and power transmission poles, lines, and portable equipment, and livestock housing that is readily removable in its entirety are permitted where they do not obstruct the view.

3. The planting and harvesting of crops, shrubbery, and trees, except that the view within the visual clearance triangle shall not be obstructed.

R. The existing lawful use of a structure or premises which is not in conformity with the provisions of this Chapter may be continued subject to the following:

1. No use shall be expanded or enlarged except in conformity with the provisions of this Chapter.

2. Legal non-conforming structures are allowed unlimited maintenance, repair, renovation, remodeling, and rebuilding, provided it is confined to the existing building envelope.

3. If any nonconforming use is discontinued for twelve (12) consecutive months, any future use of the building or premises shall conform to this Chapter.

S. Restoration of Legal Nonconforming Structures.

1. As authorized under § 59.69(10m), Wis. Stats., a legal nonconforming structure may be rebuilt if all the following conditions are met:

a. The structure was damaged or destroyed on or after March 2, 2006.

b. The damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation.

c. The size of the structure is not increased, and the structure is built in the same location that it occupied prior to being destroyed.

d. The use of the structure is not changed unless the new use is in conformity with this Chapter.

T. In all zoning districts, any building or structure that exceeds one hundred (100) feet in height must be setback from all parcel lines, property lines, and lot lines a distance equal to the height of the building or structure.

U. Mobile service support structures and facilities as defined in § 66.0404(1), Wis. Stats., are a Special Exception in all zoning districts.

V. In areas zoned Residential (R-1 or R-2), no accessory building, structure or use shall be constructed or established on any lot or parcel prior to the time of construction or establishment of the principal or main structure to which it is accessory. The owner of an adjacent, vacant lot or parcel shall not construct an accessory building thereon until the owner combines the vacant land with the land containing the principal or main structure, or use by certified survey map or other method approved by the Zoning Administrator. If it is impossible to combine the land into a single lot due to the location of a right of way held in fee, the owner may apply for a Special Exception under Chapter 61-Zoning Administration to allow the construction of an accessory building on the vacant lot or parcel. Terms of the Special Exception shall prohibit the sale of the accessory lot separate from the principal or main lot by deed restriction.

W. The Zoning Administrator may issue a special permit to relax the standards of this ordinance in order to provide reasonable accommodations as required by provisions of Federal and State law. Such relaxation shall be the minimum necessary to be consistent with Federal guidelines for accommodation of persons with disabilities and shall, where practicable, be terminated when the facility is no longer used by the disabled person. A person applying for a permit for construction under this Section shall establish the nature and extent of the disability and that the relaxation requested is the minimum necessary to provide reasonable use of the facility. A deed restriction or affidavit for the reasonable accommodation shall be filed with the Marquette County Register of Deeds.

5.0 Site Design Standards

The following site design standards shall apply to lands zoned Commercial-Business and Commercial-Industrial, and when required under other Sections of this Chapter. These standards are adopted to promote health, safety, comfort, prosperity, and the general welfare of the public. It is the intention of these standards to ensure that future development is designed in a way that complements community character, increases tax base, and ensures lasting quality. A site plan shall be submitted to the Zoning Administrator addressing the following items:

A. Screening.

1. The following areas or features shall be required to be effectively screened by fencing, landscaping, or berms from view from public roadways, and adjacent residential properties:

- a. Exterior structures related to heating systems, cooling, or air conditioning systems.
- b. Refuse, garbage, dumpsters, and recyclable material collection points.
- c. Outdoor storage areas.
- d. Loading docks.
- e. Any other site area or facility if reasonably related to the protection of neighboring properties or the public from distracting, unappealing, or offensive views of on-site activities as determined by the Zoning Administrator.

2. Options for Screening. The following are options for providing required screening where applicable:

- a. Fencing: The construction of a minimum six (6) -foot high solid fence shall be deemed adequate screening if required. The fence shall be one (1) color and constructed of one (1) type of commonly used fencing materials.
- b. Rows of trees: The planting of a minimum of two (2) rows of trees staggered with a ten (10) -foot spacing, which are a minimum of four (4) feet tall when planted, shall be deemed adequate screening if required. One (1) row shall be white pine, red pine, or a fast-growing hybrid poplar. The lot owner shall maintain such planting, and any dead trees shall be replaced within six (6) months. An alternate species or planting plan may be substituted if prior approval is received from the Zoning Administrator.
- c. Existing vegetation: The maintenance of existing native vegetation that, from off the property during full foliage conditions, provides the appearance of a solid wall of vegetation, shall be deemed adequate screening if required. The final determination as to the acceptability of the existing vegetative screen shall be made by the Zoning Administrator.
- d. Earthen berms: The construction of an earthen berm to a minimum height of six (6) feet, which is to be seeded and/or landscaped with shrubs and maintained by the owner, shall be deemed adequate screening.

B. Off Street Parking.

1. Minimum Off-Street Parking Requirements: Off-Street parking spaces shall be provided in sufficient numbers to address the anticipated amount of traffic to the proposed use.

2. Handicapped Parking Spaces: Parking for the handicapped shall be provided at the number, size, and location, and with signage as specified by State and Federal regulations.

3. Location: Off-street parking areas shall be located on the same lot as the principal use.

4. Installation of Off-Street Parking Areas: All required off-street parking areas shall be completed prior to building occupancy.

5. Use of Off-Street Parking Areas: The use of off-street parking areas shall be limited to the parking of licensed, registered, and operable vehicles.

6. Depiction on Site Plan: All existing and proposed parking areas on the lot shall be depicted as to their location and configuration on the site plan.

C. Loading Standards.

1. Any nonresidential use, created after the adoption of this Chapter, which has a gross floor area of five thousand (5,000) square feet or more, and which requires deliveries or makes shipments, shall provide at least one (1) off-street loading area.

2. Location: Loading areas shall be provided so that all vehicles loading, maneuvering, or unloading are completely off the public road right-of-way or road easement.

3. Depiction on Site Plan: All existing and proposed loading areas on the lot shall be depicted as to their location and configuration on the site plan.

6.0 Signage

The purpose of this article is to provide the minimum regulations, provisions and requirements to ensure the safety and general welfare of the public and to preserve the scenic beauty of the county by regulating and permitting the installation of signs and other advertising structures within the county. All signs, existing or proposed, to be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered shall conform to the requirements of this article.

A. This section shall not conflict with rules outlined in WI Administrative Code Trans 201, pursuant to authority contained in ss. 84.106, 84.30 and 86.19, Stats. In

areas where state or federal regulations apply, the more restrictive regulations shall apply.

B. The provisions of this article, which define permitted locations of signs along the public roads and highways, are held to be the minimum standards to ensure safety on the public roads and highways.

C. No person shall place a sign which will obstruct or interfere with a driver's or pedestrian's ability to see a road, highway, traffic sign, signal, railway crossing, crossroad or crosswalk. No sign or its structural components shall be erected or temporarily placed within the vision triangle of a road or highway.

D. On premise signage advertising a business or activity shall meet the following standards:

1. Wall signs placed against the exterior of a building shall not extend more than one (1) foot from the wall surface and shall not exceed two hundred (200) square feet in area.

a. The signable area of a building is a rectangular or square area of the facade, up to the roofline, which is free of windows, doors, or major architectural detail. In computing signable area, only a building facade which faces a public street may be utilized.

b. Signs shall not be erected, relocated, or maintained to prevent free ingress or egress to any door, window, or fire escape, and no sign shall be attached to a standpipe or fire escape.

2. Projecting signs fastened to, suspended from, or supported by attached structures shall not exceed fifty (50) square feet on a side.

3. Ground signs shall meet lot line setbacks as designated within a parcel's zoning district and may be placed at the road right-of-way line, shall not exceed two hundred (200) square feet on a side and shall not exceed thirty-five (35) feet in height above the main grade.

a. Back-to-back signs shall be permitted and shall be considered as one sign.

4. Roof signs shall not exceed ten (10) feet in height above the roof, shall not exceed two hundred (200) square feet on a side and may not extend beyond the building on which it is located.

7.0 Highway Setbacks

The purpose of the standards herein prescribed is to promote the orderly and safe movement in and out of private properties in such a manner as will constitute a minimum of interference to through highway traffic.

A. For the purpose of determining the distance buildings and other structures shall be set back from streets and highways, the highways of the County are divided into the following classes:

1. All State and Federal highways are hereby designated as Class A highways.
2. All county trunks are hereby designated as Class B highways.
3. All town roads, public streets and highways not otherwise classified, are hereby designated Class C highways.

B. The minimum setbacks from the various Class highways are as follows:

1. The setback from a Class A highway shall be one hundred ten (110) feet from the centerline of the highway or fifty (50) feet from the right-of-way line, whichever is greater.
2. The setback from a Class B highway shall be seventy-five (75) feet from the centerline of the highway or forty-two (42) feet from the right-of-way line, whichever is greater.
3. The setback from a Class C highway shall be sixty-three (63) feet from the centerline of the highway or thirty (30) feet from the right-of-way line, whichever is greater.

8.0 Zoning Districts and Zoning Maps

A. Official copies of the zoning maps, together with a copy of this Chapter shall be kept by the Zoning Administrator and shall be available for public inspection

during regular office hours and on the County website. Any changes or amendments affecting zoning boundaries or explanatory matters shall be on file in the Planning and Zoning Office. All such changes shall be made in accordance with the provisions of § 59.69, Wis. Stats., and the provisions of this Chapter.

B. When the width or length of the boundaries of various zones is not clear, the dimensions shall be determined by the Zoning Administrator. Zone boundaries are normally lot lines, section, quarter, quarter-quarter lines, centerlines, and right-of-way lines of highways, railroads, and utility easements.

C. The Zoning Administrator shall deny a zoning permit for any use of any land in a district so substantially different from the stated uses in that district that it is deemed to be inappropriate, subject to any federal, state, or County regulation that affects whether an unlisted use may be allowed, including but not limited to Chapter 91, Wisconsin Statutes and ATCP 49, Wis. Admin. Code.

D. The Board of Supervisors may rezone to an appropriate district; set conditions on use and buildings for such rezoning; and determine the particular land use to be either a permitted use or special exception in the new district, subject to any federal, state, or County regulation that affects whether an unlisted use may be allowed, including but not limited to Chapter 91, Wisconsin Statutes and ATCP 49, Wis. Admin. Code.

E. The Board of Adjustment may issue a special exception permit allowing any use it determines to be substantially similar to the enumerated special exception uses in a district, subject to any federal, state, or County regulation that affects whether an unlisted use may be allowed, including but not limited to Chapter 91, Wisconsin Statutes and ATCP 49, Wis. Admin. Code.

F. In order to carry out the purpose and provisions of this Chapter, the following zoning districts and zones are hereby established, and may be known by the accompanying abbreviations:

1. Conservation Protection (CP)
2. Prime Agriculture (AG-1)
3. Farmland Preservation Overlay (FPO)
4. Agriculture and Open Space (AO)
5. General Agriculture (AG-2)
6. Agricultural-Residential (AG-3)
 - a. AG-3(2) – parcel minimum of 2 acres
 - b. AG-3(4) – parcel minimum of 4 acres
 - c. AG-3(5) – parcel minimum of 5 acres
7. Resource Protection (RP)

8. Recreational (REC)
9. Residential (R-1)
10. Multiple Family Residential (R-2)
11. General Purpose (GP)
12. Commercial Business (CM-B)
13. Commercial Industrial (CM-I)
14. Planned Development (PD)
15. Rural Center (RC)
16. Cluster Development Overlay (CD)

8.0.1 Conservation Protection (CP)

A. This district provides for the conservation and protection of natural resources. Generally, this zone includes swamps, marshland, wetlands, and other lands of natural aesthetic value. Conservation Protection District is designed to preserve, protect, enhance, and restore all significant woodlands, scenic areas, submarginal farmlands, archaeological sites, natural watersheds, significant landforms, wildlife habitat, and other natural resources that contribute to environmental quality.

B. Newly created lots and lots or parcels remaining after a land division shall provide a lot area of not less than forty (40) acres and have a minimum width of five hundred (500) feet at the building line.

C. In addition to setbacks required in Sec. 7.0, all buildings shall have a minimum setback of twenty-five (25) feet from all lot lines.

D. The following uses shall be permitted in the Conservation Protection District:

1. Single family dwelling.
2. The harvest of any wild crop such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds.
3. Forestry.
4. Agricultural use consistent with the operating agency's management plan.
5. Preservation of scenic, historic and scientific areas, wildlife preserves.
6. Accessory buildings consistent with the operating agency's management plan.
7. Hiking, biking, nature, horse or other non-motorized trails.
8. Public parks or refuges.
9. Governmental uses.

8.0.2 Prime Agriculture (AG-1)

A. Purpose. The intent of this district is to maintain highly productive agricultural lands in food and fiber production by effectively limiting encroachment of non-agricultural development and minimizing land use conflicts among incompatible uses.

B. Definitions. The following definitions apply in the A-1 Farmland Preservation District:

1. Accessory Use means any of the following land uses on a farm:

a. A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use, including Solar Energy Systems – Small Scale and shipping containers.

b. An activity or business operation that is an integral part of, or incidental to, an agricultural use.

c. A farm residence.

d. A business, activity, or enterprise, whether or not associated with an agricultural use, that is conducted by the owner or operator of a farm, that requires no buildings, structures, or improvements other than those described in paragraph (a) or (c), that employs no more than 4 full-time employees annually, and that does not impair or limit the current or future agricultural use of the farm or of other protected farmland.

e. Any other use that the department, by rule, identifies as an agricultural use.

2. Agricultural Use means any of the following:

a. Any of the following activities conducted for the purpose of producing an income or livelihood:

1. Crop or forage production.
 2. Keeping livestock.
 3. Beekeeping.
 4. Nursery, sod, or Christmas tree production.
 5. Floriculture.
 6. Aquaculture.
 7. Fur farming.
 8. Forest management.
 9. Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
 10. Any other use that the department, by rule, identifies as an agricultural use
3. Agriculture-related use means any of the following:
- a. An agricultural equipment dealership, facility providing agricultural supplies, facility for storing or processing agricultural products, or facility for processing agricultural wastes.
 - b. Any other use that the department, by rule, identifies as an agriculture-related use.
4. Conditional use means a use allowed under a conditional use permit issued by the political subdivision.
5. Department means the department of agriculture, trade and consumer protection.

6. Farm means all land under common ownership that is primarily devoted to agricultural use.

7. Farmland preservation agreement means any of the following agreements between the owner of land and the department under which the owner agrees to restrict the use of land in return for tax credits:

a. A farmland preservation agreement or transition area agreement entered into under s. 91.13, 2007 stats., or s. 91.14, 2007 stats.

b. An agreement entered into under s. 91.60(1), Stats.

8. Farmland preservation area means an area that is planned primarily for agricultural use or agriculture-related use, or both, and that is one of the following:

a. Identified as an agricultural preservation area or transition area in a farmland preservation plan described in s. 91.12(1), Stats.

b. Identified under s. 91.10(1)(d) in a farmland preservation plan described in s. 91.12(2), Stats.

9. Farmland preservation plan means a plan for the preservation of farmland in a county, including an agricultural preservation plan under subch. IV of ch. 91, 2007 stats.

10. Farm residence means any of the following structures that are located on a farm:

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

1. An owner or operator of the farm.

2. A parent or child of an owner or operator of the farm.

3. An individual who earns more than 50 percent of his or her gross income from the farm.

b. A migrant labor camp that is certified under s. 103.92.

11. Livestock means bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites, and farm-raised fish.

12. Owner means a person who has an ownership interest in land.

13. Permitted use means a use that is allowed without a conditional use permit, special exception, or other special zoning permission.

14. Prior nonconforming use means a land use that does not conform with the farmland preservation zoning ordinance but that existed lawfully before the farmland preservation zoning ordinance was enacted.

15. Protected farmland means land that is located in the farmland preservation zoning district, is covered by a farmland preservation agreement, or is otherwise legally protected from non-agricultural development.

C. Land Use in the Farmland Preservation District; General. Only the following land uses are allowed in a farmland preservation zoning district:

1. Uses allowed under Section (D) as a permitted use.
2. Uses allowed under Section (E) with a conditional use permit.
3. Prior nonconforming uses, subject to 59.69(10) Wis. Stats.

D. Permitted Uses

1. Agricultural Uses
2. Accessory Uses

3. Agriculture-related Uses

4. Undeveloped natural resource and open space areas.

5. A transportation, utility, communication, or other use that is required under state or federal law to be located in a specific place or that is authorized to be located in a specific place under a state or federal law that preempts the requirement of a special use permit for that use.

6. Other uses identified by DATCP rule.

E. Conditional Uses

1. Transportation, communication, pipeline, electric transmission, utility, or drainage uses, if all of the following apply:

a. The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.

b. The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.

c. The use is reasonably designed to minimize conversion of land at and around the site of the use, from agricultural use or open space use.

d. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

e. Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.

2. Governmental, institutional, religious, or nonprofit community uses, if all of the following apply:

a. The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.

b. The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.

c. The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.

d. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

e. Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.

3. Nonmetallic mineral extraction, if all of the following apply:

a. The operation complies with Subchapter I of Chapter 295, Wisconsin Statutes, and rules promulgated under that subchapter, with applicable provisions of local ordinances under Wis. Stat. § 295.13 or Wis. Stat. § 295.14 , including all applicable provisions of this ordinance, and with any applicable requirements of the department of transportation concerning the restoration of nonmetallic mining sites.

b. The operation and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.

c. The operation and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations outside the farmland preservation zoning district, or are specifically approved under state or federal law.

d. The operation is reasonably designed to minimize the conversion of land around the extraction site from agricultural use or open space use.

e. The operation does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

f. The owner agrees to restore the land to agricultural use, consistent with any required reclamation plan, when extraction is completed.

4. Oil and gas exploration or production that is licensed by the department of natural resources under Subchapter II of Chapter 295, Wisconsin Statutes.

F. Rezoning Land Out of a Farmland Preservation Zoning District.

1. Except as provided in sub. (2), the County Board of Supervisors may not rezone land out of the farmland preservation zoning district unless the County Board of Supervisors finds all of the following in writing, after public hearing, as part of the official record of the rezoning:

a. The rezoned land is better suited for a use not allowed in the farmland preservation zoning district.

b. The rezoning is consistent with any applicable comprehensive plan.

c. The rezoning is substantially consistent with the Marquette County farmland preservation plan, which is in effect at the time of the rezoning.

d. The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.

2. Subsection (1) does not apply to any of the following:

a. A rezoning that is affirmatively certified by the Wisconsin Department of Agriculture, Trade and Consumer Protection under ch. 91, Wis. Stats.

b. A rezoning that makes the farmland preservation zoning ordinance map more consistent with the county farmland preservation plan map, certified under ch. 91, Wis. Stats., which is in effect at the time of the rezoning.

3. By March 1 of each year the Planning & Zoning Department shall provide to the Wisconsin Department of Agriculture, Trade and Consumer Protection a report of the number of acres that the Marquette County has rezoned out of the farmland preservation zoning district under sub. (1) during the previous year and a map that clearly shows the location of those acres.

8.0.3 Farmland Preservation Overlay (FPO)

A. The FPO Farmland Preservation Overlay District is intended to enhance the prospect of long-term farmland and open space preservation over areas where it is mapped. The FPO district will generally be mapped over property to track and maintain residential development density policies associated with the Farmland Preservation Area within the County Comprehensive Plan. This will generally occur when a rezoning to accommodate residential use is approved on contiguous lands in common ownership, in accordance with residential density policies applicable to the planned Farmland Preservation Area. The FPO district may be applied in other circumstances, such as to indicate areas from which development rights have been retired or limited by the acquisition of conservation easement, purchase of development rights, or similar program. In all cases where the FPO district is used, the underlying zoning district shall be and remain an agricultural or resource protection zoning district, but permitted and special exception uses shall be limited to those allowed in the FPO district per Section 8.0.3.

B. Lot area and other dimensional standards shall be per the underlying zoning district.

C. The following uses shall be permitted in the Farmland Preservation Overlay District:

1. Agricultural uses, provided that buildings in which farm animals are kept shall be at least one hundred (100) feet from residences on neighboring properties and that the use complies with Section 4.0(K).

2. Agricultural accessory uses and structures, including Solar Energy Systems – Small Scale and shipping containers.

3. Undeveloped natural resources and open space areas.

D. The following uses shall be permitted only upon the issuance of a special exception permit, subject to the criteria in Chapter 61 - Zoning Administration:

1. Non-metallic mineral extraction operations, subject to compliance with § 91.46(6), Wis. Stats. and Chapter 64 – Floodplain Protection as it may apply.

E. The following rules and allowances shall govern the mapping and effect of FPO Farmland Preservation Overlay District zoning:

1. The FPO zoning district need not be applied to lands that are contiguous to the lot(s) on which a new dwelling(s) will be constructed, provided that such FPO district is in the same town and mapped over the same prior contiguous common ownership parcel as the lot(s) on which dwelling(s) will be constructed.

2. The boundaries of each FPO district shall follow lot lines, tax parcel lines, or some combination wherever possible. A description of lands within each FPO district shall be of sufficient detail that it may be accurately mapped and that the total acreage to be rezoned to FPO may be determined. The Zoning Administrator may require a plat of survey or certified survey map.

3. Land in this FPO district may be sold and exchanged between owners of adjoining lands if the minimum lot size in the underlying zoning district is not violated.

4. Land in the FPO district may not be used to achieve the acreage necessary to build a dwelling under the applicable residential density policies of the County Comprehensive Plan.

5. Where the FPO district is required in conjunction with the rezoning for residential purposes per the density policies referenced in Section 8.0.3(A), there shall not be a separate application fee associated with the FPO rezoning.

8.0.4 Agriculture and Open Space (AO)

A. The Agriculture and Open Space District is designed to allow for agricultural and other types of compatible land uses while maintaining the rural

character of the community. It is intended that rural character will be maintained through the requirement for larger parcel sizes.

B. Newly created lots and lots or parcels remaining after a land division shall provide a lot area of not less than twenty (20) acres and a minimum lot width of three hundred (300) feet at the building line.

C. In addition to the setbacks required in Section 7.0, all buildings shall have a minimum setback of thirty-five (35) feet from any lot line.

D. The following uses shall be permitted in the Agriculture and Open Space District:

1. Agricultural uses, provided that buildings in which farm animals are kept shall be at least one hundred (100) feet from residences on neighboring properties and that the use complies with Section 4.0(K), along with agricultural accessory uses and structures.

2. Single family dwellings.

3. Accessory uses and buildings, including agricultural accessory uses and structures.

4. Forestry.

5. Roadside stands for the sale of farm products.

6. Public and private parks.

7. Home occupations.

8. Shipping Containers, with appropriate screening measures instituted.

9. Hiking, biking, nature, and horse trails.

10. Cemeteries.

11. Governmental uses.

12. Bunkhouse/temporary guest quarters.

13. Utilities.

14. Solar Energy Systems-Small Scale.

E. The following uses shall be permitted only upon issuance of a special exception permit:

1. Migrant housing.

2. Multi-Family dwellings.

3. Shooting range.

4. Quarrying.

5. Kennels.

6. Airfields.

7. Replacement of a legal non-conforming manufactured home.

8. Campgrounds.
9. Mini-warehouses.
10. Home based business.
11. Solar Energy Systems – Mid Scale. See Section 9.0(D).
12. Mobile Service Support Structures.

8.0.5 General Agriculture (AG-2)

A. Newly created lots and lots or parcels remaining after a land division shall provide a lot area of not less than ten (10) acres and a minimum lot width of three hundred (300) feet at the building line.

B. In addition to the setbacks required in Section 7.0, all buildings shall have a minimum setback of thirty-five (35) feet from any lot line.

C. The following uses shall be permitted in the General Agricultural District:

1. Agricultural uses, provided that buildings in which farm animals are kept shall be at least one hundred (100) feet from residences on neighboring properties and that the use complies with Section 4.0(K), along with agricultural accessory uses and structures.

2. Single family dwellings.

3. Accessory uses and buildings, including agricultural accessory uses and structures.

4. Forestry.

5. Roadside stands for the sale of farm products.

6. Public and private parks.

7. Home occupations.

8. Shipping Containers, with appropriate screening measures instituted.

9. Hiking, biking, nature, and horse trails.

10. Cemeteries.

11. Governmental uses.

12. Bunkhouse/temporary guest quarters.

13. Solar Energy Systems-Small Scale.

D. The following uses shall be permitted only upon issuance of a special exception permit:

1. Migrant housing.

2. Multi-family dwellings.

3. Mini-warehouses.

4. Campgrounds.
5. Shooting range.
6. Quarrying.
7. Kennels.
8. Airfields.
9. Replacement of a legal non-conforming manufactured home.
10. Home based business.
11. Solar Energy Systems-Mid Scale. See Section 9.0(D)
12. Mobile Service Support Structures.

8.0.6 Agricultural-Residential (AG-3(2), AG-3(4), and AG-3(5))

A. The Agricultural-Residential Districts are designed to provide for and encourage agricultural uses, agricultural related uses, and certain residential uses in a rural and semi-rural environment. There are three (3) Agricultural-Residential Districts: AG-3(2), AG-3(4), and AG-3(5) districts, which differ only in minimum lot size. The primary intent of having multiple AG-3 districts is to best implement the residential density policy in planned Farmland Preservation Areas, as mapped and described in the County Comprehensive Plan. Where the zoning map indicates “AG-3” zoning, with no further qualifiers, those areas shall be presumed to be zoned AG-3(2).

B. Newly created lots and lots or parcels remaining after a land division shall provide a lot area of not less than two (2) acres in the AG-3(2) district; four (4) acres in the AG-3(4) district; and five (5) acres in the AG-3(5) district. The minimum lot width in all districts shall be two hundred (200) feet at the building line.

C. In addition to the setbacks required in Section 7.0, all buildings shall have a minimum setback of twenty (20) feet from all lot lines in the AG-3(2) and AG-3(4) districts, and twenty-five (25) feet in the AG-3(5) district.

D. The following uses shall be permitted in the Agricultural-Residential District:

1. Agricultural use not to exceed five hundred (500) animal units, provided that agricultural buildings that house farm animals are a minimum of one hundred (100) feet from residences on neighboring properties and that the use complies with Section 4.0(K), along with agricultural accessory uses and structures.
2. Single family dwelling.
3. Accessory uses and buildings, including agricultural accessory uses and structures.

4. Forestry.
5. Uses customarily incidental to any of the above uses.
6. Roadside stands for the sale of farm products
7. Churches.
8. Schools.
9. Cemeteries.
10. Public and private parks.
11. Utilities.
12. Home occupation.
13. Hiking, biking, nature, and horse trails.
14. Governmental uses.
15. Bunkhouse/temporary guest quarters.
16. Solar Energy Systems – Small Scale.

E. The following uses shall be permitted only on the issuance of a special exception permit:

1. Migrant housing.
2. Quarrying.
3. Campgrounds.
4. Mini-warehouses.
5. Kennels.
6. Multi-family dwelling.
7. Airfields.
8. Replacement of a legal non-conforming manufactured home.
9. Mobile Service Support Structures.
10. Home based business.

8.0.7 Resource Protection (RP)

A. This District provides for the conservation and protection of natural resources. Generally, this zone includes swamps, marshland, wetlands, and other lands of natural aesthetic value. The Resource Protection District is designed to encourage the preservation, conservation, and development of land area for a wide range of conservation and recreational purposes. This District is intended to preserve, protect, enhance, and restore all significant woodlands, scenic areas, submarginal farmlands, archaeological sites, natural watersheds, significant landforms, wildlife habitat and other natural resources that contribute to environmental quality.

B. Newly created lots and lots or parcels remaining after a land division shall provide a lot area of not less than five (5) acres and have a minimum width of one hundred fifty (150) feet at the building line.

C. In addition to the setbacks required in Section 7.0, all buildings shall have a minimum setback of ten (10) feet from all lot lines.

D. The following uses shall be permitted in the Resource Protection District:

1. The harvest of any wild crop such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds.

2. Forestry.

3. Agricultural use not to exceed five hundred (500) animal units, provided that agricultural buildings that house farm animals are a minimum of one hundred (100) feet from residences on neighboring properties and that the use complies with Section 4.0(K).

4. Preservation of scenic, historic, and scientific areas, wildlife preserves.

5. Accessory uses and buildings, including agricultural accessory uses and structures.

6. Hiking, biking, nature, and horse trails.

7. Public and private parks.

8. Utilities.

9. Single family dwelling.

10. Governmental uses.

11. Cemeteries.

12. Home occupation.

13. Bunkhouse/temporary guest quarter.

14. Solar Energy Systems-Small Scale.

E. The following uses shall be permitted only on the issuance of a special exception permit:

1. Airfields.

2. Campgrounds.

3. Bed and breakfast establishments.

4. Multifamily dwelling.

5. Kennels.

6. Shooting ranges.

7. Golf courses.

8. Replacement of a legal non-conforming manufactured home.

9. Home based business.

10. Mobile Service Support Structures

8.0.8 Recreational (REC)

A. This District provides for the orderly and attractive grouping of recreational oriented service establishments, as well as encouraging the maintenance of the natural resources, forest practices and related uses in those areas best suited to those activities. The intent is to encourage forestry and also to recognize the value of the forest as a recreational resource. The intent is to provide a suitable environment for a single-family residential development on large lots.

B. Newly created lots and lots or parcels remaining after a land division shall provide a lot area of not less than thirty thousand (30,000) square feet and a minimum lot width of one hundred (100) feet at the building line.

C. In addition to the setbacks provided in Section 7.0, all buildings shall have a minimum setback of ten (10) feet from all lot lines.

D. The following uses shall be permitted in Recreational Districts:

1. Single family dwellings.
2. Accessory buildings compatible with permitted uses.
3. Agricultural use not to exceed five hundred (500) animal units, provided that agricultural buildings that house farm animals are a minimum of one hundred (100) feet from residences on neighboring properties and that the use complies with Section 4.0(K), along with agricultural accessory uses and structures.
4. Private clubs or lodges, except those whose chief activity is a service customarily carried out as a business.
5. Forestry.
6. Governmental uses.
7. Golf courses.
8. Public and private parks.
9. Laundromats.
10. Retail stores - A.
11. Hiking, biking, nature, and horse trails.
12. Utilities.
13. Food and beverage establishments.
14. Cemeteries.
15. Home occupations.
16. Bunkhouse/temporary guest quarters.

17. Solar Energy Systems-Small Scale.

E. The following uses shall be permitted only upon issuance of a special exception permit:

1. Any special exceptions permitted in the Residential District.
2. Commercial greenhouses.
3. Resorts.
4. Airfields.
5. Marinas and boat liveries.
6. Shooting ranges.
7. Hotels and motels.
8. Kennels.
9. Commercial entertainment facilities, except those classified as “adult establishments”.
10. Educational and recreational camps.
11. Farm implement dealer.
12. Quarrying.
13. Campgrounds.
14. Mini-warehouses.
15. Replacement of a legal non-conforming manufactured home.
16. Home based business.
17. Mobile Service Support Structures.

8.0.9 Residential (R-1)

A. The Residential District is designed to protect the residential character of areas by excluding commercial activities, to encourage a suitable environment for family life by permitting, under certain conditions, such neighborhood facilities as churches, schools and playgrounds, to permit under certain conditions appropriate institutions to be located in residential neighborhoods, to preserve openness of the area and avoid overcrowding, by requiring certain minimum yards, open spaces, and site area, and to make available a variety of locations to serve a wide range of individual requirements.

B. Newly created lots and lots or parcels remaining after a land division shall provide a lot area of not less than thirty thousand (30,000) square feet and a minimum lot width of one hundred (100) feet at the building line.

C. In addition to the setbacks required in Section 7.0, all buildings shall have a minimum setback from all lot lines of ten (10) feet.

D. The following uses shall be permitted in the Residential District:

1. Single family dwellings.
 2. Accessory buildings compatible with permitted uses.
 3. Hiking, biking, and nature trails.
 4. Public and private parks.
 5. Home occupations.
 6. Bunkhouse/temporary guest quarters.
 7. Solar Energy Systems-Small Scale.
- E. The following shall be permitted only on the issuance of a special exception permit:
1. Churches and their affiliated uses.
 2. Professional offices.
 3. Public recreational and community center buildings and grounds.
 4. Libraries.
 5. Hospital and medical institutions.
 6. Funeral homes.
 7. Multiple family dwellings.
 8. Manufactured home parks.
 9. Schools.
 10. Private clubs and lodges, except those whose chief activity is a service customarily carried out as a business.
 11. Uses customarily incident to any of the above uses, provided that no such use generates traffic or noise that would create a public or private nuisance.
 12. Condominiums.
 13. Governmental uses.
 14. Replacement of a legal non-conforming manufactured home.
 15. Mobile Service Support Structures.

8.0.10 Multiple Family Residential (R-2)

A. The Multiple Family District is designed to establish and protect the essential characteristics of areas within which mixtures of housing densities should occur, along with certain supporting community and recreational uses to serve residents of the district.

B. Newly created lots and lots or parcels remaining after a land division shall provide a lot area of not less than thirty thousand (30,000) square feet and a minimum lot width of one hundred (100) feet at the building line.

C. In addition to the setbacks required in Section 7.0, all buildings shall have a minimum setback from all lot lines of ten (10) feet.

D. There shall be a minimum of two (2) off-street parking spaces for each unit within the building.

E. There shall be a minimum of five percent (5%) of the total lot area set aside for a play area. This shall be in addition to the setback areas required by this Chapter.

F. The following uses shall be permitted in the Multiple Residential District:

1. Any use permitted in the Residential District.
2. Multiple family dwellings where such a building contains no more than four (4) dwelling units.

G. The following uses shall be permitted only on the issuance of a special exception permit:

1. Any use requiring a special exception permit as specified in the Residential District, Section 8.0.9(E).

8.0.11 General Purpose (GP).

A. The General Purpose District is potentially suited to a wide range of uses, including industrial, commercial, agricultural, residential, forestry, and recreational uses. Selecting prospective locations for these uses and designating districts will require Township planning and mapping. Until such planning and mapping can be enacted, a General Purpose District will be used to allow a wide range of uses, subject to the provisions of this Chapter. Minimum separating distances are provided to reduce conflicting land use between potentially incompatible uses.

B. Newly created lots and lots or parcels remaining after a land division shall provide a lot area of not less than thirty thousand (30,000) square feet and a minimum lot width of one hundred (100) feet at the building line.

C. In addition to the setbacks stated in Section 7.0, all buildings shall have a minimum setback of ten (10) feet from all lot lines.

D. The following uses shall be permitted in the General Purpose District:

1. Any uses permitted in any district except Commercial-Business and Industrial, provided that they comply with the provisions of this Chapter.
2. Accessory buildings compatible with permitted uses, excluding shipping containers and/or accessory building exclusions as defined in Section 11.0.

E. The following uses shall be permitted only upon issuance of a special exception permit:

1. Any use permitted in a Commercial-Business or Commercial-Industrial District.
2. Any use listed as a Special Exception in any district except Commercial-Business and Industrial.

8.0.12 Commercial - Business (CM-B).

A. The Commercial - Business district is designed to facilitate the development of commercial uses in accordance with the future growth and development of the region; to provide for a wide range of commercial uses of land. This district is designed to permit development for the respective purposes and to protect nearby residential areas by requiring that certain minimum yard, area, parking, and site design standards be met. It is intended that additional areas would be included in this district as additional commercial facilities are needed to serve new or growing residential areas.

B. Newly created lots and lots or parcels remaining after a land division shall provide a lot area of not less than thirty thousand (30,000) square feet and a minimum lot width of one hundred (100) feet at the building line.

C. Where road setbacks have been established by use the setback from roads shall be the average of those setbacks, however, no setback reduction to less than the road right-of-way shall be permitted. In a Commercial District where road setbacks have not been established by use, the road setbacks shall be the same as those stated in Section 7.0.

D. The minimum lot line setback shall be ten (10) feet.

E. The design standards contained in Section 5.0 shall apply.

F. The following uses shall be permitted in a Commercial District - Business:

1. Banks and similar services.
2. Business and professional offices and studios.
3. Commercial entertainment facilities, except those classified as "adult establishments".
4. Dental and medical clinics.
5. Funeral homes.
6. Hotels and motels.
7. Laundromats.
8. New and used car sales.
9. Retail stores A & B.
10. Mini warehouses.
11. Woodworking and cabinet shops.
12. Golf Courses.

13. Bakery.
14. Food and beverage establishments.
15. Auto service stations.
16. Residential accommodations for shopkeepers located on the same lot as the business, not to exceed one single family dwelling provided that the dwelling has a minimum dwelling width of twenty (20) feet and nine hundred (900) square feet of year-round living area.
17. Commercial greenhouses.
18. Farm implement dealer.
19. Kennels.
20. Veterinarian clinics and hospitals.
21. Governmental uses.
22. Research facility.
23. Apartments.
24. Solar Energy Systems-Small Scale.
25. Accessory buildings compatible with permitted uses.
26. Shipping Containers, with appropriate screening measures instituted.

G. The following shall be permitted only upon the issuance of a special exception permit:

1. Microbrewery.
2. Light manufacturing.
3. Warehouses.
4. Body repair shop.
5. Shooting ranges.
6. Grain elevator.
7. Airports.
8. Salvage yards.
9. Power plants.
10. Sawmill.
11. Quarrying.
12. Mobile Service Support Structures.
13. "Adult establishments" which are more than one thousand (1,000) feet from schools, churches, community living arrangements, day care centers, nursery schools, family day care homes, parks, playgrounds, other community facilities and other adult establishments.
14. Solar Energy Systems-Mid Scale. See Section 9.0(D).

8.0.13 Commercial - Industrial (CM-I).

A. The Commercial - Industrial district is designed to facilitate the development of commercial uses that have the potential to impact uses on neighboring properties to a greater degree than uses permitted under the Commercial - Business district designation. This district is designed to permit development for the respective purposes and to protect nearby residential areas by requiring that certain setback, minimum yard area, and site design standards be met. It is intended that additional areas would be included in this district as additional commercial facilities are needed.

B. Newly created lots and lots or parcels remaining after a land division shall provide a lot area of not less than thirty thousand (30,000) square feet and a minimum lot width of one hundred (100) feet at the building line.

C. The minimum lot line setback shall be ten (10) feet.

D. The design standards contained in Section 5.0 shall apply.

E. The following uses shall be permitted in a Commercial - Industrial district:

1. Any use permitted in Commercial District-Business except Section 8.0.12(F)(16) & 8.0.12(F)(23).

2. Light and Heavy Manufacturing.

3. Warehouses.

4. Transportation terminals.

5. Quarrying.

6. Body repair shop.

7. Salvage facilities.

8. Sawmill.

9. Power plants.

10. Airports.

11. Solar Energy Systems-Small Scale.

12. Solar Energy Systems-Mid Scale. See Section 9.0(D).

13. Mobile Service Support Structures.

14. Accessory buildings compatible with permitted uses.

15. Shipping Containers, with appropriate screening measures instituted.

F. The following shall be permitted only upon the issuance of a special exception permit:

1. "Adult establishments" which are more than one thousand (1,000) feet from schools, churches, community living arrangements, day care centers,

nursery schools, family day care homes, parks, playgrounds, other community facilities and other adult establishments.

8.0.14 Planned Development (PD).

A. The Planned Development District is intended to provide for large scale combined use development. It is especially applicable to a development in which a number of different land uses are combined in a design which provides for desirable and convenient living conditions, and which minimizes conflicts between the various land uses involved.

B. This District shall have no definite and measurable boundaries until a specific planned development shall be approved by the County Board on the recommendation of the Zoning Committee in accordance with the procedures for zoning amendments in § 59.69, Wis. Stats. Plans for the proposed development shall be submitted to the Zoning Committee in the manner specified in Chapter 69 and shall show the locations, size, and proposed use of all structures and land included in the area involved. The plans may provide for a combination of single family and multi-family residential developments as well as other compatible uses. Each separate planned development shall consist of an area of not less than five (5) acres.

C. Every such planned development shall be subject to review and consideration by the Zoning Committee with regard to its acceptability under this Section. The following criteria shall be applied to every proposed planned development as a basis for determining its consistency with the letter and spirit of this Chapter:

1. Compatibility with the site, with particular emphasis on the preservation of natural features and the use of open space.
2. Overall compatibility with existing land uses in the vicinity and with probable future land uses in the vicinity.
3. The internal compatibility of the various land uses proposed to be included within the development.
4. Compatibility with existing and probable future transportation facilities in the vicinity and its tendency to increase the demand upon those facilities.
5. The provision of adequate internal circulation facilities, including streets, sidewalks, and parking facilities within the development.
6. Compatibility with existing and probable future public utility services and their tendency to increase demand upon these services.

7. The development shall provide adequate open space, public access to streams and bodies of water, and preservation of environmental and aesthetic values.

8. The long-term economic stability of the proposed development and its economic impact on other properties in the vicinity.

9. The presentation of an adequate and practicable implementation schedule for completion of the development, whether by stages or all in one (1) period, in order to ensure that the adverse results of failure to complete the development may be effectively avoided.

8.0.15 Rural Center (RC).

A. The Rural Center District is intended to meet the special needs and problems, that exist in areas of the County where relatively compact development has occurred, but where the size or density of the area is such that incorporation as a village is unlikely or inappropriate.

B. In addition to the setbacks required in Section 7.0, all buildings shall have a minimum setback from all lot lines of ten (10) feet.

C. Newly created lots and lots or parcels remaining after a land division shall provide a lot area of not less than thirty thousand (30,000) square feet and a minimum lot width of one hundred (100) feet at the building line.

D. The following uses shall be permitted in the Rural Center District:

1. Any use permitted in the Residential District.
2. Banks and similar services.
3. Business and commercial offices and studios.
4. Dental and medical clinics.
5. Funeral homes.
6. Laundromats.
7. Retail stores – A.
8. Food and beverage establishments.
9. Home occupations.
10. Accessory buildings compatible with permitted uses, excluding shipping containers and/or accessory building exclusions as defined in Section 11.0.

E. The following uses shall be permitted only upon issuance of a special exception permit:

1. Any use listed as a permitted use in the Commercial – Business District.
2. Any use listed as a Special Exception in any district except Commercial – Business and Industrial.

8.0.16 Cluster Development Overlay (CD).

A. The purpose of the Cluster Development Overlay District is designed to preserve the rural landscape character of the County by maintaining larger tracts of farmland and other areas of open land while providing for an opportunity to permit residential development. The intention being to design cluster developments in a manner that limits and reduces their impact on the scenic beauty of the County. Specific objectives are:

1. To maintain the rural character of the County, to protect environmentally unique and sensitive areas, and to discourage development in areas that contain steep slopes, floodplains, and other areas depicted as environmental corridors in the County Comprehensive Plan.
2. To preserve scenic views by limiting the visibility of developments from existing public roads.
3. To encourage the development of building sites be done in a manner that is hidden through the use of natural features.
4. To permit active and passive recreational use of Common Open Space by residents of the development and in some cases the public.
5. To permit the continuation of agricultural uses in the Common Open Space when compatible with the development.
6. To permit for various means for ownership of the Common Open Space.
7. To implement the objectives of comprehensive plans both at the local and county level.

B. A Cluster Development Overlay District option may be permitted in areas designated AG-2 or RP provided the minimum tract sizes listed under Section 8.0.16(H) are met.

C. The maximum number of lots in a Cluster Development shall be determined by dividing the area of the tract of land by the minimum lot size in the underlying zoning district. In making the calculation, the following shall not be included in the total area of the tract:

1. Area designated as floodway.

2. Fifty percent (50%) of areas that meet the Department of Natural Resources definition of wetlands, where the tract proposed for development contains more than five (5) acres of wetlands.

D. The Common Open Space shall be protected in perpetuity by a binding legal instrument that is recorded with the deed. The instrument for permanent protection shall include clear restrictions on the use of the Common Open Space. These restrictions shall include notice that no further land divisions of the Common Open Space are permitted.

E. Permitted Uses for residential lots within a Cluster Development:

1. Single family dwellings.
2. Home occupation.
3. Accessory buildings compatible with permitted uses.
4. Bunkhouse/temporary guest quarters.

F. On residential lots within a Cluster Development the following shall be permitted only on the issuance of a special exception permit:

1. Multiple family dwellings.

G. Permitted uses for Common Open Space in a Cluster Development.

1. Agricultural use not to exceed five hundred (500) animal units, provided that agricultural buildings that house farm animals are a minimum of one hundred (100) feet from residences on neighboring properties and that the use complies with Section 4.0(K), along with agricultural accessory uses and structures.

2. Water supply and POWTS for individual lots within the development or the entire development.

3. Passive recreation areas, including but not limited to hiking, biking, and nature trails.

4. Active recreation areas, including but not limited to, playing fields and playgrounds.

5. Hunting.

H. Density and Dimensional Standards.

Development standard	AG-2 District	RP District
Minimum tract size	40 acres	20 acres
Maximum density	1du/10 acres	1du/5 acres
Minimum lot area	30,000 sq ft	30,000 sq ft
Minimum lot width	100 ft	100 ft
Minimum setback	10 ft	10 ft
Minimum common open space	50 percent	50 percent

du=dwelling unit

Existing dwellings that may or may not be part of the farmstead shall be counted towards the total density.

I. Common Open Space Standards.

1. The Common Open Space in a Cluster Development is the area which has been set aside for permanent protection and shall meet the following standards:

a. The required Common Open Space should include unique natural, cultural, and historic features that are part of the site.

b. The Common Open Space should preserve significant wildlife habit areas.

c. The Common Open Space shall take into consideration any areas depicted as environment corridors in the County or local comprehensive plan.

d. At least seventy-five percent (75%) of the Common Open Space shall be in a contiguous tract. The common space shall adjoin any neighboring areas of common space, other protected areas, and non-protected natural areas that may potentially be included in future areas of common space.

e. Agriculture buildings and barnyards that are included in the Common Open Space shall be a minimum of one hundred (100) feet from any residential lot that is part of the Custer Development.

f. Except as provided in Section 8.0.16(J)(3), the Common Open Space shall be directly accessible to lots within the Cluster Development. Non-adjoining lots shall be provided with safe, convenient access to the Common Open Space.

J. Ownership and Maintenance of Common Open Space. The following methods may be used, either alone or in combination, to own Common Open Space and its facilities. Ownership may not be transferred unless it conforms to this Section.

1. Homeowners Association. Common Open Space shall be held in common ownership as undivided proportionate interest by the members of a homeowners' association, subject to the provisions set forth herein. The homeowners' association shall be governed according to the following:

a. The applicant shall provide to the County Zoning Administrator a description of the organization, including its by-laws, and all documents governing maintenance requirements and use restrictions for the Common Open Space.

b. The organization shall be established by the owner or applicant and shall be operating prior to the sale of any lots within the development.

c. Membership in the organization shall be mandatory for all purchasers within the development.

d. The organization shall be responsible for maintenance and insurance of the common open space and any facilities.

e. The organization shall have or hire adequate personnel to administer, maintain, and operate the Common Open Space.

f. The applicant for any proposed Cluster Development shall arrange with the Town Assessor a method of assessment for the Common Open Space, which will allocate to each tax parcel within the development a share of the total tax assessment for the Common Open Space.

g. Written notice of the proposed transfer of Common Open Space by the organization must be given to all members of the organization and the Town and the County at least thirty (30) days prior to the transfer.

2. Condominium Agreement. Common Open Space shall be controlled through the use of condominium agreement. Such agreements shall be approved by the County and shall comply with the requirements of Chapter 703, Wis. Stats. All Common Open Space and facilities shall be held as common elements by the unit owners in the form of undivided percentage interests in accordance with the condominium documents. A condominium association shall be formed to govern the affairs of the condominium and membership shall be mandatory.

3. Ownership Retained by Original Landowner. Ownership of common Open Space may be retained by the original landowner provided that resident access to the land is limited only by agreement of the residents of the development, as indicated by documents signed at the time of purchase of individual lots.

4. Other methods acceptable and approved by the County Zoning Committee that fulfill the intentions of this Chapter.

5. Maintenance and Operation of Common Open Space. A plan and narrative for the use and maintenance of the Common Open Space shall be provided to the County Zoning Department.

6. In the event that the organization established to own and/or maintain the Common Open Space, or any successor thereto, fails to maintain all or any portion in reasonable order and condition in accordance with the

development plan or applicable laws the County may serve notice upon said organization and owners of the Common Open Space. Such notice shall detail the manner in which the organization has failed to maintain the Common Open Space. Such notice shall set forth the required corrections and the timeline by which the corrections need to be made.

7. Leasing of Common Open Space Lands. Common Open Space lands may be leased to another person or entity for use, operation and maintenance provided that:

a. The residents of the development shall at all times have access to such leased lands, except in the case where the residents, with their agreement, may be restricted from accessing lands.

b. The Common Open Space land to be leased is maintained for the purpose set forth in this Chapter.

c. The lease, and any transfer of assignment thereof, shall be subject to the approval of the County Zoning Committee.

d. The lease agreement is filed with the County Register of Deeds within thirty (30) days from the date it is executed.

9.0 Various Land Uses

A. Manufactured Home Park.

1. A manufactured home park means a plot or plots of ground upon which three (3) or more units, which are manufactured homes, as defined herein, and occupied for dwelling purposes are located.

2. The minimum size of a manufactured home park shall be ten (10) acres.

3. The maximum number of manufactured homes shall be eight (8) per acre.

4. The minimum dimensions of a manufactured home site shall be fifty (50) feet wide by one hundred (100) feet long.

5. All drives, parking areas and walkways shall be surfaced.

6. In addition to the requirements of this Chapter, there shall be a minimum setback of twenty-five (25) feet from all exterior lot lines.

7. The parks shall conform to the requirements of the Wisconsin Administrative Code.

8. Each manufactured home site shall be separated from other sites by a yard not less than twenty (20) feet wide.

9. There shall be two (2) surfaced automobile parking spaces for each manufactured home.

10. Unless adequately screened by existing vegetative cover, the manufactured home park shall be screened by a temporary planting of fast-growing material, capable of reaching a height of fifteen (15) feet, or more, the individual trees to be such a number and so arranged that within ten (10) years they will have formed a screen equivalent in capacity to a solid fence or wall. Such permanent planting shall be grown or maintained to a height of not less than ten (10) feet.

11. Each manufactured home park shall set aside at least five percent (5%) of the total area for a recreation area. This shall be in addition to a yard or open spaces. The area shall be provided with play equipment furnished and maintained by the park owner.

12. All manufactured home parks shall comply with Chapter 74-POWTS.

B. Campgrounds and Camping Resorts

1. The minimum size shall be ten (10) acres.

2. There shall be a maximum of twenty (20) sites per acre.

3. There shall be a minimum distance of 10 feet between camping units measured from the outside edge of one camping unit to the outside edge of another camping unit, excluding slide outs. Any accessory structure within 10 feet of a camping unit such as, but not limited to, a deck or storage shed shall be considered part of the camping unit for the purposes of determining distance separation.

4. Each site shall be plainly marked.

5. There shall be one (1) automobile parking space for each site.

6. In addition to the setbacks required in Section 70.17, the lot line setback for the applicable zoning district shall apply.

7. All shall comply with the Wisconsin Administrative Code.

8. The screening provisions for manufactured home parks shall be met.

C. Salvage Yards

1. No salvage yard shall be permitted in the County except in conformance with a plan approved by the Township and when required, a Special Exception permit granted by the Board of Adjustment.

2. Salvage yards shall also comply with the following provisions:

a. No material shall be stored within one thousand (1,000) feet of the right-of-way of a Class A highway, seven hundred fifty (750) feet of a Class B highway, five hundred (500) feet of a Class C highway, or within one hundred (100) feet of any side or rear lot lines.

b. All salvage dealers must also comply with the appropriate Wisconsin Statutes and Administrative Code.

D. Solar Energy Systems (SES).

1. Applicability. The standards in this Section apply to all mid-scale solar energy systems as defined in Section 11.0.

2. Purpose. There are hereby established standards for certain solar energy systems that will provide for construction and operations of said systems. All regulations contained herein are adopted to preserve and protect public health and safety.

3. Types of Solar Energy Systems and Permits Required.

a. Large Scale SES. Must be approved by the Wisconsin Public Service Commission. Such systems are allowed only in AG-1, AG-2, AO, CM-B and CM- I Districts. The County may require a developer's agreement as long as no conditions, in the opinion of the SES developer, inhibit or preclude the project, per 196.491(3)(i) Wis. Stats.

b. Mid-Scale SES are subject to a Special Exception permit.

c. Small Scale SES are considered a permitted accessory use in all districts and require a county zoning permit.

4. Requirements for Mid-Scale SES.

a. In addition to equipment complying with the setbacks of the applicable zoning district all above ground equipment and structures shall be set back at least 100 yards from the boundary with adjacent parcels if the adjacent parcel contains a dwelling within 100 yards of the boundary.

b. The SES, including reflectors, shall be positioned so that glare does not create unsafe conditions for travelers or nuisances for neighboring properties.

c. The SES project's inverters, substations, motors, and other noise emitting equipment collectively shall not exceed the Public Service Commission mandated maximum nighttime sound level that is applicable to a 100MW system or larger at the walls of the noise sensitive receptor, which shall include as minimum the residence on any non-participating property.

d. All SES shall be installed by a North American Board of Certified Energy Practitioners (NABCEP) certified solar installer or other person or entity qualified to perform such work.

e. A SES shall be appropriately buffered and screened from public view by the system owner or representative.

f. Power and communication lines running between banks of ground mounted solar panels to nearby electrical substations, or interconnections with or between structures, shall be buried underground.

g. When decommissioning of an SES is required, all equipment, whether above the ground surface or below, shall be completely removed and properly recycled or disposed of, and the property restored as set forth in section 9.0D.4.g.as determined by the Zoning Administrator. A bond, letter of credit, or an escrow account is required for all SES with a nameplate rating of 1MW or greater to ensure proper decommissioning, in an amount determined by the Zoning Administrator to comply with this paragraph. To make this determination, the Zoning Administrator shall have the right to hire experts, and the applicant shall pay for such experts in the same manner as set forth in Chapter 61, 12.0E.. SES Special Exception applications shall include the following in addition to the application requirements of Section 12.0D.:

1. SES specifications, including manufacturer and model, generating capacity, total height, collector square footage, wiring plan, means of interconnecting with the electrical grid, and any agreements with public utilities with regard to connection to their systems.

2. Site layout, including the location of property lines, structures, SES; as well as the total extent of system movements, and the interconnection points with the electrical grid.

3. Percentage of land coverage by the SES when panels are in the position that has the largest horizontal area.

4. A decommissioning plan, which shall outline the anticipated means and cost of removing the SES at the end of its useful life. Decommissioning of a SES must occur in the event the SES is not in use for 12 consecutive months unless otherwise approved by the Board of Adjustment. Decommissioning shall consist of removal of the SES structures and subsurface foundations and equipment, disposal of all solid and hazardous waste in accordance with all applicable waste disposal regulations, and stabilization of soils and/or revegetation of the site as necessary to prevent erosion and to restore the property to a safe condition. The

decommissioning methods shall be established, and cost estimates shall be made by a competent party such as a professional engineer experienced in such matters, a contractor capable of decommissioning, or a party with suitable expertise or experience with decommissioning. The plan shall also identify the financial resources that will be available to pay for decommissioning and removal of the SES. The plan shall provide that the decommissioning will begin within 180 days from the end of the SES useful life or if the SES is not in use for 12 consecutive months. Decommissioning shall be completed within 9 months from the start of decommissioning activities.

5. The Zoning Administrator shall determine whether or not the SES's application complies with this Chapter. If the Zoning Administrator determines that the application does not comply with the Chapter, the Zoning Administrator shall notify the SES in writing of the defects and the SES shall have one additional opportunity to submit a proper and complete application. If the SES fails to submit a proper or complete application after notice, the SES's application shall be denied, and the SES shall not reapply for 12 months.

10.0 Violations, Penalties, Remedial Action, Enforcement.

A. Any building or structure hereinafter erected, moved or any use hereinafter established in violation of the provisions of this Chapter by any person, firm, association, corporation (including building contractors or his or their agent), shall be deemed an unlawful structure or use.

B. It shall be the duty of the Zoning Administrator, acting under the supervision of the Planning and Zoning Committee, to enforce the provisions of this Chapter. The Zoning Administrator is hereby delegated authority to enforce the provisions of this Chapter, including the power to delegate these duties to subordinates, inspect private premises, issue orders for abatement and take action to abate violations of this Chapter.

C. Whenever in the judgment of the Zoning Administrator it is determined that a violation of the provisions of this Chapter is being committed, exists or is being maintained in the County, that officer may issue a written order of abatement ordering the person committing or maintaining said violation to cease and desist, remove the conditions, or remedy the defects creating the violation. The order for abatement shall include the following information:

1. The name and address of the owner, operator and/or occupant and description of the real estate involved.

2. The nature of the violation and the steps necessary to abate or correct it.

3. The time period in which the violation must be corrected and or abated will be no less than five (5) days and not more than thirty (30) days depending on the nature of the violation. Allowance for limited extension of this time period may be permitted if warranted by extenuating circumstances as determined by the Zoning Administrator.

4. The order of abatement may be served upon the person committing or maintaining the Zoning Violation by certified mail, registered mail, or regular mail, or in the manner set forth for service of a summons in Chapter 801, Wis. Stats. If the premises are not occupied and the address of the owner is unknown and cannot be determined with due diligence, service on the owner may be accomplished by posting a copy of the order of abatement in a prominent place on the premises. The order of abatement shall require the owner or occupant of such premises, or both, to take reasonable steps within a reasonable period of time to abate and remove the Zoning Violation. Whenever an investigation hereunder involves a search of private premises and the owner or other person having equal rights to the use and occupancy thereof does not consent thereto, and absent any exception to the warrant requirement, that officer shall apply to the Circuit Court of the County for a special inspection warrant pursuant to § 66.0119, Wis. Stats.

D. Exceptions to the Written Orders. In cases where a violation poses an immediate risk of public health or safety, as determined by the Zoning Administrator or in the case of repeated occurrences of the same violation by the same person, the violator shall be considered to be in non-compliance and subject to immediate action under Subsection E of this Section, without issuance of a written abatement order.

E. Non-compliance with Written Orders. If a person does not comply with a written order from the Zoning Administrator or his/her designee, the violator may be subject to one (1) or more of the following actions and/or penalties:

1. The issuance of a citation under Chapter 100.
2. Commencement of legal action against the person seeking an injunction to abate the violation and/or correct the violation.
3. Commencement of legal action against the person seeking a court-imposed forfeiture, court costs and/or the costs of abatement.
4. The initiation of one action or penalty under this Section does not exempt the violator from any additional actions and/or penalties prescribed by law.

F. Abatement of Zoning Violations. Where Zoning Violations as defined in this Chapter or in the Wisconsin Statutes are encountered on private property that require ordered abatement and/or correction, the Zoning Administrator shall serve on the responsible person a written order as per Section 14.0C. If the violation is not abated and/or corrected within the time period specified in the order, the Zoning Administrator may enter upon the property and abate and/or correct the violation or cause such action to be taken. The cost of such abatement and/or correction may be recovered either directly from the responsible party or as a special tax assessment on the property in cooperation with the local taxing authority.

G. Penalties. Chapter 100 sets forth the penalties for a violation of this Article. The Court may also grant injunctive relief. Failure to comply with an Order for Abatement issued under this Chapter in the time allowed shall constitute a separate violation of this Chapter, and each day of continued violation shall constitute a separate offense.

H. Initiation of Legal Action. When there is no compliance with an Order for Abatement, legal action shall be initiated against a violator by issuance of a citation under Chapter 100 and referral to the County Corporation Counsel, or referral to the Corporation Counsel for issuance of a Summons and Complaint, in personam or in rem. The Corporation Counsel is hereby delegated the duty of prosecuting violations of this Chapter. The Corporation Counsel shall take steps to enforce this Chapter and the Order for Abatement by prosecuting the violation, seeking imposition of a forfeiture penalty, and/or seeking appropriate injunctive relief to abate the Zoning Violation and enjoin its continuation in the future, and/or recovery of the costs of abatement.

I. Coordination with State of Federal Agencies. Where a Zoning Violation involves non-compliance with a Federal or State-enforced Statute or Administrative Code, the Zoning Administrator may refer the complaint to the appropriate agency for abatement and/or correction in lieu of, or in addition to an enforcement action under this Chapter. If the violation continues without adequate enforcement from the Federal or State agency to cause abatement and/or correction, then the Zoning Administrator or his/her designee shall initiate action under this Section to bring about proper abatement and/or corrections.

11.0 Changes and Amendments.

A. Whenever the public necessity, convenience, general welfare, or good zoning practice require, the County Board of Supervisors may, by this Chapter, change the

district boundaries or amend or supplement the regulations established by this Chapter in accordance with the provisions of the Wisconsin Statutes.

B. A petition for amendment must be made pursuant to the procedures set forth in § 59.69(5)(e), Wis. Stats., and the provisions of that Statute must be followed before any amendment to this Chapter may be considered.

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

1. Plot plan approved by the Zoning Administrator, showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within three hundred (300) feet of the area proposed to be rezoned.

2. The owners' names and addresses of all properties lying within three hundred (300) feet of the area proposed to be rezoned.

3. Fee receipt from the Zoning Administrator.

D. No land in the AG-1 district shall be rezoned to any other zoning district, except for the Farmland Preservation (FPO) overlay district, unless, following a public hearing the County Board of Supervisors finds all of the following criteria are or will be met:

1. The land is better suited for a use not allowed in the AG-1 district.

2. The rezoning will not substantially impair or limit current or future agricultural use of the surrounding parcels of land that are zoned for or legally restricted to agricultural use.

3. The rezoning is consistent with the applicable town and County comprehensive plans, including the farmland preservation plan component of the County Comprehensive Plan.

4. Where the rezoning of land from the AG-1 district would enable one or more residences:

- a. The owner of each 40 acres of land, and other parcels that are between 40 and 79 acres, shall be eligible for one single family residence, including any preexisting residence.

- b. The owner of each smaller parcel of land zoned AG-1, if legally created before January 1, 2014, shall be eligible for one single family residence, including any preexisting residence.

- c. The owner of at least two contiguous $\frac{1}{4}$ $\frac{1}{4}$ sections of land, and other lands in contiguous common ownership that are at least 80 acres,

shall be able to rezone AG-1 zoned land for cluster(s) of single-family residential lots at a density of one lot/residence for every 40 full acres, including any preexisting residence. Landowners may develop one or more clusters, if acreage allows. Clusters may be located adjacent to other clusters on adjoining parcels in different ownership.

d. Any balance of acreage used to enable rezoning for a single-family lot/residence lot under subsections a. through c. must be rezoned to the FPO zoning district. Land in the FPO district cannot be used together with other land not in the FPO district to achieve the acreage normally necessary to build another single-family residence under subsections a. through c.

e. Each residence must be on a newly divided lot of between one and five acres created by a land division (e.g., CSM), except that the Zoning Administrator may relax this requirement where the residence is proposed on a sub-40 acre parcel legally created before January 1, 2014.

f. The associated land division must be accompanied by a restriction on the further division of such lots and by a right-to-farm notice per the Comprehensive Plan, and such restriction and notice must be recorded prior to issuance of a zoning permit for the residence.

g. Each newly created residential lot must abut a public road or have an access easement approved by the Zoning Administrator and recorded against the affected parcel(s), prior to zoning permit issuance.

h. The new residence shall not adversely affect agricultural operations in surrounding areas or be situated such that future inhabitants of the residence might be adversely affected by agricultural operations in surrounding areas.

i. The new residence and the new driveway needed to serve the residence shall not divide existing farm fields, but instead shall be beyond the farm field or towards the edge of a farm field where location beyond the field is not practical.

j. The proposed location of the new residence must not be well suited for agricultural use by virtue of being wooded, having unfavorable topography for farming, an odd shape for farming, unsuitable soil characteristics, or other factors that limit its agricultural suitability.

12.0 Definitions.

For the purpose of the Chapter, certain words are defined as follows: words used in the present tense include the future; words in the singular number include plural numbers and words in the plural number include the singular number, the word “building” includes the “structure” and the word “shall” is mandatory and not permissive.

1. Accessory Building. A subordinate building or portion of the main building, the use of which is incidental to the permitted use of the main building. Mobile homes, semi-trailers, camping units, recreational vehicles, mobile office units, shipping containers, buses, motor coaches, trailers, and boxcars shall not be used as accessory buildings, unless otherwise permitted in the zoning district.

2. Accessory Use. A use on a lot that is incidental and subordinate to the principal use of the lot.

3. Adult Establishments. Establishments which include, but are not limited to, bookstores, clubs, motion picture theaters, bath houses, massage parlors, modeling and body painting studios and cabarets whose principal use is to depict, describe, engage in, or relate to “specified anatomical areas” or “specified sexual activities”.

4. Agricultural Use. Any of the following activities conducted for the purpose of earning an income or livelihood: crop or forage production; keeping livestock; beekeeping; nursery, sod, or Christmas tree production; floriculture, aquaculture, fur farming, forest management; enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.

5. Agricultural Accessory Structure. A building, structure, or improvement that is (a) located on a farm, (b) subordinate to an Agricultural Use, and (c) either integral or incidental to an Agricultural Use. An Agricultural Accessory Structure may be located anywhere on lands in contiguous common ownership as these terms are defined in this section. A farm residence is not considered an Agricultural Accessory Structure. Agricultural Structures include, but are not limited to:

 a. A facility used to store or process raw agricultural commodities, all of which are produced on the farm.

 b. A facility used to keep livestock on the farm.

c. A facility used to store or process inputs primarily for agricultural uses on the farm.

d. A wind turbine or solar energy facility that collects wind or solar energy on the farm and uses or transforms it to provide energy primarily for use on the farm.

e. A manure digester, bio-fuel facility, or other facility that produces energy primarily from materials grown or produced on the farm, primarily for use on the farm.

f. A waste storage or processing facility used to store or process animal waste primarily from animals on the farm and subject to the County's animal waste management ordinance.

6. Agricultural Accessory Use. Any of the following land uses on a farm, which may be located anywhere on lands in contiguous common ownership, as these terms are defined in this section :

a. A use, activity, or business operation that is an integral part of, or incidental to, an Agricultural Use, including filling, grading, and non-metallic mineral extraction for on-premises use only.

b. A business, activity, or enterprise, whether or not associated with an Agricultural Use, that is conducted by the owner or operator of a farm, that requires no buildings, structures, or improvements other than a Farm Residence or an Agricultural Accessory Structure, that employs no more than four (4) full-time employees annually, and that does not impair or limit the current or future agricultural use of the farm or of other protected farmland. Such activities include, but are not limited to:

i. Sale of agricultural and dairy products not produced on the premises and incidental sale of non-alcoholic beverages and snacks.

ii. The seasonal storage of recreational equipment and motor vehicles owned by private individuals other than those residing on the premises, but not including the storage of a dealer's inventory.

iii. Agricultural entertainment activities or events, farm related exhibitions, sales, or events such as auctions, dairy breakfasts, exhibitions of farm machinery and technology, agricultural association meetings, and similar activities.

iv. Horse boarding stables, riding stables, hay and sleigh rides, and horse training facilities, including the sale of bridles, saddles, grooming supplies, and related items at a horse boarding, or riding stable facility.

v. Kennels.

vi. Veterinary services.

7. Airfields. A takeoff and landing area established for the sole use of the owner of the parcel and not open to the public or used for commercial operations.

8. Airports. A takeoff and landing area as established for use by the public or for commercial operations.

9. Animal unit. A measurement calculation used to determine the total number of single animal types or combination of animal types, as specified in s. NR 243.11. Units are determined using Wisconsin Department of Natural Resources Animal Unit Calculation Worksheet Form 3400-025A.

10. Apartment. A room or suite of rooms located in the same building as a commercial business and intended to be designed for use as a residence by a single family.

11. Bed and Breakfast. Establishments licensed as Bed and Breakfasts by the State of Wisconsin. Bed and Breakfast establishment means any place of lodging that provides four (4) or fewer rooms for rent to tourists or other transients for more than ten (10) nights in a twelve (12) month period, in the owner's personal residence, is occupied by the owner at the time of rental and in which the only meal served to guests is breakfast.

12. Boathouse. Any structure designed for the purpose of protecting or storing boats for non-commercial purposes. Boathouses shall not be used for human habitation.

13. Building. Anything constructed and designed to stand more or less permanently and occupying a space of land.

14. Building—Principal. The main building on a lot, intended for primary use as permitted by the regulation of the Zone or district in which it is located.

15. Building Line. A line established adjacent to highways for the purpose of defining limits within which no building or structure of and part thereof shall be erected or permanently maintained, except as shown herein.

16. Bunkhouse/temporary guest quarters. An accessory structure or part of an accessory structure, which is located on a lot with a dwelling, with or without plumbing that is used as temporary sleeping quarters and does not have kitchen facilities.

17. Campground. A lot, parcel or tract of land maintained, intended, or used for the purpose of supplying temporary or overnight living accommodations by providing designed areas for the placement of camping units, trailers, tents, buses, automobiles, trucks or sleeping bags, and may include buildings to provide services to patrons such as restrooms, bathing, laundry, recreation, and commissary facilities.

18. Camping Unit. Any portable device no more than four hundred (400) square feet in area, used as a temporary dwelling, including but not limited to a camping trailer, motor home, bus, park model, van, pick-up truck, or tent.

19. Church. A building, together with its necessary buildings and uses, where persons regularly assemble for religious worship and which buildings, together with its accessory buildings and uses is maintained and controlled by a religious body organized to sustain public worship.

20. Club. See “Lodge”.

21. Cluster Development. A form of residential development that concentrates buildings or lots in one or more parts of the site to allow the remaining lands to be used for Common Open Space, recreation, and preservation of environmentally sensitive features. The concentration of lots is facilitated by a reduction in lot size. A cluster development will consist of one or more cluster groups surrounded by Common Open Space.

22. Common Ownership. Any combination of contiguous parcels singly owned by one uniquely named entity as identified by deed. Such an entity includes, but is not necessarily limited to, an individual person, a married couple or family trust, or a partnership or corporation.

23. Community Living Arrangement. Facilities licensed or operated or permitted under the authority of the Wisconsin Department of Health and Social Services, including child welfare agencies, group foster homes for children and community-based residential facilities.

24. Contiguous. Any combination of parcels, lots, or other lands sharing a common boundary, including those that are directly across a public street, rail right-of-way, easement, or navigable river, stream, or creek.

25. County Comprehensive Plan. The Comprehensive Plan of Marquette County, Wisconsin, from time to time amended, as prepared and defined under Wisconsin Statutes, and which is intended to guide the physical development of the County over a 20-year planning period. The County Comprehensive Plan integrates a farmland preservation plan under Chapter 91, Wis. Stats.

26. Day Care Centers. A licensed facility in which care and supervision is provided for four (4) or more children under the age of seven (7) and less twenty-four (24) hours per day.

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

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

29. Dwelling Width. The narrowest dimension of a dwelling unit as measured on the exterior of the structure at the elevation of the first flood. When measuring the dwelling unit width of a manufactured home only those portions of the structure produced by the original manufacturer are included.

30. Family Day Care Home. A licensed facility located in a residential dwelling and operated by a resident family, providing care and supervision for four (4) to eight (8) children.

31. Farm. All land under contiguous common ownership which is primarily devoted to agricultural use.

32. Farm Division Residences. A residence that existed before January 1, 2014, and all of its accessory buildings, but which is no longer connected to the farm operation as a result of the sale of contiguous lands, often referred to as a farm consolidation.

33. Farm Residence. Either a single-family residence that is occupied by a person who is both the owner and operator of the farm, a parent or child of an owner-operator of the farm, and/or an individual who earns more than 50 percent of his or her gross income from the farm; or a migrant labor camp that is certified under § 103.92, Wis. Stats.

34. Fence. A barrier intended to prevent escape or intrusion or to mark a boundary.

35. Food and Beverage Establishment. An establishment whose principal business is the sale of food and/or beverages to customers in a ready-to-consume state on and/or off premises provided that all portions of the facility are approved and licensed by the Department of Health.

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

37. Forestry. Managing forest lands and their related resources, including trees and other plants, animals, soil, water, and air.

38. Governmental Use. Any building, land area or other premises, or a portion thereof, owned or used by a governmental entity with taxing authority under the State of Wisconsin, including county, towns, municipal and State buildings, structures, and properties.

39. Habitable Dwelling. A residential building that is safe and suitable for living in and includes adequate space; protection from the elements and other threats to health, physical safety of the tenant, the tenant's household, and visitors; and a structurally sound building.

40. Home Based Business. A primarily family based business established on the same parcel as the business operator's one or two family home where the business is incidental and subordinate to the residential use, and where the business conducted would not detract from neighboring land uses, would not pose a threat to public safety, health or the environment, and where such business can be conducted in such a manner where it would not prevent the property from converting back to a residential use if the business were ever abandoned. A home-based business would generally not have customers coming and going from the property and would have no outside storage unless approved by the Board of Adjustment. Home based businesses include construction and carpentry, landscaping, plumber, well and septic installers and other similar family run operations.

41. Home Occupation. Any occupation for gain or support conducted by resident occupants entirely in buildings provided the use does not alter the appearance of the premises, does not produce noise, vibration, light, odor, dust, smoke or other pollution detectable outside the parcel by persons with normal sensitivities, is not identifiable by an on-premises sign larger than six (6) square feet, and there is only one (1) such use on any lot. The use shall be incidental and subordinate to the primary or principal use of the property and no stock in trade shall be kept or sold except that made on the premises nor shall any non- resident be employed.

42. Interchange. A grade separated highway intersection with one or more turning lanes for travel between intersecting roads or highways.

43. Kennel. Premises where five (5) or more dogs, cats, or other household pets, not including offspring below the age of six (6) months, are maintained, boarded, bred, trained, or cared for in return for remuneration or are kept for the purpose of sale or adoption.

44. Kitchen facility. A room or area of a room that includes kitchen fixtures such as cabinets, sinks, refrigerators, microwaves and stoves or other articles intended to be used for cooking.

45. Livestock. Domestic animals traditionally used in Wisconsin in the production of food, fiber, or other animal products. Livestock includes bovine animals, equine animals, goats (except pigmy), poultry, sheep, swine (except potbellied pigs), farm-raised deer, farm-raised game birds, camelids, ratites, and farm-raised fish.

46. Lodge. A facility used by an organization that limits its membership and is organized for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose; organized for a common purpose to pursue common goals, interest or activities and usually characterized by certain membership qualifications, payment of dues, regular meetings and constitution and by-laws. Food and alcoholic beverages may be served on the premises provided such service is secondary and incidental to the principal use and that the use of the premises is restricted to members and their guests.

47. Lot. A parcel or tract of land defined by a metes and bounds, certified survey, recorded subdivision plat, or other legal means of description recorded with the Register of Deeds and separated from other lots by such description. Also referred to as "lot of record."

48. Lot, Corner. A lot abutting on two (2) or more streets at their intersection.

49. Lot Lines and Area. The peripheral boundaries of a parcel of land and total area lying within such boundaries.

50. Lot Depth. The mean horizontal distance between the front and rear lot lines.

51. Lot Width. The distance between side lines of the lot at the building line.

52. Man-Made Lake or Pond. A body of water created by human activity where there are more than three (3) lots with riparian rights or ownership rights to that body of water.

53. Manufacturing, Light. The making, compounding, processing, assembling, packaging, or testing of goods or equipment, including research activities, conducted entirely within an enclosed structure or an open yard, serviced by a modest volume of trucks or other service vehicles, and imposing a negligible impact on the surrounding environment by noise, vibration, smoke, dust, or pollutants.

54. Manufacturing, Heavy. The making, compounding, processing, packaging, treatment or assembly of products and materials that may emit objectionable and offensive influences beyond the lot on which the use is located. Such uses include, but are not limited to, the following: refineries, commercial feedlots, acid, cement, explosives, flour, seed and grain milling or storage, meat packing, coal or tar asphalt distillation, rendering of fat, grease, lard or tallow, alcoholic beverages, poisons, exterminating agents, glue or size, lime, gypsum, plaster of Paris, tanneries, paper and paper products, glass, chemicals, plastics, crude oil and petroleum products, vinegar works, foundry, forge, casting of metal products, rock, stone, and cement products.

55. Manufactured Home. A structure that is designed to be used as a dwelling with or without a permanent foundation and is certified by the Federal department of housing and urban development as complying with the standards established under § 42 USC 5401 to 5426.

56. Mini-Warehouse. A secure storage facility consisting of individual compartments that are for rent or lease.

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

58. **Manufactured Home Park.** A plot or plots of land upon which three (3) or more units, which are manufactured homes, are located and occupied as dwellings.

59. **Motor Vehicle.** Any automobile, truck, truck-tractor, tractor, bus, vehicle, or other conveyance that is self-propelled by an internal combustion engine or motor, which may be licensed for highway use.

60. **Multi-Family Dwelling.** A building designed or intended to be used by more than two (2) families living independently of each other.

61. **Nonconforming Use or Structure.** 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.

62. **Non-Plumbing Sanitation System.** Sewage disposal devices within the scope of Wisconsin Administrative Code SPS 391, which are approved alternatives to water carried waste plumbing fixtures and drain systems, including, but not limited to, incinerating toilets, composting toilets, and privies.

63. **Nursery School.** A use where care is provided for four (4) or more children under kindergarten age.

64. **Operating Agency.** A government or non-profit entity that has established regulations or guidelines for acceptable and specific uses consistent with their management plan. Examples of these entities with management plans in a Conservation Protection District would be United State Department of Agriculture-Natural Resources Conservation Service (USDA-NRCS), United State Forest Service, United States Department of Interior, United States National Park Service, United States Fish and Wildlife Service, Wisconsin Department of Natural Resources, Wisconsin Historical Society, Marquette County Land and Water Conservation Department, Ice Age Trail Alliance, etc.

65. **Ordinary Highwater Mark.** The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a

distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.

66. Portable Storage Container. A secure, steel/wood structure that is portable in nature. This may include but is not limited to a portable storage container, known as a c-can, sea-can, cargo container and/or shipping container, which is a metal freight container that is used for the temporary storage of materials and equipment.

67. Parcel. A piece of land which may or may not coincide with a lot of record.

68. POWTS. Private Onsite Wastewater Treatment System, a sewage disposal system other than a public sewage disposal system, including septic tank, soil absorption systems, holding tanks and privately owned common sewage facilities.

69. Primary Residence. The residence, whether owned or rented, that is used as the primary dwelling for income and property tax purposes.

70. Prime Farmland. An area with a Class I, Class II, or Class III land capability classification as identified within the County Comprehensive Plan, or a more detailed soil survey for the affected property.

71. Property Owner. A holder or proprietor of a parcel or parcels of land regardless of the number of individuals or entities included on the deed for the property.

72. Protected Farmland. Lands that meet at least one of the following requirements:

- a. Located in the AG-1 Prime Agricultural zoning district.
- b. Covered by a farmland preservation agreement under Chapter 91, Wis. Stats.
- c. Covered by an agricultural conservation easement under § 93.73, Wis. Stats.
- d. Otherwise legally protected from non-agricultural development.

73. Private Park. An area owned by an organization, such as a homeowners' association, which is operated for the convenience and recreation of the owners and other authorized individuals.

74. Public Park. An area owned by the County or a municipality within the County, operated for the convenience and recreation of the public, and containing such facilities as the owning municipality shall see fit.

75. Quarrying. The removal of rock, slate, gravel, sand, topsoil, or other natural material from the earth by excavating, stripping, leveling or any other such process.

76. Resort. A development consisting of three (3) or more dwellings that provide residential living accommodations to the public for recreational or educational purposes

77. Retail Store – A. A business that specializes in the sale of goods and merchandise, which is located in a building that does not exceed ten thousand (10,000) square feet in floor area and is the only use located within the building.

78. Retail Store – B. A business that specializes in the sale of goods and merchandise, which is located in a building that exceeds ten thousand (10,000) square feet in floor area and is the only use located within the building.

79. Roadside Stand. A building used or intended to be used solely by the owner or tenant of the farm on which such building is located for the sale of farm products.

80. Salvage Yard. An area consisting of buildings, structures, or premises where junk, waste, discarded or salvage materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including automobile salvage yards, as a for-profit operation, or in excess of normal residential use.

81. Setback. The minimum allowable horizontal distance from a given point or line of reference, such as a thoroughfare, right of way, water line or

prospective line to the nearest vertical wall or other element of a building or structure.

82. Shooting Range. An area on private or public land designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, archery, or any other similar shooting activities.

83. Shorelands. All lands lying within one thousand (1,000) feet of the normal high-water mark of navigable lakes, ponds, flowages or within three hundred (300) feet of the normal high- water mark of a river or stream, or to the landward side of a floodplain as designated in the shoreland protection ordinance.

84. Sign. A display, device, notice, figure, painting, drawing, message, placard, poster, billboard, or other thing, which is designed, intended, or used to advertise or inform any part of the advertising or informative contents of which are visible from a private or public road or neighboring property.

85. Single Family Dwelling. A residential building containing one (1) dwelling unit.

86. Solar Energy System (SES). Equipment which directly converts and then transfers or stores solar energy into usable forms of thermal or electrical energy.

87. SES "Large Scale". A facility with an electrical generation capability of 100 MW (megawatts) or more.

88. SES "Mid-Scale". A facility with an electrical generation capability of less than 100 MW but greater than 30 KW.

89. SES "Small Scale". A facility with an electrical generation capability of 30 KW or less.

90. Specified Anatomical Areas. Less than completely and opaquely covered human genitals, pubic regions, buttocks, female breast below a point immediately above the top of the areola and human male genitals in a discernibly turgid state even if completely or opaquely covered.

91. Specified Sexual Activities. Activities where human genitals are in a state of sexual stimulation or arousal; acts of masturbation, sexual intercourse, or sodomy, fondling or other erotic touching of the human genitals, pubic region, buttocks, or female breast.

92. Structure. Any manmade object with form, shape, and utility, either permanently or temporarily attached to, placed upon or in the ground, or an attachment to something on a premises, including but not limited to dwellings, accessory buildings, additions, decks, platforms, porches, balconies, gazebos, boathouses, stairs, walkways, sidewalks, piers, wharves, patios, bridges and retaining walls.

93. Structural Alteration. Any change in the supporting members of a structure, such as walls, columns, beams, girders or any substantial change in the roof and exterior walls in excess of one thousand dollars (\$1,000.00) value.

94. Substandard Lot. A parcel or tract of land which does not conform to the dimensional requirements of this Code.

95. Substantial Evidence. Facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a special exception permit and that a reasonable person would accept in support of a conclusion. Public comment that provides reasonable facts and information is acceptable to establish substantial evidence.

96. Trail. A designated land corridor that provides recreational, aesthetic, alternate transportation, or educational opportunities to both motorized and non-motorized users.

97. Unnecessary Hardship. Circumstances where special conditions, which were not self-created, affect a particular property and make strict conformity with restrictions governing area, setbacks, or frontage unnecessarily burdensome or unreasonable in light of the purpose of this Chapter.

98. Use. The purpose or activity for which the land or buildings thereon are designed, arranged, or intended or for which it is occupied or maintained.

99. Utilities. 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.

100. Variance. A modification to a dimensional, physical, or locational requirement such as the setback, frontage, height, bulk, or density restriction for a structure that is granted after a public hearing by the Board of Adjustment under this chapter that will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done, but shall not permit a use, which is not permitted in the district in which it is proposed.

