GENERAL CODE OF ORDINANCES FOR MARATHON COUNTY CHAPTER 17 ZONING CODE

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CHAPTER 17 — ZONING CODE

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SPECIAL ORDINANCES

INTRODUCTION

17.01 OBJECTIVES.

To achieve the objectives outlined in §59.69, 59.692, 59.694, 87.30 and 281.31, Wisconsin Statutes, the County Board adopts the zoning regulations contained in this chapter.

17.02 SHORT TITLE.

This chapter shall be known and cited as the Marathon County Zoning Code.

17.03 PURPOSE AND INTENT.

This chapter is adopted to promote and protect public health, safety, comfort, convenience, aesthetics and other aspects of the general welfare; and, more specifically, to fix reasonable standards to which buildings and structures shall conform, to regulate and restrict lot coverage and population density, to guide the proper distribution and location of various land uses by the establishment of zoning districts which are applied where the County has zoning jurisdiction, to promote the safety and efficiency of the streets and highways, to provide for adequate light, air, sanitation and drainage, to conserve natural resources, to provide safety from fire, flooding, water pollution, contamination and other hazards, to define the powers and duties of the administrative bodies as provided in this chapter, and to prescribe penalties for the violation of the provisions of this chapter or any amendment to this chapter.

17.04 APPLICATION OF OVERLAPPING REGULATIONS.

(1) This chapter shall not repeal, impair or modify private covenants or other ordinances, except that it shall apply whenever it imposes stricter regulations.

(2) This chapter contains shoreland and floodplain regulations which are to be applied within the jurisdictional area as defined in §17.30, 17.31, and 17.32 of this chapter and take precedence over the less restrictive provisions of the respective zones.

(3) Where a duly adopted town zoning ordinance is more restrictive than this chapter where this chapter applies in the floodplain and shoreland overlay districts, the town's greater restrictions shall apply.

17.05 GENERAL INTERPRETATIONS.

The following rules of construction shall apply to this chapter:

(1) The particular shall control the general; in case of any difference of meaning or implication between the text of this chapter and any caption or illustration, the text shall control; "shall" is mandatory, "may" is permissive; words used in the present tense shall include the future and words used with singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary; "building" or "structure" includes any part thereof; "used for"; includes "arranged for", "person" includes an individual, corporation, partnership, incorporated association or any other similar entity; unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunction "and", "or" or "either/or," the conjunction shall be interpreted as follows: "and" indicates that all the connected items, conditions, provisions or events shall apply; "or" indicates that the connected items, conditions, provisions or events shall apply singly or in any combination; "either/or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination. All measured distances shall be to the nearest integral foot. If a fraction is ½ foot or more, the integral foot next above shall be taken. The masculine gender includes the feminine and neuter.

(2) The provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the County and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes and related administrative codes.

Revised 12/03

17.06 SEVERABILITY AND NONLIABILITY.

Should any section, clause, provision or portion of this chapter be adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby. The County does not guarantee, warrant or represent that only those areas designated as floodplains will be subject to periodic inundation and hereby asserts that there is no liability on the part of the County Board, its agencies or employees for any flood damages that may occur as a result of reliance upon and conformance with this chapter.

17.07 APPLICABILITY.

All towns in the County, whether or not they approve this Zoning Code, shall nevertheless be subject to all the provisions of this Code within the floodplain and shoreland areas as these areas are defined in §17.30, 17.31 and 17.32 of this chapter.

Structural setback requirements set forth in this ordinance shall not apply to shorelands in towns that have legally adopted comprehensive zoning independent of this ordinance, except that waterline setbacks shall apply.

17.08 DEFINITIONS.

The following words, phrases and terms, wherever they occur in this chapter shall be interpreted as defined in this section:

A ZONES. Those areas shown on the official floodplain zoning map which shows areas which would be inundated by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.

ADMINISTRATOR. A person recommended by the County Zoning Committee and appointed by the County Administrator to administer and enforce this ordinance.

ANIMAL CONFINEMENT FACILITIES/LIVESTOCK FACILITIES. See the General Code of Ordinances for Marathon County Chapter 13 Livestock Facilities Licensing Ordinance.

ANIMAL FEEDING OPERATION. A feedlot or facility other than a pasture, where animals have been, are, or will be fed, confined, maintained, or stabled for a total of 45 days or more in any 12-month period.

ANIMAL UNITS. As defined in NR 243 or as amended as follows:

Revised 10/06

# Equivalent to 1,000 Animal Units	Subcategory of Animal Types	Animal Equivalency Factor	# Equivalent to 1,000 Animal Units	Subcategory of Animal Types	Animal Equivalency Factor
	DAIRY CATTLE			**SHEEP**	
700	Milking & Dry Cows	1.4	10,000	Per Animal	0.1
910	Heifers (800-1200 lbs)	1.1			
1,670	Heifers (400-800 lbs)	0.6		**HORSES**	
5,000	Calves (under 400 lbs)	0.2	500	Per Animal	2.0
	BEEF CATTLE			**DUCKS**	
1,000	Steers/Cows (1000-Mkt)	1.0	5,000	Per Bird (Wet Lot)	0.2
1,250	Steers/Cows (600-1000 lb)	0.8	100,000	Per Bird (Dry Lot)	0.01
2,000	Calves (under 600 lbs)	0.5			
700	Bulls	1.4		**CHICKENS**	
			100,000	Layers	0.01
	SWINE		200,000	Broilers	0.005
2,500	Pigs (55 lbs-Mkt)	0.4			
10,000	Pigs (up to 55 lbs)	0.1		**TURKEYS**	
2,500	Sows	0.4	55,000	Per Bird	0.018
2,000	Boars	0.5			
				COMBINED ANIMAL UNITS	
			1,000	Calculated Total	

Examples for determining maximum allowable animals: $\frac{\text{5 animal units/acre (number 0f acres)}}{\text{Animal Equivalency Factor (AEF)}}$ = Number of animals

Example #1 40 acres/ 400-800 lb. heifers: $\frac{\text{5 animal units/acre (40) acres}}{\text{.6 AEF}}$ = 333 (400-800 lb. heifers

Example #2 40 acres / Milking or dry cows: $\frac{\text{5 animal units/acre (40) acres}}{\text{1.4 AEF}}$ =142 (Milking or dry cows)

Animal unit density equivalents for non-typical species or exotics such as bison, llamas, emu and ostriches shall be determined based on recommendation from the Land Conservation Committee or DNR.

ANIMAL WASTE FACILITY. Any site or area specifically designed and/or constructed for the purpose of storage or holding of animal waste and manure. Also see Chapter 11.02(2)(r) Storage Facility.

APARTMENT HOUSE. A building containing accommodations for more than two families living independently of each other.

AQUIFER. A saturated, permeable, geologic formation that contains and will yield significant quantities of water.

AUTO DEALER. Any person may sell, offer to sell, or display three (3) vehicles per year on property which they own or control providing the vehicles are part of their personal fleet. Sale of, offer to sell, or display of more than three (3) vehicles requires proper zoning for an auto dealership.

AUTO LAUNDRY/CAR WASH. A building or portion thereof containing facilities for washing vehicles using a steam cleaning device, cleaning solutions and water under pressure, blower, chain conveyor or other mechanical devices.

AUTOMOBILE SERVICE STATION. Any building, structure or premises or other place used for the dispensing, sale or offering for sale of any motor fuel or oils, having pumps and storage tanks; also where battery, tire and similar services are rendered, but not including buildings and premises where such business is incidental to the conduct of a public garage used for the repair or storage of motor vehicles.

AUTOMOBILE WRECKING YARD, JUNK YARD, OR SALVAGE YARD. Any area of land where three or more vehicles, unlicensed and/or not in running condition, an accumulation of auto parts, or both, are stored in the open and are not being restored to operation. Any land, building or structure used for the wrecking or storing of such motor vehicles, or parts thereof, not in running condition. Any area where tire carcasses are stored or recycled. Any area where 3 or more pieces of unlicensed or inoperative construction equipment, motorcycles, snowmobiles, boats or appliances or their parts are stored and are not being restored to operation, or any land or structure for the wrecking or storing of such vehicles, equipment or appliances, or parts thereof, not in working condition. The examples listed by this definition are examples and not intended to be an inclusive list.

BASE FLOOD. A flood having a 1% chance of being equaled or exceeded in any given year. (See also REGIONAL FLOOD.)

BASE FLOOD ELEVATION. An elevation equal to that which reflects the height of the base flood as defined above.

BASEMENT. Any enclosed area of a building having its floor sub-grade, i.e. below ground level on all sides.

BED AND BREAKFAST ESTABLISHMENT. A business as defined in Wis Statutes at §254.61(1).

BOARD OF ADJUSTMENT. The body established under §59.694, Wisconsin Statutes, for counties and designated "Board of Adjustment".

BOARDING HOUSE. A building other than a hotel or restaurant where meals or lodging are regularly furnished by prearrangement for compensation for 5 or more persons not members of a family, but not exceeding 20 persons and not open to transient customers.

BOAT LIVERIES. Establishments offering the rental and repair of boats and fishing equipment.

BOATHOUSE. A residential accessory building designed and used for storage of boats and boating accessories belonging to the resident. A boathouse shall not be used for storage of land vehicles, lawn, garden or shop equipment or supplies.

BREWERY. A plant where malt liquors are produced greater than 15,000 barrels of beer per year.

BUILDING. A structure which encloses space above or below grade or both. (Also see "Structure").

BUILDING HEIGHT. Unless otherwise specified in this ordinance, the vertical distance from the average grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridges for gable, hip and gambrel roofs.

BUILDING SITE AREA. The ground area of a building or buildings, together with all open spaces required by this chapter.

BULK REGULATION. The combination of zoning controls which establishes the maximum size of a building and its location on a lot. The bulk envelope is a three-dimensional area within which a permitted building may be built.

BULKHEAD LINE. A geographic line along a reach of a navigable body of water that has been adopted by a municipal ordinance and approved by the Department of Natural Resources pursuant to §30.11, Wisconsin Statutes, and which allows complete filling on the landward side, except where such filling is prohibited by the floodway provisions of this chapter.

CAMPGROUNDS. Any premises established for overnight habitation by persons, not the owner of the property, using equipment designed for the purposes of temporary camping and whether or not a fee is charged.

CAMPING UNIT. Any portable device, no more than 400 square feet in area, used as a temporary shelter, including, but not limited, to a camping trailer, motorhome, bus, van, pickup truck, tent or other mobile recreational vehicle.

CERTIFICATE OF COMPLIANCE. A certification issued by the Administrator stating that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this ordinance.

CHANNEL. A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.

CLUB. An association for some common purpose, but not including a group organized for or which is actually engaged in rendering a service which is customarily carried on as a business. A roadhouse or tavern shall not be construed as a club.

CONDOMINIUM. Any property subject to a condominium declaration established under Chap 703 Wis. Stats.

CONE OF DEPRESSION. The area around a well in which the water level has been lowered at least one tenth (1/10) of a foot by pumping of the well.

CONSERVANCY AREA. An area of land where the water table is generally at, near or above the land surface.

COUNTY PLANNING AGENCY. A County zoning committee authorized by §59.69(2) Wisconsin Statutes.

COUNTY TECHNICAL GUIDE. The County Technical Guide developed primarily by the USDA Natural Resources Conservation Service to protect soil and water resources consists of standards designed to minimize negative impacts of agricultural production practices. The Technical Guide was adopted by the County Land Conservation Committee (hereafter LCC) on November 7, 1977. It is amended from time to time as standards are revised based on current research.

CRAWLWAY OR CRAWL SPACE. An enclosed area below the first usable floor of a building, generally less than five feet in height, used for access to plumbing and electrical utilities.

DAY CARE OR CHILD CARE FACILITY. For the purpose of this code a day care or child care facility shall have the same definition as contained in §48.65(1) Wisconsin Statutes.

DECK. A structure usually made of wood and/or synthetic materials which is accessory to a principal structure and which has no roof covering or side walls.

DENSITY CONTROLS. The method used in this ordinance to establish the number of dwelling units or other permitted principal structures of any kind that may be constructed on a given area of land. Minimum lot sizes determine density except where a Conservation Subdivision or Condominium development is proposed, in which case, overall density will be determined based on an individual site plan.

DEPARTMENT. Marathon County Conservation, Planning and Zoning Department.

DETENTION BASIN. An artificial depression or diked structure designed to be part of a stormwater and/or sediment control project which may or may not have permanent shallow water.

DEVELOPMENT. Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures: the construction of additions or substantial improvements to buildings, structures or accessory structures: the placement of building or structures; mining, dredging, filling, grading, paving, excavation or drilling operations; and the storage, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities.

DISTRIBUTION EQUIPMENT. Poles, towers, wires, cable, conduits, vaults, laterals, pipes, mains, valves for telephone or other communications and electric power, gas, water and sewer lines, the sole purpose of which is to connect the utility service to retail customers. Distribution equipment does not include transmission equipment as further defined herein

DISTRICT. A designated area of Marathon County for which the regulations governing the use of the land and buildings are uniform.

DOG KENNEL, STRUCTURE. The pen(s), run(s), and accessory structure(s) associated with land used for the harboring of dogs.

DRAINAGE SYSTEM. One or more artificial ditches, tile drains or similar devices which collect surface runoff on ground water and convey it to a point of discharge.

DRYLAND ACCESS. A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.

DWELLING. A building or portion thereof designed exclusively for residential occupancy, including one family, two family and multiple family dwellings.

ENCROACHMENT. An encroachment is any fill, structure, building, accessory use, principle use or development in the floodway.

EXISTING MOBILE HOME PARK OR MOBILE HOME SUBDIVISION. A parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale on which the construction of facilities for servicing the lots (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of this ordinance.

FAMILY. One or more persons living as a single housekeeping unit, as distinguished from a group occupying a hotel, club, fraternity or sorority house.

FARM. An area of land devoted to the production of field or truck crops. livestock or livestock products, which constitute the major use of such property. This includes fur farms in which the animals are housed and fed under artificial conditions.

FARM OPERATOR. An owner occupant of a parcel of land as defined in §91.01 (6) Wisconsin Statutes.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA). The federal agency that administers the National Flood Insurance Program. This agency was previously known as the Federal Insurance Administration (FIA), or Department of Housing and Urban Development (HUD) and is now part of the Department of Homeland Security.

FEEDLOT. A feedlot shall be determined to be any of the following facilities, when they are a business and means of livelihood:

1. Any tract of land or structure wherein any type of fowl or the byproducts thereof are raised in close quarters for sale at wholesale or retail.
2. Any structure, pen or corral wherein cattle, horses, sheep, goats, swine, and other animals domestic and/or exotic are maintained in close quarters for the purpose of fattening, milking or production of other animal products for final sale and/or shipment to market.

FENCE. A structure usually serving as an enclosure, barrier, or boundary, usually made of posts, boards, wire, or rails.

FENCE, OPEN. A fence which does not exceed 50% opacity when viewed from any angle.

FLOOD OR FLOODING. A general and temporary condition of partial or complete inundation of normally dry land areas caused by:

--The overflow or rise of inland waters;
--The rapid accumulation or runoff of surface waters from any source; and
--The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.

FLOOD FREQUENCY. The probability of a flood occurrence. A flood frequency is generally determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average, once in a specified number of years or as a percent (%) chance of occurring in any given year.

FLOOD FRINGE. The flood fringe is that portion of the floodplain outside of the floodway, which is covered by flood waters during the regional flood; it is generally associated with standing water rather than rapidly flowing water.

FLOOD INSURANCE RATE MAP (FIRM). A map of a community on which the Federal Insurance Administration has delineated both special flood hazard areas (the floodplain) and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency (FEMA).

FLOOD INSURANCE STUDY. A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and regional flood elevations and may provide floodway line. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood insurance study maps form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.

FLOOD PROFILE. A graph or a longitudinal profile showing the relationship of the water surface elevation of a flood event to locations along a stream or river.

FLOOD PROTECTION ELEVATION. An elevation which affords two feet of freeboard above the water surface profile elevation designated for the regional flood. Also see; "FREEBOARD."

FLOOD, REGIONAL. A flood determined to be representative of large floods known to have occurred in Wisconsin or which may be expected to occur on a particular lake, river or stream once in every 100 years.

FLOODPLAIN. That land which has been or may be hereafter covered by flood water during the regional flood. The floodplain includes the floodway and the floodfringe, and may include other designated floodplain areas for regulatory purposes.

FLOODPLAIN ISLAND. A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.

FLOODPLAIN MANAGEMENT. The full range of public policy and action for insuring wise use of floodplains. It includes everything from the collection and dissemination of flood data to the acquisition of floodplain lands and the enactment and administration of codes, ordinances and statutes for land use in the floodplain.

FLOODPROOFING. Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.

FLOOD STORAGE. Those floodplain areas where storage of floodwaters has been taken into account in reducing the regional flood discharge.

FLOODWAY. The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.

FLOOR AREA. The gross horizontal areas of the several stories within the outer lines of the exterior walls of a building or from the centerline of party walls; provided that the floor area of a dwelling shall not include space not usable for living quarters, such as attics, utility or unfinished basement rooms, garages, breezeways and unenclosed porches or terraces.

FREEBOARD. A flood protection elevation requirement designed as a safety factor which is usually expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for the effects of any factors that contribute to flood heights greater than those calculated.

These factors include, but are not limited to, ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of urbanization on the hydrology of the watershed, loss of flood storage areas due to development and aggradation of the river or stream bed.

FUR FARM. Any property comprising land or building or both, used for the purpose of raising or harboring fur bearing animals including those defined in §29.001(30), Wisconsin Statutes, and also including chinchillas and other fur bearing animals, whether the animals are kept for breeding or slaughtering or pelting purposes.

GARAGE, PRIVATE. An accessory building or accessory portion of the main building, used or designed or intended to be used for the storage of private motor vehicles.

GARAGE, PUBLIC. A building or portion thereof other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling or storing motor driven vehicles.

GRADING. The physical disturbance of the ground by the addition, removal, or re-distribution of soil.

HABITABLE STRUCTURE. Any structure, or portion of a structure, used or intended to be used for permanent or intermittent human occupancy.

HEARING NOTICE. A publication or posting meeting the requirements of Ch. 985, Statutes.

HIGH FLOOD DAMAGE POTENTIAL. Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.

HISTORIC STRUCTURE. Any structure that is listed preliminarily determined to meet the requirements for listing, as an individual structure part of a district, or on an inventory of the National Register, determined by the Secretary of the Interior, or on a State or local inventory of Historic Places.

HOME OCCUPATION. Any occupation for gain or support, when such occupation is incidental to the residential use of the premises and does not involve any external alteration that would effect a substantial change in the residential character of the building; provided further that no article is sold or offered for sale that is not produced by such home occupation, that no stock in trade is kept or sold, that no person other than a member of the resident family is employed on the premises and that no more than 25% of the floor area of any floor of the residence or accessory building is used for the home occupation. A home occupation includes uses such as babysitting, millinery, dressmaking, canning, laundering and crafts, but does not include the display of any goods nor such occupations as barbering, beauty shops, non-retail cabinet making, real estate brokerage or photographic studios.

HOME PROFESSIONAL BUSINESS. Any professional occupation for gain or support when such occupation is incidental to the residential use of the premises and does not involve any external alteration that would effect a substantial change in the residential character of the building; provided further that such business is conducted solely by a member or members of the resident family entirely within the residence, that not more than 50% of only one floor of the dwelling shall be devoted to such business and that no more than two persons not members of the resident family are employed in nonprofessional capacities in any such office. A home professional business includes uses such as attorneys, doctors and dentistry offices, real estate brokerages, photographic studios and service oriented shops such as beauty and barber shops, offices for tax preparation and licensed children's day care for no more than twelve (12) children. Before any home professional business may be opened, a complete septic system evaluation shall be conducted and any improvement to or replacement of the system must be completed before the business may commence.

HOTEL. A building in which board and lodging are provided to the transient public for compensation.

HOUSEBOAT. A water craft intended for temporary occupancy.

HUMAN HABITATION. The act of occupying a structure as a dwelling or sleeping place, whether intermittently or as a principal residence.

INCREASE IN REGIONAL FLOOD HEIGHT. A calculated upward rise in the regional flood elevation, equal to or greater than 0.01 foot, resulting comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.

INTERCHANGE. A grade separated intersection with one or more turning lanes for travel between intersecting highways.

JUNK. Materials or products from materials such as glass, rags, paper, metals or plastic either worn out, broken, fit to be discarded or recycled.

LAND USE. Any nonstructural use made of unimproved or improved real estate. Also see: "DEVELOPMENT".

LANDING. An uncovered platform at the end of a flight of stairs or a platform for ingress and egress to a structure or a jump platform. A landing is a structural appurtenance not more than six (6) feet wide unless further restricted in this Chapter.

LAWN OR GRASS MAINTENANCE. The cutting or clipping of grass and the use of pesticides and fertilizer within prescribed manufacturers limits.

LOT. A parcel of land occupied or designed to be occupied by one principal structure or use and its accessory structures or uses, including the open spaces required by this chapter, and abutting on a public street or other officially approved means of access. A lot may be a parcel designated in a plat or described in a conveyance recorded in the Office of the Register of Deeds, or any part of a large parcel when such part complies with the requirements of this chapter as to width and area for the district in which it is located. No land included in any street, highway or railroad right-of-way shall be included in computing lot area.

LOT, CORNER. A lot located at the intersection of two streets, any two corners of which have an angle of 120 degrees or less, or is bounded by a curved street, any two chords of which, on the inside of the curve, form an angle of 120 degrees or less.

LOT LINE. The boundary of a recorded parcel of record or a line established by a recorded survey (Certified Survey or Subdivision) or a boundary created by recorded metes and bounds, or rectangular description.

LOT, WATERFRONT. Any lot where any developments including stairs, grading, tree-cutting, etc are taking place within 100 feet of the OHWM (for the purpose of determining fees as outlined in §17.15 of this Code).

LOT, WIDTH. For the purpose of this chapter the width of a lot shall be the shortest distance between the side lines at the building setback line. Such building line may be the setback line or a line designated on a plat or in a conveyance of an unplatted parcel.

MAINTENANCE AND REPAIR. Includes the replacement of windows, doors, roofing, wiring and siding; upgrading of insulation; internal remodeling and improvements; repair, but not replacement, of an existing foundation.

MICROBREWERY. A brewery that produces less than 15,000 barrels (17,600 hectoliters) of beer per year. Microbreweries sell to the public by one or more of the following methods: the traditional three-tier system (brewer to wholesaler to retailer to consumer); the two-tier system (brewer acting as wholesaler to retailer to consumer); and, directly to the consumer through carryout and/or on-site taproom or restaurant sales.

MOBILE HOME OR MANUFACTURED HOME. Any vehicle or similar portable structure mounted or designed for mounting on an axle and wheels which are or were an integral part of the structure and used or intended for use for dwelling purposes, including structural additions, except parked and unoccupied camping type trailers. This definition is not intended to include a "double wide" unit when this type of structure is placed on a permanent foundation.

Any such vehicle or structure shall be deemed a mobile home whether or not the wheels have been removed therefrom and whether or not resting upon a temporary or permanent foundation.

MOBILE HOME PARK. Any park, court, site, lot, parcel or tract of land designed, maintained, intended or used for the purpose of supplying a location or accommodations for two or more mobile homes and shall include all buildings used or intended for use as part of the equipment thereof, whether or not a charge is made for the use of the mobile home park and its facilities. Mobile home park shall not include automobile or mobile home sales lots on which unoccupied mobile homes are parked for purposes of inspection and sale.

MOBILE RECREATIONAL VEHICLE. A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use.

MOTEL OR TOURIST CABIN. A building or group of buildings which contain living or sleeping accommodations used primarily for transient occupancy, and has individual entrances from outside the building to serve each such living or sleeping unit.

NAVD. or NORTH AMERICAN VERTICAL DATUM. Elevations referenced to mean sea level datum, 1988 adjustment.

"NGVD" or NATIONAL GEODETIC VERTICAL DATUM. Elevations referenced to mean sea level datum, 1929 adjustment.

NAVIGABLE WATERS. Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin, and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, which are navigable under the laws of this state. The Wisconsin Supreme Court has declared navigable bodies of water with a bed differentiated from adjacent uplands and with levels or flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis. [Muench v. Public Service Commission, 261 Wis. 492 (1952) & DeGayner and Co., Inc. v. Department of Natural Resources, 70 Wis. 2d 936 (1975)]

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

NONMETALLIC MINING. The definition as contained in 21.03 of the General Code of Ordinances for Marathon County Chapter 21 Nonmetallic Mining Reclamation Code.

NOXIOUS MATTER. Material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical or economic well-being of individuals.

OBSTRUCTION TO FLOW. Any development which physically blocks the conveyance of floodwaters such that this development by itself or in conjunction with any future similar development will cause an increase in regional flood height.

OCCUPANCY. Pertains to and is the purpose for which a building is used or intended to be used. A change of occupancy is not intended to include a change of tenants or proprietors.

OFFICIAL FLOODPLAIN ZONING MAP. Those maps, adopted and made part of this chapter, which has been approved by the Department of Natural Resources and FEMA and which delineates those areas which would be inundated by the base or regional flood, including, but not limited to, numbered and unnumbered "A Zones" and, where applicable, floodways. This map may be Flood Hazard Boundary Map, Flood Insurance Study Map or other approved community floodplain map.

OFFICIAL LETTER OF MAP AMENDMENT. Official notification from FEMA that a Flood Hazard Boundary Map or Flood Insurance Study Map has been amended.

OPEN SPACE USE. Those uses having a relatively low flood damage potential and not involving structures.

ORDINARY HIGH WATER MARK (OHWM). The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristic.

PARK. A pleasure ground set apart for recreation of the public, to promote its health and enjoyment.

PARK, AMUSEMENT. An area publicly or privately owned, containing amusement and recreational facilities and devices, whether operated for profit or not.

PARKING LOT. A lot where automobiles are parked or stored temporarily, but not including the wrecking of automobiles or other vehicles or storage for the purpose of repair or wrecking.

PARK (MODEL) UNIT. A structure resembling a mobile home or manufactured home in construction and design, generally having less than 400 square feet of total floor area, and not a travel trailer due to its inability to be towed by conventional cars or trucks.

PASTURE. Grazing animals on growing vegetation with no supplemental feed at up to five animal units per acre. Also rotational grazing systems designed periodically to exceed five animal units per acre, which comply with the standards in the County Technical Guide adopted by the Land Conservation Committee.

PERSON. An individual, or group of individuals, corporation, partnership, association, municipality or state agency.

PIER. Any structure extending into navigable waters from the shore with water on both sides, built or maintained for the purpose of providing a berth for watercraft or for loading or unloading cargo or passengers onto or from watercraft.

POND. A seasonal or permanent body of water, created by excavation, by dike construction or by a combination of both. The only ponds within this definition subject to shoreland setback regulations by this chapter are those under §30.19, Wis. Stats., and which have been declared navigable in fact.

POND, LANDSCAPE/ORNAMENTAL. A pond usually of small size exclusively used as a landscape feature in a residential yard usually lined with a pre-formed or flexible liner and not to be used for any agricultural or recreation use other than viewing. (Considered a minor structure by this code).

PORCH. An attachment which is part of a principal structure usually functioning as a passageway into the main part of the structure and/or as additional seasonal living space.

PRIVATE SEWAGE SYSTEM/PRIVATE ON-SITE WASTE TREATMENT SYSTEM (POWTS). For the purpose of this code a private sewage system shall have the same definition as contained in §145.01(12) Stats.

PROFESSIONAL OFFICE. The office of a doctor, practitioner, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician or other recognized profession.

PUBLIC UTILITIES. Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.

QUARRYING. The removal of rock, gravel, decomposed granite, sand, topsoil or other natural material from the earth by excavating, stripping, leveling or any other process whereby these materials are substantially removed from the site.

REACH, HYDRAULIC. A hydraulic reach along a river or stream is that portion of the river or stream extending from one significant change in the hydraulic character of the river or stream to the next significant change. These changes are usually associated with breaks in the slope of the water surface profile and may be caused by bridges, dams, expansion and contraction of the water flow and changes in stream bed slope or vegetation.

REASONABLY SAFE FROM FLOODING. Base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area and any subsurface waters related to the base flood will not damage existing or proposed buildings.

RECHARGE AREA. Area in which water reaches the zone of saturation by surface infiltration and encompasses all areas or features that supply groundwater recharge to the well.

RECREATION OR YOUTH CAMP. An area containing one or more permanent buildings used occasionally or periodically for the accommodation of members of associations or groups for recreational purposes.

RENDERING PLANT. A plant for the reduction of dead animals or slaughtered animals not suitable for human consumption to by-products such as hide, skin, grease, bones, glue and soap and for the storage of such by-products.

RIDING STABLE. A building or premises used for the rent or lease of horses or animals for hire.

ROADSIDE STAND. A structure having a ground area of not more than 300 sq. ft., readily removable in its entirely, not fully enclosed and to be used solely for the sale of farm products more than ½ of which were produced on the premises or adjacent premises. There shall not be more than one such roadside stand on any single premise.

SETBACK LINE / BUILDING LINE. The minimum allowable distance from a given point or line of reference, such as a thoroughfare, right-of-way, Ordinary High Water Mark or lot line to the nearest vertical wall or other element of a building or structure.

SHOPPING CENTER. A group of contiguous retail stores, originally planned and developed as a single unit, with immediate adjoining off street parking facilities.

SHORELAND-WETLAND ZONING DISTRICT. The zoning district created as part of this chapter comprised of shorelands that are designated as wetlands on the wetland maps which have been adopted and made a part of this chapter.

SHORELANDS. Lands within the following distances from the ordinary high water mark of navigable waters as defined in §281.31(2)(d), Wis. Stats.: 1,000 feet from a lake, pond or flowage; and 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

SHOOTING RANGE, PRIVATE. Any permanent or semi-permanent target shooting range for the landowner's private occasional use and which may include intermittent use by friends and family.

SHOOTING RANGE, PUBLIC. Any permanent or semi-permanent target shooting range for use by the general public and/or for competitive shoots, whether or not a charge/fee/donation is required to use the facility.

SIGN. Any advertisement, announcement, direction or communication produced in whole or in part by the construction, erection, affixing or placing of a structure on any land or on any other structure or produced by painting on or posting or placing any printed, lettered, pictured, figured or colored material on any building, structure or surface. Signs placed or erected by governmental agencies or nonprofit civic associations for a public purpose in the public interest shall not be included herein.

SIGN, BILLBOARD, DIRECTIONAL. Signs which direct potential patrons or visitors to a specific place of business interest or community and which may indicate either goods or services offered or both.

SIGN, FLASHING. Any illuminated sign on which the artificial light is not maintained stationary, or constant in intensity and color at all times when such sign is in use.

SLAUGHTERHOUSE. Any building or premises used for the killing or dressing of fowl, cattle, sheep, swine, goats or horses and the storage, freezing and curing of meat and preparation of either meat products, by-products or both.

SPECIAL EXCEPTION. Uses which may be permitted through the granting of a special exception permit and which are listed in each zoning district as "Special Exceptions". The Board of Adjustment, after public hearing, and upon finding may issue a special exception permit with or without conditions attached to and made part of the permit.

STORY. The vertical distance between the surface of any floor and the floor next above it, or if there be no floor above it, the space between such floor and the ceiling next above it.

STREET. A public or private thoroughfare which affords a primary means of access to abutting property. A driveway to a farm building shall not be considered a street for the purpose of determining setback, even though such driveway may have been designated a town road for the purposes of maintenance.

STRUCTURAL ALTERATIONS. Any changes in the supporting members of a structure such as bearing walls, columns, beams or girders, footing and piles.

STRUCTURE. Anything constructed or erected, the use of which requires a location in or on the premises, or any other attachment to something having a permanent location on the ground which includes, but is not limited to, objects such as dwellings, retaining walls, towers, signs, factories, sheds and cabins, mobile homes, gas or liquid storage tanks, bridges, culverts, decks, satellite dishes or swimming pools. Also included are items of personal property that may have been designed as transportable or as a vehicle, but stand in a seasonal or permanent location for storage or intermittent human habitation. Such incidental structures may include (but are not limited to) truck boxes or semi trailers, truck campers, travel trailers, buses, and motor homes.

STRUCTURE, ACCESSORY. A structure which is incidental or subordinate to the principal structure on the same parcel and may be desirable but not necessary for the use of the parcel as permitted by this code.

STRUCTURE, NONCONFORMING. A structure erected prior to the effective date of this chapter or amendment thereto, that conforms to use limitations but does not conform to dimensional or other standards including setbacks, floor area, parking, distance, or floodproofing.

STRUCTURE, PRINCIPAL. A structure which contains or is directly related to the main use of the property on which it is located, conforms to the purpose section of the zoning district in which it is or is to be located and is a structure listed as a permitted or special exception in the zoning district. Only one principal structure is permitted on each lot or parcel.

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT. Any repair, reconstruction or improvement of a structure, the value of which equals or exceeds 50% of the present equalized assessed value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. The term does not, however, include either any project for improvement of a structure to comply with existing State or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a structure or site documented as deserving preservation by the State Historical Society or listed on the National Register of Historic places. Ordinary maintenance repairs are not considered structural repairs, modifications or additions; such ordinary maintenance repairs include internal and external painting, decorating, paneling and replacement of doors, windows and other nonstructural components.

TOURIST COURT. See MOTEL.

TOURIST ROOMING HOUSE. A business as defined in Wis Statutes at §254.61(6)

TRANSMISSION EQUIPMENT. Poles, towers, wires, cables, conduits, vaults, laterals, pipes, main valves for high voltage electrical transmission, natural gas, and other utility products and services not intended for direct access by retail customers, but whose purpose is transmission from point of origin to distribution stations or similar locations.

UNNECESSARY HARDSHIP. A circumstance where special conditions, which are not self-created, affect a particular property and make strict conformity with restrictions governing area, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of this chapter.

USE, ACCESSORY. A use customarily incidental and accessory to the principal use of a lot or parcel, or building or structure on the same lot or parcel as the principal use.

USE, NONCONFORMING. Any building or land lawfully occupied by a use at the effective date of this chapter or amendment thereto which does not conform after the passage of this chapter or amendment with the use requirements of the district in which it is situated.

USE PRINCIPAL. A principal use is the main use of land or building as distinguished from a subordinate or accessory use.

UTILITIES. Any public or private water supply, waste collection or disposal system including, but not limited to, septic systems, private and public wells and their attendant facilities, public sewage collection systems and treatment facilities.

VARIANCE. A departure from the dimensional standards of this chapter as applied to a specific building, structure or parcel of land, which the Board of Adjustment may permit, contrary to the regulations of this chapter for the district in which such building, structure or parcel of land is located, when the Board finds that a literal application of such regulation will effect a limitation on the use of the property which does not generally apply to other properties in the same district and for which there is not compensating gain to the public health, safety or welfare. (See also 17.90(4)(c))

VEGETATIVE BUFFER ZONE. An area along and parallel to the ordinary high water mark of any navigable water that has either undisturbed native vegetation or has been restored with native vegetation that provides or will provide natural features and functions for fish and wildlife habitat, water quality protection, and natural scenic beauty.

VIOLATION. A condition that occurs when a structure or other activity requiring a permit or approved by this Code is commenced without first obtaining the required permit and/or where the structure or activity is not in compliance with the terms of this Code.

VISUAL CLEARANCE. A triangular space which permits an unobstructed view at the intersection of highways or streets with other highways, streets or roads or at the intersection of highways or streets with railroads.

WAREHOUSE - MINI. Units rented to store residential personal property, sporting equipment such as snowmobiles & boats and other similar non hazardous materials.

WATERSHED. The entire region or area contributing runoff or surface water to a particular watercourse or body of water.

WATER SURFACE PROFILE. A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas. (See also Flood Profile)

WELL. An excavation opening in the ground made by digging, boring, drilling, driving or other methods, for the purpose of obtaining groundwater regardless of its intended use.

WELL FIELD. A parcel of land used primarily for the purpose of locating wells to supply a municipal water system.

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

WHARF. Any structure in navigable waters extending along the shore and generally connected with the uplands throughout its length, built or maintained for the purpose of providing a berth for watercraft or for loading or unloading cargo or passengers onto or from watercraft.

WIND ELECTRICAL GENERATION TOWERS (WEGT), PRIVATE. Any WEGT to be primarily used to provide electricity to a structure at the site of generation.

WIND ELECTRICAL GENERATION TOWER (WEGT), COMMERCIAL. Any WEGT to be primarily used to produce electricity that will ultimately be sold and/or used not at the site of generation.

YARD. An open space on a lot which, except for vegetation or specified structures, is unoccupied and unobstructed from the ground up. On a parcel which has a conforming principal building, the street, side and rear yards are presumed to extend from the minimum setback line to the nearest point of the principal structure.

YARD, REAR. A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. This yard shall generally be opposite the street yard but may be the yard opposite the yard used to gain access to the property.

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

YARD, STREET. A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance equal to the minimum highway setback specified for the existing or proposed class of highway. On corner lots, the street yard is determined by the street which is parallel to the long axis of the principal structure or is the yard fronting on the street for which the address is assigned.

ZONE A. For wellhead protection Zone A equals the five year time of travel (TOT). The five year TOT is the recharge area inside the boundary from which it is determined or estimated that groundwater will take five years to reach the pumping well. Where estimates or engineering are not available Zone A may be determined to be a set distance from the municipal well(s)

ZONE B. For wellhead protection Zone B equals the ten year time of travel (TOT). The ten year TOT is the recharge area between the five year time of travel and a boundary from which it is determined or estimated that groundwater will take ten years to reach a pumping well. Where estimates or engineering are not available Zone B may be determined to be a set distance from Zone A boundary.

ZONE C. The outer edge of the recharge area where any portion of the recharge area is farther from the municipal well(s) than the Zone B boundary.

ZONING PERMIT. The zoning permit, as used in this chapter, shall be considered a building permit.

ZONING PERMIT - SPECIAL. A permit issued for the construction or placement of a structure which complies with §59.692(1v) Wis. Stats.

ZONING AND PLANNING AGENCY - A committee established pursuant to §59.69(2), Wis. Stats.

GENERAL REGULATIONS

17.10 JURISDICTION.

The provisions of this chapter shall apply to the land, water, air and all structures both above and below ground within the unincorporated areas of Marathon County.

17.11 COMPLIANCE.

(1) No structure, land, water or air shall hereafter be used without full compliance with the provisions of this chapter and all applicable local, County and State regulations. No structure (with the exception of certain minor structures), or part thereof shall hereafter be located, erected, moved, reconstructed or altered and no substantial land use change made without a zoning, special zoning, or special exception permit. The Administrator, or his appointed deputies, shall accept all applications, issue or deny all zoning permits, investigate all complaints, give notice of violations and enforce the provisions of this chapter. The Administrator shall have access to premises and structures during reasonable hours to make those inspections as deemed necessary by him to ensure compliance with this chapter. If, however, he is refused entry after presentation of identification, he shall procure a special inspection warrant in accordance with §66.0119, Wis. Stats., except in case of emergency.

No permit or approval pursuant to this chapter shall be issued where the applicant is in violation of this or any code administered by the Department nor for any parcel(s) of land which have an outstanding violation until the violation has been corrected. A request for waiver of these provisions may be made, to grant or deny a permit or approval on the merits of the application, to the Corporation Counsel and the Zoning Committee.

Where issuance of an after-the-fact permit or approval would have the effect of correcting a violation it may be granted if all conditions required for issuance can be complied with.

(2) Municipalities and State Agencies Regulated.

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

(3) Either Marathon County or any owner or owners of property within the district affected by a particular regulation may sue, pursuant to §59.69(11), Wis. Stats., to enforce by injunctional order compliance with this chapter.

(4) An application filed or permit issued pursuant to this Chapter shall authorize access by Department staff onto the property for the purpose of inspecting the site prior to permit issuance and/or for compliance with the terms of the permit and this Chapter. [Also see §17.92(3)(f)]

Revised 3/09

17.12 PERMITS.

(1) Zoning Permits.

(a) Applications for a zoning permit shall be made to the Administrator or his appointed deputies on forms furnished by the Administrator and shall include the following where applicable:

1. Names and addresses of the applicant, agent or owner of the site, architect, professional engineer or contractor.

2. Description of the subject site by Parcel I.D. number from tax rolls, lot and block numbers and recorded subdivision or by metes and bounds, section, township and range, and address of the subject site. A site plan drawn to scale of the subject site showing property boundaries, dimensions, elevations, uses and size of the following:

a. Subject site, existing and proposed structures.
b. Existing and proposed easements, streets and other public ways.
c. Off street parking, loading areas and driveways.
d. Existing highway access restrictions.
e. Existing and proposed street, side and rear or shore yards.
f. The use of any abutting lands and their structures within 50 feet of the subject site.
g. The location of the ordinary high water mark, channel, floodway, floodplain and shoreland boundaries. Where no floodplain mapping exists along a waterway see §17.32(1)(c)4. Locating Floodplain Boundaries.
h. The location of any well(s) and/or septic system(s).
i. The zoning district within which the subject site lies.
j. Payment of the appropriate fee as prescribed at §17.15.

3. When not serviced by public sewer, a County sanitary permit issued pursuant to Ch. 15 of this General Code.

4. Additional information if required by the Administrator.

(b) The zoning permit shall be granted or denied in writing within 30 days.

(2) Special Zoning Permit

(a) Applications for a special zoning permit shall include all of the information required in §17.12(1)(a)1., 2., & 4.

(b) A special zoning permit shall be granted or denied in writing within thirty (30) days based on the criteria contained in §17.30(6)(n) of this ordinance.

Revised 7/10

17.13 SPECIAL EXCEPTION PERMITS.

(1) GENERAL APPLICATION.

(a) Applications for special use permits shall be made on forms furnished by the Department and shall include: the information required in §17.12(1) and payment of the fee to the Department for a public hearing before the Board of Adjustment.

(b) The Department shall notify all property owners having land within 300 feet of the boundaries of the property for which the special exception permit is requested.

(2) FLOODPLAIN APPLICATION.

Applications for a special use permit involving construction, the use of fill or the storage of materials within the boundaries of a floodplain district shall require the following:

(a) Three copies of an aerial photograph (or a plan certified by a person of competence as applicable and in accordance with the Wisconsin Statutes and related administrative codes) which accurately locates the floodplain proposal district limits indicating whether the proposed use is located in the floodway or the area outside the floodway portion of the floodplain district, stream and existing floodplain development together with all pertinent information on the proposal, fill limits and elevations, building floor elevations and floodproofing measures.

(b) Require the applicant to furnish such of the following additional information as is deemed necessary by the Board of Adjustment and/or the Department of Natural Resources for the evaluation of the effects of the proposal upon flood flows and floodplain storage in order to render a decision on the proposed use:

1. A typical valley cross-section showing the channel of the stream, the floodplain adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development and high water information.

2. Plan (surface view) showing existing and proposed elevations and/or contours of the ground for all the following: pertinent structure, fill or storage elevation; size, location and spatial arrangement of all proposed and existing structures on the site; including the elevation of the existing or proposed lowest floor, location and elevations of existing and proposed streets, water supply, sanitary facilities; soil types and other pertinent information.

3. Profile showing the slope of the bottom of the channel or flow line of the stream.

4. Specifications for building construction and materials, floodproofing, filling, dredging, grading, channel improvements, storage of materials, water supply and sanitary facilities.

(c) One copy of the information in pars. (a) and (b) above, to be transmitted to the Department of Natural Resources with the request to have that agency provide technical assistance in evaluating the effects of the proposed project upon flood heights, velocities and floodplain storage areas and the determination of flood protection levels.

Revised 7/10

(3) CONDITIONS ATTACHED TO SPECIAL EXCEPTION PERMITS.

Upon consideration of the factors listed above and the purpose of this chapter, the Board of Adjustment shall attach such conditions, in addition to those required by specific permits, as it deems necessary in furthering the purposes of this chapter. Such conditions may include specifications for, without limitation because of specific enumeration, modification of sewage disposal and water supply facilities, modification of other waste disposal methods and facilities, landscaping, periods of operation, operational controls, sureties and deed restrictions.

When floodproofing is required, the Board of Adjustment shall require that the applicant submit a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the flood protection elevation for the particular area.

(4) REVIEW AND APPROVAL BY TOWN BOARD.

(a) The Administrator shall mail to the clerk of the town within which the special use is proposed a copy of all maps, plans and other documents submitted by the applicant for a special exception permit and notice of the time and place of the public hearing to be held on the proposed special use. Such information shall be mailed upon receipt of a complete application. The town board may attend the hearing and in any event may then or earlier indicate its position with regard to granting, denying, granting in part or conditionally, the application, and whether or not the proposal complies with an adopted Comprehensive Plan. Thirty (30) days after mailing the application to the Town, or as soon as practical thereafter, a public hearing may be held. If a response is received from the Town within the thirty (30) day period, the hearing may be scheduled at once.

(b) Failure of the town board to communicate its position on the application shall be deemed to constitute approval by the town board of whatever action the County Board of Adjustment may take. If, at such hearing, the town board or its representative requests an extension, it may be granted by the County Board of Adjustment for a period it considers reasonable.

(5) STANDARDS IN REVIEWING SPECIAL USES.

In reviewing the proposed special uses, the County Board of Adjustment and the town board shall be guided by the following standards and requirements:

(a) All special uses shall be in accordance with the purpose and intent of this chapter and shall not be hazardous, harmful, offensive or otherwise adverse to the environmental quality, water quality, shoreland cover or property values in the County and its communities.

(b) Compliance with all other provisions of this chapter, such as lot width and area, yards, height, parking, loading, traffic, highway access and performance standards, shall be required for all special uses.

(c) With respect to special uses within shorelands, the standards set forth in §281.31(5)(a), Wis. Stats., particularly as they relate to the avoidance or control of pollution.

(6) DECISION.

(a) The County Board of Adjustment shall decide all applications within 30 days after the public hearing and shall transmit a signed copy of its decision to the applicant and to the town clerk of the town in which the subject site is located.

(b) A copy of all decisions granting or denying applications for a special use for property located in a floodplain or shoreland area shall be transmitted by the County Board of Adjustment to the State Department of Natural Resources within 10 days.

17.14 OCCUPANCY PERMIT.

An occupancy permit shall be obtained when there is a change of any nonconforming use. The occupancy permit shall be issued by the Administrator or his duly appointed deputies. Such permit shall show that the building or premises or part thereof and the proposed use thereof are in conformity with the provisions of this chapter or with the Board of Adjustment's determination where applicable.

17.15 FEE SCHEDULE.

Administrator or his designee shall issue permits and make determinations in categories marked by an asterisk (*****).

All structures 100 feet or less from the OHWM (Ordinary High Water Mark) of a lake, river, or stream requires an on-site by CPZ staff prior to permit issuance.

Application Fees	Fee
Single & multiple family residential	$165
All other Principal buildings (including Commercial & Industrial)	$220
Additions & Alterations	$110
Accessory Structures ≥350 square feet	$110
Accessory structures <350 square feet (including piers, wharfs, walkways)	$75
Accessory structures <350 square feet (tarp or fabric covered frame)	$25
Campers in Ag Districts	$50
Signs	$110
Board of Adjustment	$415
Zone Change	$415
Renewal of Zone permit *	$55
Renewal of Special Exception Permit *	$85
Groundwater ponds (no outlet) *	$220
Diked ponds *	$275
Stock watering ponds *	$50
Shoreland Grading *	$300
Shoreland Grading - Other *	$220
Shoreland Grading – CPZ Conservation Division approved design	$165
Waterline setback averaging or staking for construction, or OHWM Field Determination * Required for all construction 100' or less from the OHWM **NOTE:** STAKING DONE UNDER THIS CATEGORY SHALL EXPIRE ONE YEAR AFTER COMPLETION.	$110
Restoration and/or revegetation plan review – Waterfront * <501 square feet	$150
Restoration and/or revegetation plan review – Waterfront * <501 – 1500 square feet	$250
Restoration and/or revegetation plan review – Waterfront * >1500 square feet	$350
Surcharge for running elevations during on-site *	$55
Floodplain/Wetland determination - in-office *	$25
Special Zoning Permit *	$165
Temporary Zoning Permit for carnivals, rodeos, gymkhanas and similar events	$165

After a permit is issued or denied, or the public hearing is advertised, the fee shall not be refunded.

Application fees shall be set and amended from time to time by the Land Conservation and Zoning Committee. A double fee will be charged for construction which commences prior to obtaining required permit(s) to partially recover the cost of obtaining compliance.

Revised 4/11

17.16 EXPIRATION OR CONFLICT.

(1) If, within 6 mos. of the date of issuance of a zoning or special exception permit, the proposed construction or preparation of land for use has not commenced, such permit shall expire, except that the Administrator may grant one renewal of such permit for a period not to exceed 6 mos. upon the showing of valid cause. No habitation shall be permitted within an incomplete dwelling in excess of one year, unless an additional extension for a period of one year is granted by the Board of Adjustment. Zoning permits shall expire two (2) years after issuance when the permitted use/structure was commenced within the six month limitation, and may be extended by the Administrator for not more than six (6) months if applied for prior to expiration, and upon showing good cause. Special Exception permits shall expire twelve (12) months after the use granted by the BOA has been discontinued.

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

17.17 EXEMPTIONS.

(1) Except in the shoreland-wetland district and where otherwise stated, the following uses are exempt from the terms of this chapter and permitted in any zoning district: poles, towers, wires, cables, conduits, vaults, laterals, pipes, mains, valves or any other similar distribution equipment for telephone or other communications and electric power, gas, water and sewer lines.

(2) Wherever practicable, transmission equipment shall be prohibited from residential districts, as set forth in Sec. 17.40, first sentence, and conservancy zoning districts. Transmission equipment shall likewise be prohibited, wherever practicable, from bisecting agricultural parcels. Whenever practicable, transmission equipment shall be located on or in close proximity to property lines and shall follow existing easements and/or right-of-ways.

(3) In the event that either distribution equipment or transmission equipment needs to be relocated in the public interest, it shall be relocated at the sole expense of the utility company in accordance with a signed Agreement as set forth in Sec. 17.26(2) which shall be filed with the Administrator prior to initial installation.

17.18 USE REGULATIONS.

(1) USES RESTRICTED. In any district no building or land shall be used and hereafter no building shall be erected, structurally altered or relocated except for one or more of the uses stated in this chapter for that district.

(2) TEMPORARY USES. uses such as real estate sales field office or shelters for materials and equipment being used in the construction of a permanent structure, may be permitted by the Administrator.

(3) UNCLASSIFIED USES. In case of a question as to the classification of a use, the question shall be submitted to the Zoning Committee for determination. Uses already classified in any district are not eligible for a determination.

17.19 NONCONFORMING STRUCTURES AND USES.

(1) Pre-existing structures - dimensional non-conformance.

(a) Structures erected prior to the effective date of this chapter or amendment thereto which are conforming to this chapter as to use but do not conform to dimensional rules (setbacks, height, yard spaces, separation, etc.) and which are proposed to be altered are subject to the following requirements:

1. Repairs and improvements of a maintenance nature are allowed.

2. Alterations, additions and expansions which change the exterior dimensions of the structure and which conform to the dimensional rules of this chapter and other applicable regulations are allowed. In addition, roof replacement is allowed on nonconforming structures, including changing the pitch within height limits and provided no overhang exceeds two (2) feet or is no greater than the existing overhang, whichever is greater, and no additional living space is added by the roof pitch change.

3. Alterations, additions and expansions which change the exterior dimensions of the structure and which do not conform to this chapter, but which do not increase the dimensional non-conformity beyond what currently exists may be allowed provided that the improvements do not exceed 50 percent of the floor area of the existing structure on all levels over the life of the structure and a zoning permit is obtained from the Department. On waterfront lots, no structure within 35 feet to the OHWM shall be eligible to be enlarged, but repair and maintenance is allowed. Proposed alterations, additions, and expansions between 35' and 75' from the OHWM, if approved, shall be subject to the provisions of §17.30(6)(n)4. and shall not encroach closer to any non-conforming setback.

4. No alterations, additions or expansions may occur which will increase the dimensional nonconformity.

5. Not withstanding all of the nonconforming structure language in this Chapter, and wherever this chapter is in effect, Wis Stats 59.692(1s) shall apply to structures damaged or destroyed after October 14, 1997 by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation. If the structure damaged or destroyed is in a floodplain, it must be floodproofed pursuant to §17.32 of this Chapter.

(2) Pre-existing uses and structures - use nonconformance.

(a) Land uses or uses of structures which were established prior to the effective date of this chapter or amendment thereto which are nonconforming as to use may be continued, provided that:

1. If a nonconforming use is discontinued for a period of 12 months, any future use of the property shall be in conformity with this chapter.

2. Nonconforming uses shall be subject to the provisions of section 17.19(1) as to any dimensional nonconformity and section 17.19(3).

(3) Pre-existing structures and uses - other standards and requirements.

(a) When a structure containing a nonconforming use is demolished, removed, or damaged to the extent of equal to or more than 50% of its current equalized assessed value it shall not be restored except as a conforming use.

(b) Mobile homes and other structures which are legally nonconforming in the zoning district in which they are located may be added to, provided the addition does not equal or exceed 50% of the equalized value of the original structure at the time of application and a permit is issued by the Administrator for residential uses and a Special Exception Permit is granted by the Board of Adjustment for all non-residential uses.

(c) Any alteration or repair to any structure which is nonconforming as to use or dimensions and is located within a floodplain shall comply with section 17.32 of this chapter. Except, buildings destroyed by non-flood disaster may be restored provided the non-conforming structure meets all of the minimum applicable FEMA regulations (44 CFR Part 60), or the regulations promulgated thereunder.

(d) The size and shape of a lot shall not be altered so as to increase the degree of nonconformity of a structure or use.

(e) The effective dates for application of the nonconforming structure or use provisions are:

1. In shoreland or floodplain districts, June 5, 1968.

2. In the shoreland-wetland districts, January 27, 1983.

3. In all other zoning districts, the date of County Board approval of the Town Zoning map or map amendment.

(f) Existing Special Exception Uses. All uses existing on the effective date of this chapter which would be classified as special exceptions in the particular zoning district concerned if they were to be established after the effective date of this chapter, are hereby declared to be conforming special exceptions to the extent of the existing operation only. Any proposed change in the existing use, and any vertical or horizontal enlargement of a nonmetallic mine shall be subject to the special exception procedures as if such use were being established anew.

17.20 ACCESSORY USES AND STRUCTURES.

(1) Accessory structures and uses customarily incidental to and compatible with permitted principal structures and uses shall be permitted subject to the district requirements. Accessory structures and uses shall not be established prior to the principal structure or use unless:

(a) A special exception permit is granted by the Board of Adjustment, or;

(b) The accessory structure is a permitted single family home in an agricultural district, or;

(c) The accessory structure is on a parcel zoned A-1, A-2, A-3-M or A-4-M and will be used to store tools or machinery used on the land.

(2) No accessory building or structure with a footprint of more than 1200 square feet and a height of 20 feet from the lowest grade to the highest structural member shall be erected or altered or moved to a location within the required area of a front, side, or rear yard. An accessory building, structure or use in a rear yard that has a 1200 square foot footprint or less, and is less than 20 feet high shall be set back a minimum of 7' from any lot line, except that on a corner lot or a through lot, such accessory building shall be subject to the same highway or street setback requirements as the principal building, unless otherwise provided herein for a specific permitted or special use.

17.21 AREA REGULATIONS.

(1) Lot Reduction. After adoption of this chapter, no lot area shall be reduced so that the area, dimensional and yard requirements of this chapter cannot be met. Dedications to widen/improve an existing road shall be exempt from this regulation. Lots reduced in area due to these dedications shall be dealt with as nonconforming lots.

(2) Existing Lot. Lots existing and of record prior to the adoption of this chapter or the establishment or change of zoning districts, but of substandard size, may be devoted to uses permitted in the district in which located, providing the requirements of applicable Wisconsin Administrative Codes and all dimensional setback requirements of this Code can be satisfied. No existing lot shall have its boundaries altered in any way without the resulting parcel(s) being in full compliance with this code and the zoning district in which the parcel(s) are located. This requirement may be waived by the administrator where there is not sufficient contiguous ownership to comply but where the parcel(s) to be created will be less nonconforming.

(3) Yard And Open Space Regulations.

(a) All yards and other open spaces allocated to a building or group of buildings comprising one principal use shall be located on the same lot as such building. No legally required yards, other open space or minimum lot area allocated to any building shall, by virtue of change of ownership or for any other reason, be used to satisfy yards, other open space or minimum lot area requirements for any other building.

(b) Except as otherwise provided in this chapter, any side yard or rear yard abutting a district boundary line shall have a minimum width and depth in the less restricted district equal to the average of the required minimum widths and depths for such yards in the two districts which abut the district boundary line.

(c) The yard requirements stipulated elsewhere in this chapter may be modified as follows:

1. Uncovered stairs, landings and fire escapes may project into any yard but shall not exceed 6 feet in width and not closer than 3 feet to any lot line. Also see §17.26(4) for greater restrictions on waterfront properties.

2. Marquees, awnings and chimneys adjoining the principal building. Overhanging roof eaves and architectural projections may project into any required yard.

3. Ornamental light standards, flag poles, trees, memorial statues, and outdoor fuel-dispensing equipment are permitted in any yard unless otherwise restricted by this code and so placed as not to be a distraction or hazard when in the street yard.

4. Residential fences are permitted on the lot lines in residential districts to separate residential parcels but shall not, in any case, exceed a height of 6 feet, nor shall they be constructed using barbed wire and shall not be electrified. (Note: This shall not apply to parcel boundaries between agricultural and residential parcels). Fences shall not exceed a height of 4 feet in any required street yard or shore yard and shall not be closer than 2 feet to any public right-of-way. Security fences are permitted on the lot lines in all districts except residential districts, but shall not exceed 10 feet in height and shall be of an open type similar to woven wire or wrought iron fencing. An opaque fence of not more than ten (10) feet may be approved or may be required to accomplish visual separation between residential and non-residential uses.

(d) A setback less than the setback required for the appropriate district for a rear yard may be permitted where there are legally established principal buildings on adjacent lots. In such cases, the setback shall be no less than the average of the setbacks of the nearest principal building on each side of the proposed site. When there is no principal building within 200' on one side, the minimum setback for the district shall be used on that side to calculate the average. The average is not to include any building now within 10' of the rear lot line.

For the purpose of this section, measurements shall be the shortest distance from the rear lot line to the building foundation or that part of the building which is totally enclosed. The intent is to discount such additions and appurtenances (not limited by enumeration) as roof overhangs, patios, decks, landings, open porches, stoops, etc. All buildings and structures shall be constructed behind the averaged setback line. Construction between the averaged building setback line and the rear lot line may only be authorized by a variance pursuant to §17.90(4)(c) of this code. NOTE: Since this is a section dealing with rear yards, 'behind' implies 'toward the front of the lot'.

(e) The owner of two or more lots shall comply with the yard requirements of each individual lot unless the lots are legally combined into a single lot or redivided to maintain minimum yard setbacks.

(f) Where lot lines are so irregular as to make it impossible to determine setback requirements, a minimum setback equal to a sideyard setback for the zoning district in which the property is located shall be maintained.

(4) Minimum Lot Area. In all districts the minimum lot area shall be calculated without including any road right-of-way or any other easements for streets or utilities which are greater than 20' wide.

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17.22 HEIGHT REGULATIONS AND EXCEPTIONS.

(1) Height of the following structures, except for airport regulations, may exceed limits for the district in which they are located: cooling towers, stacks, barns, lookout towers, silos, windmills, water towers, church spires, radio and television aerials, masts, antennas and similar mechanical appurtenances.

(2) Churches, schools, hospitals, sanatoriums and other public and quasi-public buildings may be erected to a greater height not exceeding 60 feet provided the front, side and rear yards required in the district in which such building is to be located are each increased at least one foot for each foot of additional building height above the height limit otherwise established for the district in which such building is to be located.

(3) Adjacent to airports the maximum height of any object, except for field crops and fences under 5 feet high, located within 500 feet of either side of the centerline of a landing strip and extended to a distance of 2 miles from the end of the runway shall be no higher than 1/50 of the distance of the object to the boundary of the airport as provided in §114.136(2)(b), Wis Stats.

17.23 HIGHWAY AND RAILROAD SETBACKS.

For the purpose of determining the distance buildings and other structures shall be setback from streets and highways, the streets and highways of the County are divided into the following classes (Also see 17.48(4)(f) for greater setback in the A-1 and A-2 subs /1, /2, /5, /9 Agricultural Districts):

(1) Class A Highways.

(a) All State and federal highways are hereby designated as Class A highways.

(b) The setback for Class A highways shall be 110' from the centerline of the highway or 50 feet from the right-of-way line, whichever is greater, except that for any freeway or divided Class A highway the setback distance shall be 50 feet from the right-of-way line.

(2) Class B Highways.

(a) All County trunk highways are hereby designated as Class B highways. For the purpose of this chapter any road will be considered as a County trunk after it has been placed on the County trunk system by the County Board and approved by the State Department of Transportation.

(b) The setback for Class B highways shall be 83 feet from the centerline of such highway or 42 feet from the right-of-way line, whichever distance is greater. Buildings which were legally built at a setback of 75 feet to 83 feet from the centerline may be added to or rebuilt on the existing foundation subject to the limitations in section 17.19(1)(a)4 and 17.25.

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(3) Class C Highways

(a) All town roads, public streets and highways not otherwise classified are hereby designated Class C highways.

(b) The setback from Class C highways shall be 63 feet from the centerline of such highway or 30 feet from the right-of-way line, whichever is greater. Dedicated public accesses to navigable water shall not be considered Class C highways for setback purposes unless they serve a dual purpose of access to navigable water and vehicular access to adjoining parcels of land.

(4) Private Easement Roads And Railroads

The setback from private easements serving more than one residence or parcel, or from a Railroad right-of-way, shall be 30 feet from the described easement or right-of-way. In the case of an easement that does not have a legal description, the setback shall be 30 feet from the nearest point on the edge of the traveled way.

(5) Reduced Building Setbacks

(a) A setback less than the setback required for the appropriate class of highway may be permitted where there are existing principal buildings within 200 feet of the proposed building site that are built to less than the required setbacks. In such cases, the setback shall be no less than the average of the setbacks of the nearest principal building on each side of the proposed site. When there is no principal building within 200 feet on one side the setback required in §17.23 shall be used to calculate the average. The average is not to include any building now within 10 feet of the right-of-way.

For the purpose of this section measurements shall be the shortest distance from the centerline or right-of-way to the building foundation or that part of the building which is totally enclosed. The intent is to discount such additions or appurtenances (not limited by enumeration) as roof overhangs, patios, decks, landings, open porches, stoops, etc. All buildings and structures shall be constructed behind the averaged setback line.

(b) Any modification of other highway setbacks may be permitted by the Board of Adjustment according to the variance provisions of this chapter. See §17.30(6)2. & 3. for modification of waterline setbacks and §17.21(3)(d) for modification of rear yard setbacks.

17.24 ACCESS TO PUBLIC HIGHWAYS

Every lot or parcel split, division, creation, or sale shall be done in compliance with Wis. Stats. 82.27(6) or the General Code of Ordinances for Marathon County Chapter 18.11(6), 18.22(10), and 18.23(3)

17.25 VISION CLEARANCE TRIANGLE.

(1) Purpose: The VCT setbacks are intended to provide motorists a safe braking and stopping distance to avoid accidents and to provide motorists turning onto roads, streets, and highways a safe accelerating distance to merge with traffic to reduce traffic congestion. As essential as they are to the traffic safety, VCT regulations cannot guarantee unobstructed vision due to topography, natural vegetative growth, and development that may encroach. Obstacles to be kept out of VCTs need only be capable of causing a traffic hazard, they need not actually be shown to cause unsafe traffic conditions. Obstacles which may be allowed are ones which a typical motorist in a vehicle can be expected to see over, under or through reasonably enough to see approaching traffic (See §17.26)

(2) Standards for VCTs

(a) At each uncontrolled road intersection or road-railroad intersection in any of the Agricultural Zones (A-1, A-2, A-3(M) and A-4(M) there shall be a vision clearance triangle (VCT) bounded by the road centerlines and a line connecting points on them 300 feet from a Class A highway intersection, 200 feet from a Class B highway intersection, and 150 feet from a Class C highway and private easement road intersections.

(b) At controlled intersections vegetation and landscape restrictions shall be as follows:

1. In agricultural zones, when one road has a stop or yield sign: The leg of the VCT following the centerline of the road that has no stop or yield sign shall be the length as required in (2)(a). The VCT line shall extend from the end of that line to a point on the center line of the street which has the stop or yield sign and which is 100 feet from the intersection of the centerlines of the two streets.

2. When both roads have stop signs , yield signs or traffic lights, or the intersection is in a non-agricultural zone, vegetation and landscape restrictions shall be as follows: The VCT line shall be bounded by the street centerlines and a line connecting points on them 100 feet from their intersection.

(3) Within a VCT, no structure shall be constructed and no vegetative material shall be planted or landscaping done that causes or will cause an obstruction to view between a height of 2½ feet and 10 feet above the elevation of the road or highway. Vegetation or landscaping occurring in the VCT may be ordered to be pruned, thinned and/or removed if it is capable of causing a traffic hazard and removal of the obstacle to view has been requested by the unit of government having jurisdiction over one or more of the intersecting roads, streets or highways, or by a law enforcement agency having jurisdiction.

(4) The planting and harvesting of field crops is permitted but not so as to constitute a substantial obstruction to the view of motorists and pedestrians across the vision clearance triangle from one highway or street to another.

17.26 STRUCTURES PERMITTED WITHIN SETBACK LINES.

(1) Open fences.

(2) Petroleum and gas transmission lines, telephone, telegraph, cable television and power transmission poles and lines and portable equipment both above and below ground that is readily removable in its entirety. Additions to and replacement of all such structures may be made, provided the owner will file with the Administrator an agreement in writing that the owner will move or remove all new construction, additions and replacements erected after the adoption of this chapter at his expense, when necessary to the public interest, i.e. highway construction, airport, sewer and water lines, etc.

(3) Underground structures not capable of being used as foundations for future prohibited overground structures.

(4) On waterfront properties, bridges, piers, wharves, erosion control structures which are part of an approved grading plan, and one paved walkway and/or stairway leading to the OHWM using the most direct route practical within the view corridor. Stairs and walkways shall not exceed a width of four (4) feet. Landings not exceeding four (4) feet by six (6) feet may be authorized where the vertical rise is sixteen (16) steps or more or where a break in the slope necessitates a horizontal offset in a stairway.

(5) Access or frontage roads constructed by the public to plans approved by the County Highway Committee.

(6) Permitted signs and signs placed by the public authorities for the guidance or warning of traffic.

17.27 MOBILE HOME LIMITATION.

Within those districts contained in this code where mobile homes are allowed as independent dwelling units, the mobile home and the land upon which it is located shall be owned in common.

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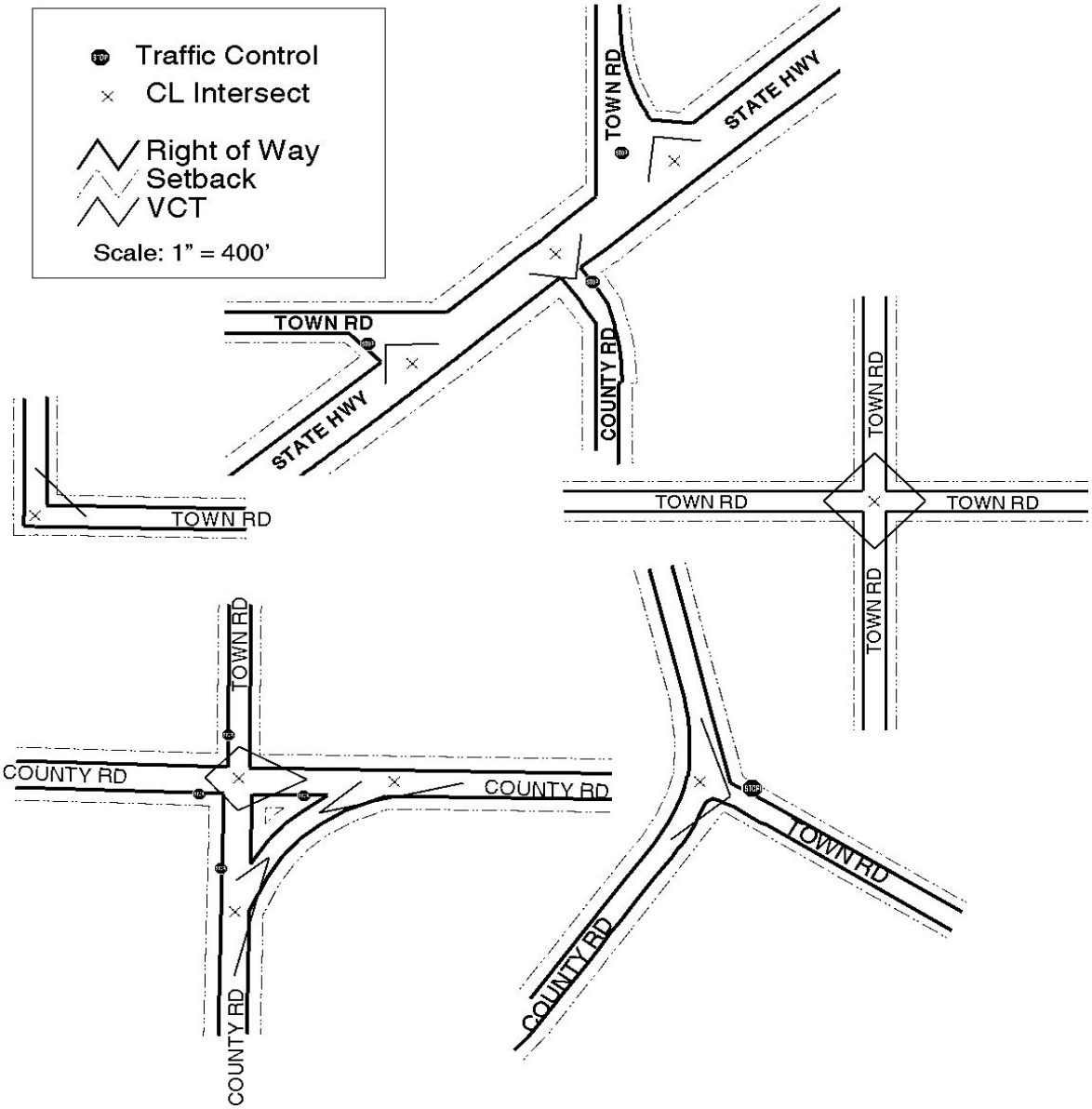
VISION CLEARANCE AND SETBACK REQUIREMENTS

The following example drawings are samples and are not intended to depict all possible combinations of intersections which may include but are not limited by enumeration to “T” intersections, “Y” intersections, curved roads, street and railroad intersections and/or any other configuration which may exist or which may be constructed in the future.



17.30 SHORELAND REGULATIONS AND PROVISIONS

(1) Purpose. These provisions are adopted to fulfill the objectives of Section 281.31(1) Wis. Stats, to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures, and land uses; and to reserve shore cover and natural beauty.

(2) Jurisdiction. Shorelands shall include all lands within the following distances from the ordinary high-water mark of navigable waters as defined in §30.10, 59.692(1)(b), and 281.31(2)(d), Wis. Stats.

(a) One thousand feet from the ordinary high-water mark of a lake, pond or flowage. If the navigable water is a glacial pothole lake, the distance shall be measured from the high-water mark thereof.

(b) Three hundred feet from the ordinary high-water mark of a river or stream or to the landward side of the floodplain, whichever distance is greater.

(3) Shorelands Regulated

The following shorelands shall be regulated as stated in §17.04: The shorelands along the reaches of rivers, streams, lakes flowages, ponds and sloughs which are navigable under law and the floodplains of navigable waters of this County.

(4) High-Water Mark, Navigability and Wetland Boundary Determination

(a) High Water Mark. The Administrator shall have the authority to determine the ordinary high-water mark and the boundaries between the mouth of waterways and standing bodies of water or flowages where such determinations are not otherwise established.

(b) Navigability. Only rivers, streams, lakes flowages and ponds that are navigable in fact under §30.10 and 281.31, Wis. Stats., are navigable waters in this County (see §17.08 of this chapter for the definition of POND). The Administrator shall have the authority to determine navigability if evidence to the contrary is presented. When the Administrator's determination of the ordinary high-water mark or a stream's navigability is questioned or he is unable to make the determination, the Department of Natural Resources shall do so.

(c) Wetland Boundary Determination.

1. When an apparent discrepancy exists between the shoreland-wetland district shown on the official wetlands inventory maps and actual field conditions at the time the maps were adopted, the Administrator shall contact the appropriate field office of the Dept. of Natural Resources to determine if the shoreland-wetland district as mapped is in error. If the Department staff concur with the Administrator that a particular area was incorrectly mapped as a wetland, the Administrator shall have the authority to immediately grant or deny a land use permit in accordance with the regulations applicable to the correct zoning district.

2. To correct wetland mapping errors shown on the official zoning map, the Administrator shall be responsible for initiating a shoreland-wetland map amendment within a reasonable period of time.

(5) Site Restrictions.

(a) No land shall be used or structure erected which requires a zoning permit under this chapter where the land is held unsuitable for such structure by the Administrator by reason of flooding, concentrated runoff, inadequate drainage, adverse soil conditions or rock formation, unfavorable topography, slow percolation rate, low bearing strength, erosion susceptibility, or other feature likely to be harmful to the health, safety, esthetics and the general welfare of the County. The Administrator, in applying the provisions of this section shall, in writing, state the particular facts upon which he bases his conclusions that the land is not suitable.

(b) The applicant, if he desires, shall be allowed to present evidence to the Board of Adjustment contesting such declared unsuitability.

(6) General Shoreland Zoning Provisions. These zoning provisions apply to the jurisdictional area. See §17.30(2)

(a) Waterline Setbacks.

1. All buildings and structures, except those authorized by §17.26(4) shall be set back at least 75 feet from all points along the ordinary high-water mark and 2 feet above the experienced high-water mark of any lake and at or above the flood protection elevation unless otherwise specified by the floodplain section of the zoning code. (See §17.21(3)(c)1. for stairs, §17.30(6)(g) for piers and wharves, and §17.30(6)(n) for structures authorized by special zoning permit).

a. Where a building site for a habitable, commercial, or industrial structure abuts the floodplain, the following standards shall apply.

– Where the proposed design for the lowest floor includes a walk-out or any floor exposed to finished grade, the floor elevation shall be at or above the flood protection elevation.

– The structure shall be set back a minimum of 15 feet from the floodplain boundary unless otherwise specified in section 17.32. Finished grade for fifteen feet in all directions from the structure shall be at least one foot above the regional flood elevation. The 15 foot setback from the floodplain shall not apply if the lowest grade on the building footprint is at or above the flood protection elevation before and after completion of the project.

– The Administrator may require certification of compliance as specified in section 17.32(2)(g).

2. A reduced setback may be permitted when one or both abutting lots have principal buildings that are built to less than the required setback. In such cases, when adjacent lots on both sides of the building site have principal buildings, the setback shall be the average of the setback distances of these existing buildings. When only one adjacent lot has a principal building on it, the setback shall be the average of the setback of the existing building and the required setback. Principal buildings located more than 100 feet from the proposed building site or closer than 35 feet from the ordinary high-water mark shall not be used in computing a reduced setback. This determination shall be made and permits granted or denied by the Administrator. (Also See §17.24 and 17.21(3)).

For the purpose of this section measurements shall be the shortest distance from the OHWM to the building foundation or that part of the building which is totally enclosed. The intent is to discount such additions or appurtenances (not limited by enumeration) as roof overhangs, patios, decks, landings, open porches, stoops, etc. All buildings and structures shall be constructed landward of the averaged building setback line. Construction between the averaged building setback line and the OHWM may only be authorized by a variance pursuant to §17.90(4)(c) of this code.

3. Reduced setbacks necessitated by substandard lots, topographic or soil conditions or for other reasons may be permitted by a variance granted by the Board of Adjustment after a public hearing.

(b) Boathouse (Existing). Boathouses are not permitted within 75 feet of the OHWM. All legally existing boathouses shall be subject to §17.19 as it applies to dimensional non-conformance. In no case shall any boathouse be allowed to exceed the dimensional, location, or use standards set forth in this section. Routine maintenance shall be permitted, but shall not include improvements such as installation of patio doors, plumbing, fireplaces, furniture, or any features inconsistent with or superfluous to the use of the structure for the storage of watercraft.

1. Dimensional Standards.

   a. Maximum height, 15 feet measured from the lowest grade to the highest point of the structure.

   b. Maximum width, 12 feet measured parallel to the shoreline.

   c. Maximum length, 20 feet.

2. Construction Limitations.

   a. The main door shall face the water.

   b. When it is necessary to build the boathouse into a hillside there may be a railing on the roof to prevent its use described in 17.30(6)(b)2.c. provided the railing is not solid in appearance and is within the height limitations.

   c. Boathouse roofs shall not be designed or used as decks, observation platforms or for other similar uses.

3. Location.

   a. Minimum side yard, 7 feet.

   b. Minimum waterline setback, 5 feet.

4. Use limitations. In addition to the limitations listed in Sec. 17.08, the following limitations shall apply:

   a. Habitation is prohibited.

   b. The structure shall be built and used in compliance with floodplain regulations where applicable.

(c) Lots Not Served by Public Sewer.

1. Standard Lots.

a. The minimum lot area for each principal building or structure shall be no less than 20,000 square feet and the minimum width at the building line and at the ordinary high water mark shall be 100 feet as measured at right angles to the lot line or the lot line extended.

b. Lot size greater than 20,000 square feet shall be provided where soil conditions require larger lots for subdivisions of land under the provisions of chapters COMM 83 and 85, Wis. Adm. Code.

c. Lot sizes greater than 20,000 square feet shall be provided where necessary to protect natural characteristics (such as scenic beauty) or existing high quality development.

2. Existing Substandard Lots.

Lots or parcels which became substandard at the time this chapter was adopted may be developed pursuant to §17.21(2) of this code. The effective date of this section is June 5, 1968.

(d) Lots Served by Public Sewer.

1. Standard Lots.

a. The minimum lot area for each principal building or structure shall be no less than 10,000 sq. ft. and the minimum lot width at the building line shall be no less than 65 ft. except that any lot or portion thereof within 150 ft of the OHWM shall conform to the requirements of §17.30(6)(c)1..

b. Lot sizes greater than 10,000 sq. ft. shall be provided where necessary to protect natural characteristics such as scenic beauty or existing high quality development.

2. Substandard lots shall be subject to the provisions of §17.30(6)(c)2..

(e) Conservation. Conservation practices such as, but not limited to, diversions, terraces, sod waterways or subsurface drainages, shall be installed where required to prevent surface water runoff from construction sites, buildings, parking or other impervious surface covers from causing accelerated erosion or pollution of navigable waters.

(f) Livestock Housing. Buildings, pens and structures used for the housing, sheltering or feeding of livestock shall be located no less than 100' from navigable waters and designed or constructed to prevent animal waste material from entering water courses, waterways or other navigable waters except when Wis. Admin. Code ATCP51, the Marathon County Livestock Facilities Licensing Ordinance, and/or the Marathon County Animal Waste and Manure Management Code impose greater restrictions.

(g) Docks, Wharves and Piers. Docks, wharves and piers extending beyond the ordinary high-water mark or a lawfully established bulkhead line shall be so constructed as to allow the free movement of water underneath and in such a manner as will not cause the formation of land upon the bed of any navigable water. Docks, piers and wharves serving residential lots shall be no wider than six feet, measured perpendicular to the long axis and no longer than DNR rules allow. No zoning permit is required to construct or maintain these structures when they do not exceed these and DNR standards.

(h) Tree And Shrubbery Cutting.

1. Tree and shrubbery cutting throughout the shorelands shall be carried out in a manner that will maintain or improve water quality. Invasive exotic species may be removed at any time. Soil conservation and timber harvesting practices shall be used which are effective in controlling erosion and in preventing pollutants from entering navigable waters.

2. Slash materials shall be disposed of in accordance with §26.12(6) and (7), Wis Stats.

3. Within a strip paralleling the shoreline and extending 35' inland from all points along the ordinary high-water mark of the shoreline, tree and shrubbery cutting shall be limited. For agriculture and forestry purposes or uses, only selective cutting which does not create a clearcut strip other than for logging roads with a width of 16' or less, is permitted, and such cutting practices shall leave sufficient trees and other vegetative cover to meet the provisions stipulated in par. 4.c.below.

4. For all other uses requiring access to the water, including what is commonly called a view or recreation corridor, the following provisions shall apply.

   a. No more than 30% of the length of the 35' strip (as measured along the ordinary high-water mark or channel) shall be clear-cut to the depth of the strip.

   b. Provided, further, that cutting of this 30% shall not create a clear-cut opening in this strip greater than 30 ft. wide on any 100' along the shoreline.

   c. In the remaining 70% of the strip tree and shrubbery removal or pruning shall be limited to dead, diseased, or dying trees and shrubs. It is the intent of this section to further the goals named in §281.31 Wis. Stats and to:

      - Screen uses on the landward side of the strip as seen from the land and water opposite the shore.
      - Maintain shore or channel bank stabilization.
      - Retard the flow of pollutants from shorelands protect spawning grounds, fish and aquatic life.
      - Protect aesthetic values by preserving shore cover and natural beauty.
      - Establish, preserve, enhance and/or restore a vegetative buffer zone to comply with §59.692(1v)(d).

5. Violations of §17.30(6)(h) shall be restored pursuant to the terms and conditions outlined in §17.30(6)(i)3.

Revised 12/07

(i) Earth Disturbances.

1. A permit may be granted for earth disturbances which do not equal or exceed 10,000 sq. ft. which comply with §17.30(6)(h)3. and 4. such as the removal of natural deposits, grading, filling, road construction and the construction of ponds with less than one acre of surface area providing:

   a. An application provided by the Department is completed and includes plans of sufficient detail to illustrate the intended project.

   b. All final slopes as a result of excavation or filling shall not exceed 1' vertical to 3' horizontal. See also §17.42(2)(l)

   c. All exposed ground surfaces, except actual roadways or walkways, shall have 4 to 6 inches of topsoil applied and be seeded and mulched or planted to minimize erosion within one year of permit issuance.

   d. A zoning permit is obtained from the Administrator.

   e. Within the required shoreline setback area, all earth disturbances, except for waterline rip-rap, shall be reclaimed by revegetation. Earth disturbances shall not be allowed where the resulting slopes would be too steep to be stabilized with vegetation. This provision may be waived where there is on-going bank erosion and structural methods are the only feasible means of stabilization.

   f. Within the view or recreation corridor described at §17.30(6)(h)4. one walkway of non-erodable material such as paver brick, concrete or other similar products or an elevated walkway authorized by §17.26 may be permitted. No walkway shall exceed a width of four (4) feet. Paved walkways on steep slopes are not permitted.

   g. Pond construction shall conform to the standards contained in §17.48(2)(d).

   h. Grading and structures associated with any such grading designed and/or approved by the Land Conservation Division of the CPZ Department shall comply with item a., c., and d.. above when the intent is to reduce agricultural nutrients from entering the waterway.

2. Earth disturbances which equal or exceed 10,000 sq. ft. except as expressed at §17.30(6)(i)1.h. such as the removal of natural deposits, pond construction with a total disturbed area of one acre or more subject to the standards of §17.48(2)(d), grading, filling, road cutting and ditching, channel clearing, the construction, altering or enlargement of waterways and soil and water conservation structures are special uses requiring either a public hearing and issuance of a special exception permit by the Board of Adjustment, in accordance with Section 17.13 of this chapter, or issuance of a joint DNR/Marathon County Permit granted under the blanket special exception permit for earth disturbances in accordance to the terms of a Memorandum Of Agreement between Marathon County and the Wisconsin Department of Natural Resources. These permits are in addition to any permit required from the DNR having jurisdiction under Ch. 30, Wis. Stats., and/or the U.S. Army Corps of Engineers. Such special exception permits shall be contingent upon assurance of adequate protection against erosion, sedimentation and impairment of fish and wildlife habitat. In addition, filling, grading, lagooning, tiling, dredging, ditching or excavating in a shoreland-wetland district may be permitted only if the requirements of Section 17.31(3)(b) and (c) are met. Nonmetallic mining shall comply with the terms of the Marathon County Nonmetallic Mining Reclamation Code, Chapter 21 of the General Code of Ordinances and shall not require a public hearing except as provided in §21.10(8) of the General Code of Ordinances for Marathon County.

3. Violations of §17.30(6)(i) that occur within a strip paralleling the shoreline and extending 35' inland from all points along the ordinary high-water mark of the shoreline shall require restoration and revegetation of the buffer zone according to the following:

   a. The owner or agent must submit a Department approved restoration plan according to §17.30(6)(n)4.d. and e.;

   b. For the plan to be approved it must be recorded with the Register of Deeds according to §17.30(6)(n)4.b.;

   c. The plan must be implemented and the vegetative buffer in a viable and growing condition by the end of the next growing season.

(j) Houseboats. Houseboats on land shall not be used for human habitation.

(k) Dumps, Sanitary Landfills, Automobile Wrecking Yard, Junk Yard, Or Salvage Yards. These land uses may be permitted within County Shoreland jurisdiction by special exception permit granted by the Board of Adjustment after a public hearing.

(l) Dumping And Disposal. The dumping or disposal of any toxic fluids or materials, and lagooning or burial of sewage or similar waste effluents is prohibited within the shoreland jurisdiction. This provision does not include the use of fertilizers and farm chemicals when applied in a manner that will not contaminate navigable waters.

(m) Storage. Storage within the shoreland area shall meet the following requirements as well as floodplain and comprehensive zoning unless otherwise specified.

1. All storage facilities shall be allowed only as an accessory use.

2. Storage facilities shall be not less than 2' above the ordinary high-water mark except underground tanks.

3. Bulk materials, such as coal, sand, gravel, limestone or similar materials subject to erosion, shall be enclosed on 3 sides by a retaining wall or dike in such a manner as to prevent erosion and it shall be drained away from navigable waters.

4. Petroleum products, chemicals and chemical compounds packaged in paper, cardboard, glass or metal which do not require outdoor storage; plaster, lime and cement or similar products packaged in paper or cardboard containers shall be stored in an enclosed building when located within the shoreland jurisdiction.

5. Petroleum products, chemical compounds and inflammables packaged in any type of container or delivered in bulk which may not be stored indoors by reason of fire codes, insurance or bulk, when stored aboveground must have protective measures installed to prevent any spillage or leakage of the materials from entering any body of water or watercourse.

(n) Structures Within The Shoreland Setback Area. For a Special Zoning Permit to be issued for a structure within the shoreland setback area all of the following conditions must be met.

1. The part of the structure that is nearest to the water is located at least 35 feet landward from the ordinary high water mark.

2. The total footprint of all the structures existing and proposed in or extending into the shoreland setback area of the property shall not exceed 200 square feet. In calculating this square footage, boat houses [see §17.30(6)(b)], stairs [see §17.21(3)(c)1.], and piers and wharves [see §17.30(6)(g)] shall be excluded.

3. The structure that is the subject of the request for a Special Zoning Permit has no sides or has open or screen sides, and has a maximum height from the lowest grade to the highest point of any structure of fifteen (15) feet. Any permitted roof shall not be designed or used as a deck, observation platform, or for other similar uses. The color of the structure shall blend with the natural colors where it is to be located. The structure or the use of the structure must not be prohibited by other zoning regulations or deed restrictions (e.g. floodplain regulations). **Note -** retaining walls are not included in this classification as they have solid, not open, sides.

4. The owner(s) or their agent must submit a plan that will be implemented by the owner of the property to establish, preserve, enhance and/or restore a vegetative buffer zone that covers at least 70% of the half of the shoreland setback area that is nearest to the water. The plan must be approved by the Department.

a. The shoreland setback for the purpose of this section shall be 75 feet or a lesser setback that has been approved by setback averaging, variance, or is a pre-existing non-conforming setback.

b. For the plan to be approved, it must be binding on the owner, his/her heirs, successors, and assignees, and must authorize entrance onto the property by zoning staff for inspections to assure compliance with the plan. The agreement shall be written and recordable on forms provided by the Department and recorded with the Register of Deeds. This also applies to preservation of an existing natural buffer.

c. Failure to comply with the plan and/or subsequent removal of vegetation from the vegetative buffer zone will cause the Department to revoke the Special Zoning Permit and order the removal of any structure(s) authorized by a Special Zoning Permit.

d. To be considered for approval a plan to establish, preserve, enhance and/or restore a vegetative buffer zone shall, at a minimum, contain:

- A description of how the landowner intends to carry out the project, including methods, materials and equipment to be used;
- A proposed schedule and sequence of work activities;
- The names, descriptions and densities of native species to be utilized in the restoration work, including ground cover, shrubs and tree layers;
- A description of the site before the project begins and a description of the proposed site once the buffer is completed; and
- The erosion control measures that will be used during construction of the permitted structure and vegetative buffer zone to control sediment, runoff and protect water quality.

e. To be considered for approval a plan to establish, preserve, enhance, and/or restore an existing a native vegetative buffer zone shall, at a minimum, contain:

- A description of how the homeowner intends to maintain the buffer including "no mow" plans;
- Supplemental plantings of native species which at a minimum will result in the following: in every 100 square feet there shall be one (1) tree (minimum 3 species); two (2) shrubs (minimum 4 species), and 70 plugs of ground cover or approved seed mix;
- Removal of non-native species (e.g. purple loostrife); and
- The erosion control measures that will be used during construction of the permitted structure and any disturbance in the vegetative buffer zone due to planting or removal of non-natives to control sediment, runoff and protect water quality. [Also see §17.34(8)].

f. The plan must be implemented and the vegetative buffer planted and vegetation must be in a viable, growing condition for at least one growing season before a Special Zoning Permit to build a structure is granted.

g. A shoreland grading (Earth Disturbance) permit may be required to implement a vegetative buffer zone plan [See §17.30(6)(i)].

h. Removal of the shoreyard structure will not relinquish the recorded agreement or permit the removal, destruction, degradation and/or reduction in size of the shoreland vegetative buffer.

17.31 SHORELAND-WETLAND PROVISIONS.

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

(2) JURISDICTION. These provisions shall apply in all shorelands within the jurisdiction of this chapter which are designated as wetlands that are five acres or more in size on the wetlands inventory maps that have been adopted by the County Board on 7/25/89 as amended and made a part of this chapter and are on file in the office of the Administrator.

(3) PERMITTED USES. The following uses shall be allowed subject to general shoreland zoning regulations in §17.30 of this chapter, the provisions of Chs. 30 and 31, Wis. Stats., and the provisions of other State and federal laws, if applicable:

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

1. Hiking, fishing, trapping, hunting, swimming and boating.

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

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

4. The pasturing of livestock and the construction and maintenance of fences.

5. The cultivation of agricultural crops.

6. The construction and maintenance of duck blinds.

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

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

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

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

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

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

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

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

   c. All disturbed areas shall be restored as close to original grade as is possible.

(c) Uses which are allowed upon the issuance of a zoning permit or special exception permit, when applicable:

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

   a. The road cannot, as a practical matter, be located outside the wetland.

   b. The road is designed and constructed to minimize the adverse impact upon the natural functions of the wetland and meets the following standards:

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

      Road construction activities are carried out in the immediate area of the roadbed only.

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

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

   a. Any such building or structure does not exceed 500 sq. ft. in floor area.

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

3. The construction and maintenance of piers, docks, and walkways built on pilings.

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

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

   b. No filling is to be done.

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

   d. The owner of a new private recreation or wildlife area in a shoreland-wetland shall notify the Department in writing before beginning construction.

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

   a. The railroad lines cannot as a practical matter be located outside the wetland.

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

(4) PROHIBITED USES. Any use not listed in sub. (3) above is prohibited, unless the wetland or a portion of the wetland has been rezoned by amendment of this chapter in accordance with §59.69(5)(e), Wis. Stats., Ch. NR 115, Wis. Adm. Code, and §17.91 of this chapter.

Revised 4/11

17.32 FLOODPLAIN OVERLAY DISTRICTS.

(1) FINDING OF FACT, STATEMENT OF PURPOSE AND GENERAL PROVISIONS.

(a) FINDING OF FACT. Uncontrolled development and use of the floodplains, rivers or streams of this municipality would adversely affect the public health, safety, convenience, general welfare, and impair the tax base.

(b) STATEMENT OF PURPOSE. The Floodplain Overlay Districts are established to regulate development in flood hazard areas to protect life, health and property the governing body does ordain:

The purpose of these rules is to provide a uniform basis for the preparation, implementation and administration of sound floodplain regulations for all floodplains within the municipality to:

1. Protect life, health and property;
2. Minimize expenditures of public monies for costly flood control projects;
3. Minimize rescue and relief efforts, generally undertaken at the expense of the tax paying public;
4. Minimize business interruptions which usually result in the loss of local incomes;
5. Minimize damage to public facilities on the floodplains such as water mains, sewer lines, streets and bridges;
6. Minimize the occurrence of future flood blight areas on floodplains;
7. Discourage the victimization of unwary land and home buyers; and
8. Prevent increases in regional flood heights that could increase flood damage and may result in conflicts or litigation between property owners.
9. Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside the floodplain.

(c) GENERAL PROVISIONS.

1. AREAS TO BE REGULATED. Areas regulated by this ordinance include all areas within the limits of the municipality that would be covered by the "regional flood" or “base flood” as defined in §17.08 including "floodplain islands" as defined in §17.08 where emergency rescue and relief routes would be inundated by the regional flood.

2. OFFICIAL MAPS. The boundary of all the floodplain districts including the floodway, floodfringe and other floodplain districts, are those areas designated as floodplains or A-Zones on the maps on file in the Department which are listed below and any revisions to these maps which have been approved by the DNR and FEMA. The most current revision shall be used for enforcement and administration. Any change to the base flood elevations in a flood insurance study or on the Flood Insurance Rate Map must be reviewed and approved by the DNR and FEMA before it is effective. Maps which have been approved by DNR and FEMA are:

Flood Insurance Rate Map Panels:
55073C0025F, 55073C0050F, 55073C0062F, 55073C0064F, 55073C0065F, 55073C0075F, 55073C0100F, 55073C0125F, 55073C0145F, 55073C0150F, 55073C0175F, 55073C0200F, 55073C0225F, 55073C0250F, 55073C0255F, 55073C0260F, 55073C0265F, 55073C0270F, 55073C0300F, 55073C0325F, 55073C0340F, 55073C0350F, 55073C0353F, 55073C0354F, 55073C0355F, 55073C0358F, 55073C0359F, 55073C0360F, 55073C0361F, 55073C0362F, 55073C0365F, 55073C0366F, 55073C0370F, 55073C0378F, 55073C0379F, 55073C0380F, 55073C0382F, 55073C0383F, 55073C0384F, 55073C0386F, 55073C0387F, 55073C0390F, 55073C0391F, 55073C0392F, 55073C0393F, 55073C0394F, 55073C0401F, 55073C0402F, 55073C0403F, 55073C0410F, 55073C0411F, 55073C0412F, 55073C0413F, 55073C0416F, 55073C0417F, 55073C0419F, 55073C0430F, 55073C0433F, 55073C0435F, 55073C0437F, 55073C0438F, 55073C0439F, 55073C0441F, 55073C0465F, 55073C0475F, 55073C0500F, 55073C0505F, 55073C0510F, 55073C0525F, 55073C0550F, 55073C0555F, 55073C0560F, 55073C0565F, 55073C0570F, 55073C0600F, 55073C0625F, 55073C0629F, 55073C0630F, 55073C0631F, 55073C0632F, 55073C0633F, 55073C0636F, 55073C0637F, 55073C0638F, 55073C0639F, 55073C0641F, 55073C0645F, 55073C0663F, 55073C0664F, 55073C0670F, 55073C0700F, 55073C0720F, 55073C0725F, 55073C0740F, 55073C0750F, 55073C0775F, 55073C0780F, 55073C0785F, 55073C0795F, 55073C0825F, 55073C0850F, 55073C0875F, 55073C0880F, 55073C0885F, 55073C0890F, 55073C0895F, 55073C0901F, 55073C0902F, 55073C0905F, 55073C0925F, 55073C0950F, 55073C1000F

FIRM Effective Date: 07/22/2010
FIS: 55073CV000A
FIS Effective Date: 07/22/2010

United States Department of the Interior, Geological Survey Floodplain and Floodway Delineation for Regional Flood in Central Marathon County Wisconsin – July 13, 1973;

Dam Break Profile for the Rothschild Dam on the Wisconsin River by US Army Corps of Engineers December 12, 1991.

If more than one map is referenced the regional flood profiles govern boundary discrepancies according to par. 4 below.

Individual flood studies for specific projects where DNR and/or FEMA has not provided floodplain engineering, but where DNR has approved the individual study, are assigned a unique number, logged on to the Marathon County Geographic Information System computer, and are on file in the Department. These studies are used for the regional flood elevation for that specific site.

Changes to, or newly calculated flood elevations on, non-FEMA maps shall not be effective until approved by the DNR. Bridge studies under DNR/DOT Memorandum of Agreement are assumed to be approved by the DNR for use where no other flood study is available. These maps and revisions are on file in the Marathon County Conservation, Planning, and Zoning Department. If more than one map or revision is referenced, the most restrictive shall apply.

3. ESTABLISHMENT OF DISTRICTS. The regional floodplain areas are hereby divided into three districts defined in §17.08 and as follows:

   a. The Floodway District (FW) consists of the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood water.

   b. The Floodfringe District (FF) consists of that portion of the floodplain between the regional flood limits and the floodway.

   c. The General Floodplain District (GFP) consists of all areas which have been or may be hereafter covered by flood water during the regional flood. It includes both the floodway and floodfringe districts.

4. LOCATING FLOODPLAIN BOUNDARIES. Where an apparent discrepancy exists between the location of the outermost boundary of the flood fringe district or general floodplain district shown on the official floodplain zoning map and actual field conditions, the location shall be initially determined by the Administrator using the criteria in paragraphs (a) or (b) below. Where flood profiles are based on established base flood elevations from a FIRM, FEMA must approve any map amendment pursuant to §17.32(1)(c)5. Where the Administrator finds that there is a significant difference between the map and actual field conditions, the map shall be amended using the procedures established in §17.91. Disputes between the Administrator and an applicant over the location of the district boundary line shall be settled according to §17.90(5).

   a. Where flood profiles exist, the location of the district boundary line shall be determined by the Administrator using both the scale appearing on the map and the elevations shown on the water surface profile of the regional flood. Where a discrepancy exists between the map, and actual field conditions, the regional flood elevations shall govern. A map amendment is required where there is a significant discrepancy between the map and actual field conditions. The Administrator shall have the authority to grant or deny a land use permit on the basis of a district boundary derived from the elevations shown on the water surface profile of the regional flood, whether or not a map amendment is required. The Administrator shall be responsible for initiating any map amendments required under this section within a reasonable period of time.

b. Where flood profiles do not exist, the location of the district boundary line shall be determined by the Administrator using the scale appearing on the map, visual on-site inspection and any available information provided by the Department of Natural Resources. Where there is a significant difference between the map and actual field conditions, the map shall be amended. Where a map amendment has been approved by both the municipal governing body and the Department of Natural Resources, the Administrator shall have the authority to grant or deny a land use permit.

c. Where no flood study(ies) have been approved at or near a proposed development a flood study may be required before any permit(s) are issued or approvals granted for the parcel of land in question.

5. REMOVAL OF LANDS FROM FLOODPLAIN. Compliance with the provisions of this ordinance shall not be grounds for removing lands from the floodplain district, unless they are removed by filling to a height of at least two feet above the regional flood elevation, the fill is contiguous to land lying outside the floodplain district, and the map is amended pursuant to §17.91. To remove flood insurance requirements, FEMA must first revise the Flood Insurance Rate map or issue a Letter of Map Amendment, Change, or Revision.

6. COMPLIANCE. Any development, as defined in §17.08 or use within the areas regulated by this code shall be in full compliance with the terms of this code, and other applicable local, state and federal regulations.

7. ABROGATION AND GREATER RESTRICTIONS.

a. This code section supersedes all the provisions of any municipal zoning ordinance enacted under §87.30, Wis. Stats., which relate to floodplains except that where another municipal zoning ordinance is more restrictive than the provisions contained in this ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

b. This code section is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

8. INTERPRETATION. In their interpretation and application, the provisions of this code section shall be held to be minimum requirements liberally construed in favor of the governing body, and shall not be deemed a limitation on or repeal of any other powers granted by the Wisconsin Statutes. Where a provision of this ordinance is required by a standard in Ch. NR 116, Wis Adm. Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Ch. NR 116 standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this Section 17.32.

WARNING AND DISCLAIMER OF LIABILITY. The degree of flood protection provided by this code is considered reasonable for regulatory purposes and is based on engineering experience and scientific methods of study. Larger floods may occur or the flood height may be increased by man-made or natural causes such as ice jams or bridge openings restricted by debris. Therefore, this code does not imply that areas outside of the delineated floodplain; or permitted land uses within the floodplain, will be totally free from flooding and associated flood damages. Nor does this code create liability on the part of, or a cause of action against, the municipality or any officer or employee thereof for any flood damage that may result from reliance on this code.

(2) GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS.

(a) LIMITATIONS ON DEVELOPMENT.

1. No development, except as provided in par. 3 below, shall be allowed in floodplain areas which will:

   a. Cause an obstruction to flow, defined in §17.08 as any development which physically blocks the conveyance of floodwaters by itself or in conjunction with future similar development causing an increase in regional flood height; or

   b. Cause an increase in regional flood height due to floodplain storage area lost, which is equal to or exceeding 0.01 foot;

2. The Administrator shall deny permits where it is determined the proposed development will cause an obstruction to flow or increase in regional flood height of 0.01 foot or greater.

3. Obstructions or increases equal to or greater than 0.01 foot may only be permitted if amendments are made to this ordinance, the official floodplain zoning maps, including floodway lines and water surface profiles, in accordance with §17.91 and only if the total cumulative effect of the proposed development will not increase the height of the regional flood more than l.0 foot for the affected hydraulic reach of the stream.

4. Buildings, pens, structures, barnyards, or feedlots used for the housing, sheltering, or feeding of livestock shall not be located in any floodplain.

(b) FLOODPROOFING (GENERAL DEVELOPMENT STANDARDS)

1. No permit or variance shall be issued until the applicant submits a plan or document certified by a registered professional engineer or architect that the floodproofing measures are adequately designed to protect the structure or development to the flood protection elevation.

2. Where floodproofing measures, as defined in §17.08 are required, they shall be designed to:

   a. Withstand the flood pressures, depths, velocities, uplift and impact forces, and other factors associated with the regional flood;

   b. Assure protection to the flood protection elevation;

   c. Provide anchorage of structures to foundations to resist flotation and lateral movement;

   d. Insure that the structural walls and floors are watertight to the flood protection elevation, and the interior remains completely dry during flooding without human intervention.

3. Floodproofing measures could include:

   a. Reinforcement of walls and floors to resist rupture or collapse caused by water pressure or floating debris;

   b. Addition of mass or weight to structures to prevent flotation;

   c. Placement of essential utilities above the flood protection elevation;

   d. Surface or subsurface drainage systems, including pumping facilities, to relieve external foundation wall and basement floor pressures;

   e. Construction of water supply wells, and waste treatment systems to prevent the entrance of flood waters into the systems;

   f. Cutoff valves on sewer lines or elimination of gravity flow basement drains.

(c) PUBLIC OR PRIVATE CAMPGROUNDS, MOBILE HOMES AND MANUFACTURED HOMES.

1. Campgrounds shall comply with §17.52 of this Ordinance, and NR 116.12(2)(b) Wis Adm. Code
2. Owners or operators of all manufactured or mobile home parks and subdivisions located in the regional floodplain shall provide for adequate surface drainage to minimize flood damage and prepare, secure approval of, and file, an evacuation plan indicating vehicular access and escape routes with local emergency management authorities.
3. All new, replacement and substantially improved manufactured or mobile homes to be placed or improved on a site located in the regional floodplain shall:
   a. Be elevated to the flood protection elevation;
   b. Meet the residential development standards of the floodfringe in §17.32(4)(c)2.
   c. Be anchored so they do not float, collapse or move laterally during a flood.

(d) WATERCOURSE ALTERATIONS. Prior to any alteration or relocation of a watercourse, and prior to the issuance of any land use permit which may be required for the alteration or relocation of a watercourse, the local zoning official shall notify in writing, adjacent municipalities, the appropriate district office of the Department of Natural Resources and the appropriate office of FEMA and shall require the applicant to secure all necessary state and federal permits. The flood carrying capacity within the altered or relocated portion of any watercourse shall be maintained. As soon as practicable, but not later than six months after the date of the watercourse alteration or relocation, the Administrator shall notify FEMA of the changes by submitting appropriate technical or scientific data in accordance with NFIP guidelines that shall be used to revise the FIRM risk premium rates and floodplain management regulations as required.

(e) CHAPTER 30, 31, WIS. STATS., DEVELOPMENT PERMITS AND CERTIFICATE OF COMPLIANCE. Development which requires a permit from the Department of Natural Resources, under Ch. 30 and 31, Stats., such as docks, piers, wharves, bridges, culverts, dams and navigational aids may be allowed provided the necessary local permits are obtained and necessary amendments to the official floodway lines, water surface profiles, floodplain zoning maps or floodplain zoning ordinance, are made according to §17.91.

(f) OTHER PERMITS. It is the responsibility of the applicant to secure all other necessary permits from all appropriate federal, state, and local agencies, including those required by the U.S. Army Corps of Engineers under S.404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334.

(g) CERTIFICATE OF COMPLIANCE. In any of the floodplain districts no land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, rebuilt or replaced shall be occupied, until a certificate of compliance is issued by the Administrator, except where no permit is required, subject to the following provisions:

- The certificate of compliance shall show that a the building or premises or part thereof, and the proposed use, conform to the provisions of this ordinance.
- Application for such certificate shall be concurrent with the application for a permit.
- The certificate of compliance shall be issued within 10 days after written notification of completion of the work specified in the permit, provided the building or premises or proposed use conforms with all the provisions of this ordinance.
- The applicant shall submit a certification signed by a registered professional engineer or registered land surveyor that the fill, lowest floor, and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or registered architect that floodproofing adequacy meets the requirements of §17.32(2)(b).

(3) FLOODWAY DISTRICT (FW)

(a) APPLICABILITY. The provisions of this section apply to all areas mapped as floodway on the official floodplain zoning maps, and to those portions of the general floodplain district determined to be floodway according to the procedures in §17.32(5)(d).

(b) PERMITTED USES. The following open space uses are allowed in the floodway district, and the floodway portion of the general floodplain district, providing; they are not prohibited by any other ordinance; they meet the standards in §17.32(3)(c) and all required permits or certificates have been issued.

1. Agricultural uses, such as: pasturing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming and wild crop harvesting.

2. Nonstructural industrial and commercial uses, such as: loading areas, parking areas and airport landing strips.

3. Nonstructural private and public recreational uses, such as: golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, and hiking and horseback riding trails subject to fill limitations of §17.32(3)(c)4.

4. Uses or structures accessory to open space uses, or essential for historical areas, that are not in conflict with the provisions in §17.32(3)(c) and (d).

5. Extraction of sand, gravel or other materials according to §17.32(3)(C)4., and Chapter 21 Nonmetallic Mining Reclamation Code.

6. Functionally water-dependant uses such as: docks, piers or wharves, including those used as part of a marina, and other water related uses, such as dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines, according to chs. 30, 31, Wis. Stats.

7. Public utilities, streets and bridges, according to §17.32(3)(c)3.

(c) STANDARDS FOR DEVELOPMENTS IN FLOODWAY AREAS.

1. GENERAL.

a. Any development in floodway areas shall meet all of the provisions of §17.32(2).

b. Applicants shall provide the following data for the Administrator to determine the effects of the proposal according to §17.32(2)(a):

- A cross-section elevation view of the proposal, perpendicular to the watercourse, indicating whether the proposed development will obstruct flow; or

- An analysis calculating the effects of this proposal on regional flood height.

c. The Administrator shall deny the permit application where it is determined the project will increase flood elevations upstream or downstream 0.01 foot or more, based on the data submitted for par. (b) above.

2. STRUCTURES. Only structures which are accessory to permitted open space uses, or are essential for historical areas, or are functionally dependant on a waterfront location, may be allowed by permit, providing the structures meet all of the following criteria:

   a. The structures are not designed for human habitation;

   b. The structures are constructed and placed on the building site so as to cause an increase less than 0.01 foot in flood height and offer minimum obstruction to the flow of flood waters. Structures shall be constructed with the longitudinal axis parallel to the direction of flow of flood waters, and approximately on the same line as those of adjoining structures;

   c. The structures are firmly anchored to prevent them from floating away and restricting bridge openings or other restricted sections of the stream or river; and

   d. The structures have all service facilities, such as electrical and heating equipment at or above the flood protection elevation for the particular area.

3. Public utilities, streets and bridges may be allowed by permit, provided that:

   a. Adequate floodproofing measures are provided to the flood protection elevation;

   b. Construction does not cause an increase in the regional flood height according to §17.32(2)(a), except where the water surface profiles, floodplain zoning maps and floodplain zoning ordinance are amended, as needed to reflect any changes resulting from such construction.

4. Fills or deposition of materials may be allowed by permit, provided that:

   a. The requirements of §17.32(2)(a) are met.

   b. The fill or deposition of materials does not encroach on the channel area between the ordinary high water mark on each bank of the stream unless a permit has been granted by the Department of Natural Resources pursuant to ch. 30, Stats., and a permit pursuant to S.404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1334 has been issued, if applicable, and the other requirements of this section are met;

   c. The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading sufficient to prevent erosion; and provided that

   d. Such fills are not associated with private or public solid waste disposal and are not classified as hazardous material.

(d) PROHIBITED USES. All uses not listed as permitted uses in §17.32(3)(b) are prohibited within the floodway district and in the floodway portion of the general floodplain district including the following uses which are always prohibited in the floodway:

1. Structures designed for human habitation, associated with high flood damage potential, or not associated with permanent open-space uses;

2. The storage of any materials that are capable of floating, flammable, explosive, or injurious to property, water quality, or human, animal, plant, fish or other aquatic life;

3. Any uses which are not in harmony with, or which may be detrimental to, the uses permitted in the adjoining districts;

4. Any private or public sewage systems; except portable latrines that are removed prior to flooding, and systems associated with recreational areas and Department approved campgrounds, that meet the applicable provisions of local ordinances and Ch. COMM 83, Wis. Adm. Code;

5. Any public or private wells which are used to obtain water for ultimate human consumption; except those for recreational areas that meet the requirements of local ordinances and Chs. NR 811 and NR 812, Wis. Adm. Code;

6. Any solid and hazardous waste disposal sites, whether public or private;

7. Any wastewater treatment ponds or facilities except those permitted under §NR 110.15(3)(b), Wis Adm. Code;

8. Any sanitary sewer or water supply lines except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

(4) FLOODFRINGE DISTRICT (FF).

(a) APPLICABILITY. The provisions of this section apply to all areas within the flood fringe district, as shown on the official floodplain zoning maps, and to those portions of the general floodplain district that are determined to be in the floodfringe area pursuant to §17.32(5)(d).

(b) PERMITTED USES. Any structures, land use, or development, including accessory structures and uses, are allowed within the floodfringe district and floodfringe portions of the general floodplain district, provided that the standards contained in §17.32(4)(c) are met, that the use is not prohibited by this or any other ordinance or any other local, state or Federal regulation and that all permits or certificates specified in §17.32(2)(g).

(c) STANDARDS FOR DEVELOPMENT IN FLOODFRINGE AREAS.

1. All of the provisions of §17.32(2) shall apply in addition to the following requirements according to the use requested. Floodplain islands shall be subject to dryland access requirements only, and only for those uses listed in subpar. 2 through 4 below. (Where floodplain island development abuts the floodplain boundary see §17.30(6)(a)1.a.).

2. RESIDENTIAL USES: Any structure or building used for human habitation, which is to be erected, constructed, reconstructed, altered or moved into the floodfringe area shall meet or exceed the following standards: (For the purpose of this section structure or building includes manufactured homes and mobile recreational vehicles):

a. The elevation of the lowest floor excluding the basement or crawlway, shall be at or above the flood protection elevation on fill except where par. b. is applicable. The fill elevation shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure. The Department of Natural Resources may authorize other floodproofing measures where existing streets or sewer lines are at elevations which make compliance impractical provided the Board of Adjustment grants a variance due to dimensional restrictions. Fill that is placed for the purpose of floodproofing must be compacted and is considered impervious.

b. The basement or crawlway floor may be placed at the regional flood elevation providing it is floodproofed to the flood protection elevation. No permit or variance shall allow any floor, basement or crawlway below the regional flood elevation.

c. Contiguous dryland access, defined in §17.08 as a vehicle access route above regional flood elevation, shall be provided from a structure or building to land which is outside of the floodplain, except as provided in paragraph d.

d. In existing developments where existing streets or sewer lines are at elevations which make compliance with par. c. impractical, the municipality may permit new development and substantial improvements where access roads are at or below the regional flood elevation, provided:

- The municipality has written assurance from the appropriate local units of police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles, considering the anticipated depth, duration and velocity of the regional flood event; or
- The municipality has an adequate natural disaster plan concurred with the Division of Emergency Government and approved by the Department of Natural Resources.

3. ACCESSORY STRUCTURES OR USES: An accessory structure or use as defined in §17.08, not connected to a principal structure, including nonresidential agricultural structures, shall meet all the applicable provisions of §.17.32(4)(c)2., and 17.32(4)(c)6.

4. COMMERCIAL USES: Any commercial structure or building which is to be erected, constructed, reconstructed, altered or moved into the floodfringe area shall meet the requirements of §17.32(4)(c)2. Storage yards, parking lots and other accessory structures or land uses may be at lower elevations, subject to the requirements of sub.6. However, no such area in general use by the public shall be inundated to a depth greater than two feet or subjected to flood velocities greater than two feet per second during the regional flood. Inundation of such yards or parking areas exceeding two feet may be allowed provided an adequate warning system exists to protect life and property.

5. MANUFACTURING AND INDUSTRIAL USES: Any manufacturing, or industrial structure or building which is to be erected, constructed, reconstructed, altered or moved into the floodfringe area shall be protected to the flood protection elevation utilizing fill, levees, floodwalls, adequate flood proofing measures in accordance with §17.32(2)(b), or any combination thereof. On streams or rivers having prolonged flood durations, greater protection may be required to minimize interference with normal plant operations. A lesser degree of protection, compatible with the criteria in par. 4 and 6 may be permissible for storage yards, parking lots and other accessory structures or uses.

6. STORAGE OR PROCESSING OF MATERIALS: The storage or processing of materials that are buoyant, flammable, explosive, or which in times of flooding, could be injurious to property, water quality or human, animal, plant, fish or aquatic life, shall be at or above the flood protection elevation for the particular area or floodproofed in compliance with §17.32(2)(b). Adequate measures shall be taken to assure that said materials will not enter the river or stream during flooding.

7. PUBLIC UTILITIES, STREETS AND BRIDGES: All utilities, streets and bridges should be designed to be compatible with the local comprehensive floodplain development plans; and,

a. When failure or interruption of public utilities, streets and bridges would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area, construction of and substantial improvements to such facilities may only be permitted if they are floodproofed, in compliance with §17.32(2)(b), to the flood protection elevation;

b. Minor or auxiliary roads or nonessential utilities may be constructed at lower elevations providing they withstand flood forces to the regional flood elevation.

8. SEWAGE SYSTEMS: All private sewage systems shall be floodproofed to the flood protection elevation pursuant to §17.32(2)(b) and shall meet the applicable provisions of all local ordinances and Ch. COMM 83, Wis. Adm. Code.

9. WELLS: All public or private wells shall be floodproofed to the flood protection elevation, pursuant to §17.32(2)(b), and shall meet the applicable provisions of Chs. NR 811 and 812, Wis. Adm. Code.

10. SOLID WASTE DISPOSAL SITES: All public or private solid or hazardous waste disposal sites are prohibited in floodfringe areas.

11. DEPOSITION OF MATERIALS: Any materials deposited for any purpose may only be allowed if all the provisions of this ordinance are met.

12. AGRICULTURAL STRUCTURES AND USES: Buildings, pens, structures, barnyards, or feedlots used for the housing, sheltering, or feeding of livestock shall not be located in the floodfringe.

(5) GENERAL FLOODPLAIN DISTRICT (GFP)

(a) APPLICABILITY. The provisions for this district shall apply to all floodplains for which "regional flood" data, as defined in Section 17.08 is not available, or where regional flood data is available but floodways have not been delineated. As adequate regional flood data becomes available and floodways are delineated for portions of this district, such portions shall be designated in the floodfringe district or floodway district, as appropriate.

(b) PERMITTED USES. The general floodplain district encompasses both floodway and flood fringe areas. Therefore, a determination shall be made pursuant to §17.32(5)(d), to determine whether the proposed use is located within a floodway or floodfringe area.

Those uses permitted in floodways and floodfringe areas are allowed within the general floodplain district, according to the standards of §17.32(5)(c) and provided that all permits or certificates required have been issued.

(c) STANDARDS FOR DEVELOPMENT IN THE GENERAL FLOODPLAIN DISTRICT. Once it is determined according to §17.32(5)(d) that a proposed use is located within a floodway, the provisions of §17.32(3) shall apply. Once determined that the proposed use is located within the floodfringe, the provisions of §17.32(4) shall apply. All provisions of the remainder of this ordinance apply to either district.

(d) DETERMINING FLOODWAY AND FLOODFRINGE LIMITS. Upon receiving an application for development within the general floodplain district, the Administrator shall:

1. Require the applicant to submit, at the time of application, two copies of an aerial photograph, or a plan which accurately locates the proposed development with respect to the general floodplain district limits, channel of stream, existing floodplain developments, together with all pertinent information such as the nature of the proposal, legal description of the property, fill limits and elevations, building floor elevations and floodproofing measures.

2. Require the applicant to furnish any of the following additional information as is deemed necessary by the Department for evaluation of the effects of the proposal upon flood height and flood flows, the regional flood elevation and where applicable to determine the boundaries of the floodway:

   a. A typical valley cross-section showing the channel of the stream, the floodplain adjoining each side of the channel, the cross-sectional area to be occupied by the proposed development, and all historic high water information.

   b. Plan (surface view) showing: elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information.

   c. Profile showing the slope of the bottom of the channel or flow line of the stream.

   d. Specifications for building construction and materials, flood proofing, filling, dredging, channel improvement, storage of materials, water supply and sanitary facilities.

3. Transmit one copy of the information described in pars.1 and 2 to the Department of Natural Resources Regional office along with a written request for technical assistance to establish regional flood elevations and, where applicable, floodway data. Where the provisions of §17.12 and 17.13 apply, the applicant shall provide all required information and computations, to delineate floodway boundaries and the effects of the project on flood elevations.

(6) NONCONFORMING USES.

(a) FLOODWAY AREAS.

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

   a. Has been granted a permit or variance; and,

   b. Meets the requirements of §17.19; and

   c. Will not increase the obstruction to flood flows or regional flood height; and

   d. Any addition to the existing structure shall be floodproofed, pursuant to §17.32(2)(b), by means other than the use of fill, to the flood protection elevation.

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

3. No new well or modification to an existing well, used to obtain water for ultimate human consumption, shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing well in a floodway area shall meet the applicable requirements of all municipal ordinances and ch. NR 811 and NR 812, Wis. Adm. Code.

4. The construction of a deck of 200 square feet or less that is adjacent to the exterior wall of the principal structure, for the purpose of this section, is not an extension, modification, or addition. The roof of the principal structure may extend over a portion of the deck to provide a safe ingress and egress.

(b) FLOODFRINGE AREAS.

1. No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality. In addition, the modification or addition shall be placed on fill or floodproofed to the flood protection elevation in compliance with the standards for that particular use in §17.32(4)(c) except where §17.32(6)(b)2 is applicable.

2. Where compliance with the provision of par. 1 would result in unnecessary hardship, and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the board of adjustment, using the procedures established in §17.90, may grant a variance from those provisions of par. 1 for modifications or additions, using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted provided:

   a. No floor is allowed below the regional flood elevation for residential or commercial structures; and,

   b. Human lives are not endangered;

   c. Public facilities, such as water or sewer, will not be installed;

   d. Flood depths will not exceed two feet;

   e. Flood velocities will not exceed two feet per second; and

   f. The structure will not be used for storage of materials described in §17.32(4)(c)6.

3. If neither the provisions of par. 1. nor 2. above can be met, an addition to an existing room in a nonconforming building or a building with a nonconforming use may be allowed in the floodfringe on a one-time basis only, if the addition:

   a. Meets all other regulations and will be granted by permit or variance;

   b. Does not exceed 60 square feet in area; and

   c. In combination with other previous modifications or additions to the building, does not exceed 50% of the present equalized assessed value of the building.

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

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

(c) GENERAL.

1. Applicability. If these standards conform with s. 59.69(10), Stats., they shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before passage of this ordinance or any amendment hereto.

2. A record shall be kept for any modification or addition to a non-conforming structure in an identified Regional Floodplain. The record shall include the current equalized assessed value, the Town assessor value placed on the permitted modifications or additions, and the percentage of the structure's current equalized assessed value these additions or modifications represent.

3. No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50% of its current equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable sections of this ordinance. Continuous dryland access must be provided for residential and commercial uses as required in section 17.32(4)(c) and defined in 17.08. The costs of elevating a nonconforming structure are excluded from the 50% provisions of this paragraph.

17.40 DISTRICTS AND MAPS

(1) Zoning Districts.

For the purpose of determining separation of uses, the RS-1/20, RS-1/40, RS-2, RM, RP, RR, RR/M, RE and RE/M are all considered to be residential districts. In A-1, A-2, A-3, A-3-M, A-4, and A-4-M when the principal structure is a residence the parcel shall be treated as a residential parcel for all use determinations. When the principal structure is a farm structure, such as the main barn on a dairy farm, the parcel shall be treated as an ag parcel for all use determinations. The lands of the unincorporated areas of the County may be divided into the following districts:

CV Conservancy District
RS-1/20, RS-1/40 Single Family Residence District
RS-2 Single Family Residence District
UV Unincorporated Village District
RR & RR/M Rural/Residential & RE & RE/M Rural/Estate Districts
RM Multiple Family Residence District
RP Planned Development Residence District
A-1, A-2 /1, /2, /5, /9 Agricultural Districts
A-3 & A-3-M Exclusive Agricultural Districts
A-4 & A-4-M Agricultural Transition Districts
RC Recreation District
C-1 Commercial District
M-1 Light Industrial and Office District
M-2 Heavy Industrial District
HI Highway Corridor and Interchange Overlay District
WP Wellhead Protection Overlay District
FW, FF & GFP Floodplain Overlay Districts
SW Shoreland-Wetland Overlay District

(2) Maps.

These districts are shown upon the maps of the Towns of this County, designated as the "Zoning Maps of Marathon County, Wisconsin" and as such maps are prepared and adopted by the towns coming under this chapter, they thereby become a part of this chapter. All notations, references and other information shown upon the zoning maps of the towns shall be as much a part of this chapter as if the matter and the things set forth by the maps were fully described herein.

(3) Boundaries Of Districts, Except For The Various Flood And Shoreland-Wetland Boundaries.

In unsubdivided property, unless otherwise indicated on the map, the district boundary lines are the centerlines of streets, highways, railroads, section lines, quarter-section lines, quarter-quarter lines, quarter- quarter-quarter lines or such lines extended or connected. Where not otherwise indicated on the map, it is intended that the district boundary line be the same as the parcel boundary.

Revised 4/11

17.41 CV CONSERVANCY DISTRICT.

(1) PURPOSE. The Conservancy District provides for the protection of the environment and conservation of natural resources of this County. Generally, this includes swamps, marshlands and areas where the highest groundwater is at or near the surface of the ground. The Conservancy District is intended to provide a district similar to §17.35 of this chapter so that towns may provide nearly uniform regulations in all designated wetlands within their boundaries.

(2) PERMITTED USES.

(a) Forestry.

(b) Grazing livestock.

(c) Harvesting wild crops, such as wild hay, ferns, moss, berries and tree fruits.

(d) Hiking trails and bridle paths.

(e) Hunting, fishing and trapping.

(f) Hydroelectric power stations, dams and other structures for the use or control of flowing water. Private solar panels and wind electrical generating structures pursuant to §17.48(2)(r)

(g) Open type shelters for public use and nonresidential buildings or structures used in conjunction with the raising of wildlife and fish and the practice of forestry. This shall include buildings and structures used by the public and semipublic agencies or groups for research in, or the rehabilitation of, natural resources.

(h) Telephone, telegraph and power transmission and distribution lines and necessary appurtenant structures.

(i) Wildlife preserves, refuges and habitat development, including ponds pursuant to §17.48(2)(d).

(3) SETBACK LINES. See §17.23, 17.25 and 17.30(6)(a).

(4) OFF STREET PARKING. See §17.70.

Revised 4/11

17.42 RS-1/20 and RS-1/40 RESIDENCE DISTRICTS.

(1) PURPOSE. The Residential Districts are designed to encourage a suitable environment for family life by permitting under certain conditions, such neighborhood facilities as churches, schools, playgrounds and appropriate institutions and by protecting the residential character against noncompatible uses. The districts are intended to avoid overcrowding by requiring certain minimum yards, open spaces and site area while making available a variety of dwelling types and densities to serve a wide range of individual requirements. To this end, design of single family residence developments will not be limited to subdivisions as defined in Wis. Stats. Chapter 236, but may take other forms including but not limited to conservation subdivisions and condominium developments.

(2) PERMITTED USES.

(a) Single family dwellings designed for and occupied exclusively by one family, but not including a house trailer or mobile home.

(b) Churches, cemeteries subject to Wis. Stats §157, public and parochial schools, colleges and universities.

(c) Parks and playgrounds, including swimming pools, golf courses, tennis courts, picnic grounds and bathing beaches.

(d) Accessory buildings, including private kennels and private garages and buildings clearly incidental to the residential use of the property, provided, however, that no accessory building may be used as a separate dwelling unit. Private garages and other residential accessory storage structures shall be subject to the following standards:

1. Any structure having more than one wall forming an enclosure shall have less floor area than the principal structure and shall not exceed 1200 square feet.

2. The length of the structure shall not be more than two times its width.

3. Side walls shall not exceed 10 feet in height, from the top plate to the finished floor.

4. The maximum building height, measured from the highest point of the roof to the floor shall not exceed 20 feet.

5. Garage doors shall be of the overhead type with a maximum height of 8 feet.

6. Construction and finished appearance shall be compatible with existing neighborhood development.

(e) Gardening and farming, including nurseries for the propagation of plants only, but not farms operated for the disposal of sewage, rubbish or offal, fur farms, stock farms and poultry farms.

(f) Telephone exchanges, telephone, telegraph and power distribution poles and lines and necessary appurtenant equipment and structures, such as transformers, unit substations and equipment housings, provided there is no service garage or storage yard.

(g) Home occupations.

Revised 4/11

(h) Home professional businesses.

(i) Railroad right-of-way but not including switching, classification yards or sidings.

(j) Vending machines when the use is clearly an indoor accessory use to the primary use.

(k) Signs. (See §17.80)

(l) Ponds subject to the conditions contained in §17.48(2)(d) of this chapter. In addition, ponds shall maintain a minimum slope of 4' horizontal to 1' vertical to a water depth of 6' and a 3' horizontal to 1' vertical slope below the 6' depth. Disposal and/or stabilization of spoil from pond excavation shall be addressed on the pond plans and a 3' horizontal to 1' vertical slope shall be minimum.

(m) Minor subdivision, County or State subdivisions, Conservation subdivisions, and single family Condominium developments subject to standards contained in state law and county Land Division Regulations, §17.47(1) of this Code, and in the case of condominiums, subject to site plan approval by the Town Board in which the division or condominium is proposed.

(3) SPECIAL EXCEPTIONS. The following are special uses permitted when the location of the use shall have been approved and a special exception permit granted after a public hearing by the Board of Adjustment.

(a) Institutions of a charitable or philanthropic nature, day care or child care facilities, hospitals, clinics and sanatoria, except contagious hospitals and mental institutions.

(b) Municipal buildings, except sewage disposal plants, garbage incinerators and buildings for the repair or storage of road building or maintenance machinery.

(c) Libraries, museums and community buildings, private clubs and fraternities, except those whose principal activity is a service customarily carried on as a business.

(d) Bed and Breakfast Establishment and Tourist Rooming House subject to Chapter 254.61, Wis. Stats.

(e) Accessory structures with floor area or components differing from the standards listed in subsection 17.42(2)(d), provided the use of the structure is subordinate to a permitted use, and the parcel equals or exceeds the minimum area for the zoning district. The design shall be compatible with existing neighborhood development and not contrary to any existing restrictive covenants. Nontraditional designs such as quonset roofs shall be subject to this section.

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(4) HEIGHT, YARDS, AREA AND OTHER REQUIREMENTS.

(a) Height. Except as otherwise provided in this chapter, no building or structure shall exceed a height of 35'. (See §17.22.)

(b) Floor Area. Buildings used in whole or in part for residential purposes which are hereafter erected, moved or structurally altered shall have a minimum of 720 sq. ft. of floor area dedicated to living space.

(c) Lot Area. Except for single family condominiums and conservation subdivisions where individual site plans are required to determine compliance with density controls, the following shall apply.

1. For platted or unplatted lands in protected shorelands. [See §17.30(6)(c) and (d)]

2. For other platted or unplatted lands where public sewer is not available, the minimum lot area shall be determined by soil test according to the formulas of the Department of Commerce as contained in COMM 83 Wis. Adm. Code, but no such lot or building site shall have an area in the RS-1/20 of less than 20,000 sq. ft. or a width of less than 100' at the building line and in the RS-l/40 of less than 40,000 sq. ft. or a width of less than 150' at the building line.

3. For platted or unplatted lands where public sewer is available, the minimum lot area in the RS-1/20 may be reduced to 10,000 sq. ft. and the minimum lot width shall be 75' at the building line.

4. No building or structure, together with its accessory buildings or structures, shall occupy in excess of 30% of the area of any lot.

(d) Side Yards. There shall be a side yard on each side of a building or structure. The aggregate width of the side yards shall not be less than 25' and no single side yard shall be less than 10' wide. See §17.20(2).

(e) Rear Yard. The minimum depth of any rear yard shall be 50' except on water front lots.

(f) Setback Lines (Streets and Waterline). See §17.23, 17.25 and 17.30(6)(a).

(g) Off Street Parking. See §17.70.

Revised 4/11

17.43 RS-2 SINGLE FAMILY RESIDENCE DISTRICT.

(1) PERMITTED USES.

(a) Any use permitted in the RS-1 Single Family Residence District.

(b) Mobile homes as detached single family dwellings, provided the mobile home and the lot upon which it is located have a common ownership and provided further that it shall be placed on a permanent foundation and have adequate accessory buildings to properly house bicycles, toys, lawn mowers, garden tools and equipment.

(2) SPECIAL EXCEPTIONS. The following are special uses permitted when the location of the use shall have been approved in writing and a special exception permit granted after a public hearing by the Board of Adjustment:

(a) Mobile home parks as provided in §17.60.

(b) Day care or childcare facilities.

(c) Bed and Breakfast Establishment and Tourist Rooming House subject to Chapter 254.61, Wis. Stats.

(d) Accessory structures with floor area or components differing from the standards listed in subsection 17.42(2)(d), provided the use of the structure is subordinate to a permitted use, and the parcel equals or exceeds the minimum area for the zoning district. The design shall be compatible with existing neighborhood development and not contrary to any existing restrictive covenants. Nontraditional designs such as quonset roofs shall be subject to this section.

(3) HEIGHT, YARDS, AREA AND OTHER REQUIREMENTS.

(a) Except as otherwise provided in this chapter, no building or structure shall exceed a height of 35'. (See §17.22.)

(b) Floor Area. Buildings and mobile homes used in whole or in part for residential purposes which are hereafter erected, moved or structurally altered shall have a floor area of not less than 600 sq. ft.

(c) Area: Standard Lots.

1. For platted or unplatted lands in protected shorelands. See §17.30(6)(c) and (d)

2. For other platted or unplatted lands where public sewer is not available, the minimum lot width shall be 100’ at the building line and the minimum lot area shall be 20000 square feet.

3. For plats, or for unplatted lands where public sewer is available, the minimum lot width shall be 100' at the building line and the minimum lot area of 15,000 sq. ft.

4. No building or structure, together with its accessory buildings or structures, shall occupy in excess of 35% of the area of any lot.

(d) Side Yards. The minimum width of any side yard shall be 10'. See §17.20(2).

(e) Rear Yard. The minimum depth of any rear yard shall be 35', except on waterfront lots.

(f) Setback Lines (Streets and Waterlines). See §17.23, 17.25 and 17.30(6)(a).

(g) Off Street Parking. See §17.70.

Revised 4/11

17.44 UV, UNINCORPORATED VILLAGE DISTRICT

(1) PURPOSE. The purpose of this district is to accommodate existing land use patterns of those established unincorporated villages or settlements where the mixture of land uses and an existing pattern of highway setbacks makes it impractical to apply traditional land use separations and zoning districts.

(2) PERMITTED USES. Any use permitted in the RS-1/20 and RS-1/40 Residential Districts.

(3) SPECIAL EXCEPTIONS. The following are special uses permitted when the location of the use shall have been approved and a special exception permit granted after a public hearing by the Board of Adjustment.

(a) Bed and Breakfast, Boarding House subject to Chap 254.61Wis Stats.

(b) Convenience and grocery stores.

(c) Dairy products processing plant.

(d) Eating or entertainment establishments, taverns.

(e) Farm equipment sales and service.

(f) Feed mill or saw mill.

(g) Financial, professional or office buildings.

(h) Hotel or motel.

(i) Municipal buildings.

(j) Plumbing store.

(k) Recreational equipment sales and service.

(l) Repair shop.

(m) Retail outlet.

(n) Service station or automobile dealer.

(o) Mobile home parks pursuant to §17.60 of this code.

(p) Multiple family dwellings subject to the conditions contained in §17.46(2) & (3).

(q) Woodworking and cabinet making.

Revised 12/03

(4) HEIGHT, YARDS, AREA AND OTHER REQUIREMENTS

(a) Height. Except as otherwise provided in this Chapter, no building or structure shall exceed a height of 35 feet. [See §17.22].

(b) Floor Area. Single family homes shall conform to §17.42(4)(b) and two family homes to §17.46(3)(b)2.

(c) Lot Area.

1. No unsewered lot shall be created which is smaller than 20,000 square feet and 100 feet wide for residential purposes or 10,000 square feet and 75 feet wide for any other use provided also that §17.70 and §17.71 are also complied with. No lot served by public sewer shall be created which is smaller than 10,000 square feet and 65 feet wide, except in shoreland areas. [See §17.30(6)(d)].

2. There is no minimum lot size for existing parcels and there are, therefore no non-conforming parcels.

3. An owner of adjoining parcels shall not sell or transfer ownership of the separate parcels unless the resulting or remaining parcels transferred comply with (1) above.

(d) Side Yards.

1. All new, and additions to, principal structures shall maintain a 7 foot side yard setback. [See §17.20(2) for accessory structures.]

(e) Rear Yard. The minimum depth of any rear yard shall be 35 feet, except on waterfront lots [See §17.30(6)(a)].

(f) Setback Lines (Streets and Waterlines).

1. For waterline setbacks see §17.30(6)(a).

2. All structures shall be set back a minimum of 20 feet from the right-of-way. A reduced setback may be permitted pursuant to §17.24(1) or (2), except the average may include a principal building now at five (5) feet or more from the right-of-way.

3. Vision clearance triangle requirements contained in §17.25 shall not apply to intersections which are fully controlled with four way stop signs or traffic lights. Variances to the minimum setback may only be granted by the Board of Adjustment.

(g) Off Street Parking. See §17.70.

Revised 4/11

17.45 RR AND RR/M RURAL / RESIDENTIAL AND RE AND RE/M RURAL / ESTATE DISTRICTS.

(1) PURPOSE. The purpose of the RR, RR/M and RE, RE/M districts is to provide for and promote small to medium lot residential living with some limited agricultural activities.

(2) LANDS INCLUDED IN THESE DISTRICTS. These districts are for the accommodation of rural parcels less than 35 acres in size, that are not part of larger farm operations.

(3) PERMITTED USES.

(a) One single family dwelling provided all other conditions of this chapter and the Private Sewage System Code can be met.

1. Conventional single family dwellings in the RR and RE districts.

2. Mobile homes or conventional single family dwellings in the RR/M and RE/M districts. Subject to §17.43(1)(b) of this code.

(b) Limited farming including large pet/hobby animals in the RE, RE/M district only and feed and vegetable crops and other similar enterprises or uses in the RR, RR/M and RE, RE/M districts. There shall be no more than one animal unit per 2.5 acres. (See §17.08 for ANIMAL UNIT.)

(c) "Hobby" farms, forestry, beekeeping, plant nurseries, fish hatcheries and noncommercial greenhouses and ponds subject to the conditions contained in §17.42(2)(l) of this chapter.

(d) One temporary roadside stand per lot, not more than 300 sq. ft., used solely for the sale of products at least 50% of which were produced on the premises.

(e) Garage and/or usual accessory buildings, private kennels.

(f) Public utility equipment such as telephone and electric power, distribution poles, towers and lines, including transformers.

(g) Churches, cemeteries subject to Wis. Stats §157, public and parochial schools, colleges and universities.

(h) Ponds subject to the conditions contained in §17.48(2)(d) of this chapter. In addition, ponds shall maintain a slope of 4' horizontal to 1' vertical or flatter to a water depth of 6' and a 3' horizontal to 1' vertical slope or flatter below the 6' depth. Disposal and/or stabilization of spoil from pond excavation shall be addressed on the pond plans and a 3' horizontal to 1’ vertical or flatter slope shall be maintained.

(i) Home occupations and home professions.

Revised 4/11

(4) SPECIAL EXCEPTIONS.

(a) Stables and riding schools in the RE district only.

(b) Fish hatcheries in the RE district only.

(c) Large pet/hobby animals in the RR and the RR/M districts, not to exceed one animal unit per 3.0 acres.

(d) Rural oriented commercial enterprises including, but not limited to, cheese factories, veterinary hospitals and clinics, seed sales, feed mills, commercial greenhouses, maple syrup processing, but not farm machinery sales and service. Uses not listed shall be determined by the FRZ Committee

(e) Commercial radio or TV broadcasting studio and/or tower and microwave relay towers, cellular telephone towers and similar structures which support antennae, dishes or other broadcast, relay, amplification and other transmission devices and their accessory structures shall comply with the provisions of §17.48(3)(v).

(f) Signs, per §17.48(2)(k).

(g) Bed and Breakfast Establishment, Tourist Rooming House, or Boarding House subject to Chap 254.61 Wis. Stats.

(5) HEIGHT, YARD, AREA AND OTHER REQUIREMENTS.

(a) Height requirements, front, side, and rear yard requirements, and floor area requirements for the RR and RR/M and RE and RE/M districts shall be the same as described in §17.48(4) as it applies to the A-1/1 or A-2/1 districts.

(b) The minimum lot size in the RR district shall be 2 acres. The maximum lot size in the RR district shall be 10 acres. The minimum lot width shall be 150' at the building line.

(c) The minimum lot size in the RE district shall be 5 acres. The maximum lot size in the RE district shall be 34.99 acres. The minimum lot width shall be 210' at the building line.

(d) All lot areas shall be calculated according to §17.21(4) of this chapter which excludes road right-of-ways and other easements which are more than 20' wide from the total lot area.

Revised 12/07

17.46 RM MULTIPLE FAMILY RESIDENCE DISTRICT.

(1) PERMITTED USES.

(a) Any use permitted in the RS-1 Single Family Residence District.

(b) Duplexes.

(c) Retail consumer goods, sales and service conducted solely for the convenience of the resident of a multifamily development.

(d) Bed and Breakfast Establishment and Tourist Rooming House subject to Chapter 254.61 Wis. Stats.

(2) SPECIAL EXCEPTIONS. The following are special uses permitted when the location of the use shall have been approved and a special exception permit granted after a public hearing by the Board of Adjustment.

(a) Boarding house subject to Chapter 254.61 Wis. Stats.

(b) Day care or child care facilities.

(c) Three family and larger multiple family dwellings, and apartment complexes. An application for a special exception permit for apartment complexes shall include an overall site plan showing location and orientation of all structures, parking and driveway areas, well(s), and all areas designated for private sewage systems and any required replacement areas. For the purpose of determining the setbacks from lot lines and separating distances between units, the Board may consider the orientation of the structures toward each other and abutting lots, to achieve in purpose the minimum side yards and rear yards required in subsections 17.46(3)(c) and (d). When reviewing applications for special exception the Board shall consider the following as minimum guidelines and may increase floor and lot areas but shall not reduce them unless municipal sewer and water is available:

Number of families	Lot Area	Total heated living space
2	40,000	1,200
3	50,000	1,800
4	60,000	2,400

For each additional family unit added, a minimum of 10,000 square feet shall be added to the lot area and 600 square feet shall be added to the heated living space.

1. When regulations of other State or local agencies require a larger lot area than any of the above, such regulations shall govern for both platted and unplatted areas and lots.

Revised 10/06

(3) HEIGHT, YARDS, AREA AND OTHER REQUIREMENTS NOT OUTLINED AS A SPECIAL EXCEPTION.

(a) Height.

1. For single family dwellings and duplexes the maximum building or structure height shall be 35'.

2. For apartments the maximum building height shall be four stories.

3. See §17.22

(b) Lot Area and Floor Area.

1. The lot area, lot width and floor area requirements for single family dwellings hereafter erected, moved or structurally altered in the RM Multiple Family Residence District shall be the same as those required under RS-1 Single Family Residence District.

(c) Side Yards. There shall be a side yard on each side of a building or structure. The width of the side yards shall not be less than 25' for four (4) family units or smaller. Additional side yard equaling five (5) feet per family shall be added to the 25' base dimension. See §17.20(2).

(d) Rear Yard. The minimum depth of any rear yard shall be 50' for four (4) family units or smaller, except water front lots. Additional rear yard equaling ten (10) feet per family shall be added to the 50' base dimension.

(e) Setback Lines. See §17.23, 17.25 and 17.30(6)(a).

(f) Off Street Parking. See §17.70.

Revised 4/11

17.47 RP RESIDENTIAL PLANNED DEVELOPMENT DISTRICT.

(1) PURPOSE.

(a) The purpose of the RP Residential Planned Development District is to provide the means whereby land may be planned and developed as a unit for residential uses under standards and conditions which afford flexibility; encourage good design, open spaces, the preservation of natural features and to minimize the present and future burdens upon the community as a whole which result from poor planning.

(b) In conservation subdivisions and condominiums, the grouping of residences will permit individual lot sizes to be reduced provided that the overall density within the development is maintained. The remaining undeveloped area shall be required to remain a common open space, preferably on the shoreline if the subdivision is located in a shore area, in perpetuity. Such grouping of residences facilitates common water supply and sewage disposal systems.

(c) Such developments shall be site designed in accordance with Chapters 18.41, 18.42, and 18.43 Land Division Regulations and may be developed by subunits in accordance with, and if so indicated on the approved overall site plan. No permitted use as listed at §17.47(3) may be established unless it is part of the approved site plan or site plan as amended.

(2) REZONING REQUIRED. Rezoning to the RP District shall be required for any development that is proposed to contain any structure that is not a detached single family house. A site plan of a continuous area of no less than 20 acres shall be submitted at the time the zone change is requested. The site plan shall be acted upon by the Planning and Zoning Committee in accordance with §17.91 of this chapter. Copies of a petition for rezoning within the protected shorelands shall be sent to the regional and main offices of the Department of Natural Resources. The recommendations of the Department of natural Resources shall be included in the report to the County Board by the Planning and Zoning Committee.

(3) USES WHICH MAY BE PERMITTED IF SHOWN ON AN APPROVED SITE PLAN.

(a) Clustered single family lot developments.

(b) Two family dwellings.

(c) Multifamily dwellings.

(d) Any permitted use in the RS-1 Single Family Residence District.

(e) Accessory uses, structures and amenities in the approved development plan.

(f) Retail consumer goods, sales and service.

(g) Bed and Breakfast Establishment, Tourist Rooming House, and Boarding House, subject to Chapter 254.61 Wis. Stats.

(h) Ponds subject to §17.45(3)(h) of this Code.

Revised 4/11

(4) HEIGHT, YARD, AREA AND OTHER REQUIREMENTS.

(a) Height. Except as otherwise provided in this chapter, no building or structure shall exceed a height of 35'. See §17.22.

(b) Floor Area. Buildings used in whole or in part for residential purposes which are hereafter erected, moved or structurally altered shall have a floor area as follows:

1. Minimum 1,200 sq. ft. for single family dwellings.

2. Minimum 1,000 sq. ft. for row houses.

3. Minimum 600 sq. ft. for each apartment.

(c) Design Standards. Design standards contained at Chapter 18.42 Land Division Regulations shall apply.

(d) Lot Area and Width.

1. For lots not served by public sewer, the minimum size shall be governed by §17.43(3)(c) for single family residences and §17.46(2)(c) for multiple family residences. Proposed retail consumer goods, sales and service lots shall be evaluated with the site plan to determine adequacy of size, but in no case shall they be smaller in area than required by §17.52(4).

2. For lots served by a public sewer, the minimum lot size shall be:

a. 8,000 sq. ft. for single family dwellings.

b. 4,000 sq. ft. for each row house or apartment.

3. The minimum width shall be:

a. 65' for single family residences.

b. 120' for row house or apartment development.

(e) Side Yards. There shall be a side yard on each side of a building or structure having a minimum width of 10' except a corner lot shall have a side yard of 30' from the street right-of-way. See §17.20(2).

(f) Rear Yard. The minimum depth of any rear yard shall be 50'.

(g) Setback Lines.

1. Highways. See §17.23 and 17.25.
2. Natural Features. Setbacks shall be governed by Chapter 18.43 Land Division Regulations.

Revised 4/11

17.48 A-1 AND A-2 subs /1, /2, /5, /9 GENERAL AGRICULTURAL DISTRICTS.

(1) PURPOSE. This cafeteria-style Agricultural District is designed to foster the preservation and use of agricultural land related uses and to provide for limited residential uses in a rural environment but not the division of land as classified in §18.07(2) and (3) into 5 or more tracts, parcels or lots within a 5 year period. It is intended to provide Towns with multiple options to guide growth and development in concert with the comprehensive planning efforts. Lots in platted County or State subdivisions currently zoned General Agricultural shall be limited to uses listed at §17.42(2), and special exception uses listed at §17.42(3).

(2) PERMITTED USES.

(a) Any use permitted in the RS-1 Family Residence Districts and 2 family dwellings and minor subdivisions as classified in §18.07(1). All new habitable structures other than that of the farm operator shall be located at least 300' from buildings, pens, and structures used for the housing, sheltering or feeding of livestock.

(b) Mobile homes, as detached single family dwellings in the A-2 District, provided the mobile home and the land upon which it is located have a common ownership.

(c) Campers or camping trailers may be stored or parked indefinitely, provided the unit is stored in or behind a structure or is screened from the road with natural screening so that it is not visible from the right-of-way. Tents and self-contained campers or camping trailers may be occupied by the owner or their immediate family on a temporary basis, not to exceed 60 days in a calendar year, provided that a permit is secured from the Administrator or a duly appointed deputy, if the use is to exceed 30 days.

(d) Ponds shall maintain a slope from the shoreline no greater than 3' horizontal to 1' vertical to a water depth of 6' when the pond is at its lowest level due either to seasonally fluctuating ground water levels or pumping for irrigation. Ponds exclusively for stock watering within an area fenced for livestock, with a surface area of 2,500 square feet or less, also with 3 foot horizontal to 1 foot vertical slopes (3:1), and with a maximum depth of 6 feet may be permitted with a reduced fee. All ponds shall be located at least 30' from any property boundary or R/W line when constructed/excavated and no property line shall be established/created within 30’ of an existing pond, 50' from any septic system drainfield area and 25' from a septic or holding tank. Applications for ponds with earthen dams or dikes greater than six (6) feet high shall be designed, or the design reviewed, by an engineer to ensure structural integrity. Pond outlets shall be designed so as not to concentrate runoff onto another persons property or to cause erosion. Permits for ponds shall be granted or denied based on plans submitted. The permit holder shall notify the department for an inspection upon completion of the excavation.

(e) General farming, which complies with the Marathon County Animal Waste Ordinance and other applicable WI Admin. Codes and County ordinances including dairying, livestock and poultry raising. Where 500 or more animal units are proposed the rules contained in the Marathon County Livestock Facilities Licensing Ordinance Chapter 13 shall apply. Other agricultural activities such as nurseries, non-commercial greenhouses, beekeeping, vegetable warehouses, seasonal sale of seed and fertilizer and other similar enterprises or uses, except farms operated for the disposal or reduction of garbage, sewage, rubbish or offal; provided that buildings for the housing of livestock or poultry shall be located as determined by the Livestock Facility Licensing Ordinance regardless of the number of animal units. Buildings, pens and structures used for the housing, sheltering or feeding of livestock shall be located no less than 100' from any lake or stream. Where meeting this setback is impossible or impractical due to location of existing agricultural facilities, as verified by the Town Board, new buildings and building additions may be constructed at a lesser setback provided the degree of non-conformity is not increased.

(f) Forestry and forest products as well as storage of biomass product when screened from view of any residential district and 500 feet from any residence other than the owner's.

(g) Hunting and fishing shelters. A building, sometimes referred to as a "hunting shack", intended for temporary occupancy for hunting, fishing or other recreational purposes, provided that the building is located no less than 600' from the nearest residence other than that of the owner and complies with the provisions of Ch. COMM 83, Wis. Adm. Code, the sanitary requirements of Ch. 15 of this General Code and has the written approval of the town board. This definition does not include cottages, campers, camping trailers or nonfarm residences. As a condition of the shelter permit, a statement shall be recorded at the Register of Deeds, stating that the structure cannot be improved or used for anything other than its originally approved use, unless it can be brought into compliance with this chapter. The recorded statement shall be made binding on all heirs and assignees.

(h) Hunting, fishing and trapping.

(i) Maple syrup processing plant.

(j) Sawmills. When located 500' minimum distance from a residence other than the owner's.

(k) Signs. See §17.80.

(l) Telephone, telegraph and power transmission and distribution towers, poles and lines, including transformers, substations, relay stations, equipment housings and other similar necessary appurtenant facilities.

(m) Transient amusements and temporary / intermittent uses such as music festivals, carnivals, rodeos, horse shows, circuses, temporary campgrounds, and specialty club events and shows are subject to the Marathon County Assemblies Ordinance and shall require a temporary zoning permit. Temporary campgrounds shall conform to the requirements of Ch. DHS 178, Wis. Adm. Code which shall apply until amended and then apply as amended, and be licensed under DHS 178 Wis. Adm. Code as special event campgrounds. These activities shall not be permitted for more than seven consecutive days nor more than three times in any 365 day period.

(n) Mobile Homes.

1. One mobile home used for habitation which is not the primary place of residence shall be permitted as an accessory building on any operating farm providing:

   a. A determination is made in writing by the town zoning and planning committee, or the town board in the absence of a zoning and planning committee, that one or more of the occupants of the mobile home derives a substantial portion of their livelihood from the farm operation and/or substantially participates in the operation of the farm.

   b. More than one mobile home on the property may be permitted with town board approval. Two or more mobile homes require a Mobile Home Park license.

2. The temporary use of a mobile home, not to exceed one year, unless an extension is authorized in writing by the town board, shall be permitted while a permanent dwelling is under construction, providing the mobile home and the permanent dwelling are located on the same lot or parcel of land and providing a County sanitary permit has been obtained for the permanent dwelling and that an approved private waste disposal system is utilized by the temporary mobile home.

(o) Uses customarily accessory to a permitted or agricultural use.

(p) Governmental uses such as town halls, garages, municipal wells and water treatment/pumping facilities, solid waste transfer stations and recycling collection centers or depots.

(q) Land spreading of municipal sewage sludge when done in accordance with and subject to the conditions contained in a permit from the Department of Natural Resources issued pursuant to Wis. Admin. Code NR 204.

(r) Private Solar Electrical Generation panels. Private Wind Electrical Generation Towers when the height conforms to §17.22, is located at least 300' from the nearest residential structure other than the owner, is set back from the property line the equivalent of the structure's total height plus 20' or if the structure is engineered to collapse on itself, 50' from property lines. No WEGT is permitted in a floodplain or shoreland wetland.

(3) SPECIAL EXCEPTIONS. The following are special uses permitted when the location of the use shall have been approved and a special exception permit granted by the Board of Adjustment after a public hearing. Such approval shall be consistent with the general purpose and intent of this chapter and shall be based upon such evidence as may be presented at such public hearing. Such uses shall also be subject to certain specific conditions as may be required.

(a) Aircraft landing fields, basins and hangars providing the site area is not less than 20 acres.

(b) Animal hospitals, and the boarding of animals.

(c) Canneries.

(d) Cheese factories.

(e) Temporary concrete batching and/or blacktop mix plant, processing, stockpiling, and recycling of road building material.

(f) Condenseries.

(g) Contractor's storage yards, when any such yard shall be so placed, fenced or screened by a planting so as not to be visible from any public highway or residential building other than that of the owner of such yard, his agent or employee.

(h) Creameries.

(i) Pet cemeteries.

(j) Drive-in theaters, provided there is a distance of not less than 1,000' between the boundary of any Residential District and the drive-in theater site, measured in a straight line.

(k) Fish hatchery including fishing for a fee (commercial).

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(l) Pea viners and charcoal kilns, when located not less than 1,000' from any residential building other than that of the owner of the premises, his agent or employee and not less than 1,000' from the right-of-way line of any federal, State and County trunk highway; provided that this regulation shall not apply to portable pea viners where there is no stacking of the vines.

(m) Garden or nursery store and commercial greenhouse(s).

(n) Grain elevators (commercial).

(o) Housing for migrant workers.

(p) Hunting grounds and game reserves and dog field trial grounds.

(q) Incinerator (public).

(r) Medical, correctional or charitable institutions.

(s) Nonmetallic Mining and the associated processing of nonmetallic minerals. The application for the special exception permit shall be subject to Chapter 21 of the General Code of Ordinances for Marathon County and 17.55(2)(h) of this chapter and shall list those minerals to be processed and any/all methods to be used in the processing.

(t) Mini Warehousing. It is generally expected that "Mini Warehousing" as defined will only be allowed in existing farm buildings which would otherwise be vacant due to farm consolidation or for other reasons.

(u) Mobile home parks, subject to the conditions in §17.60 of this chapter.

(v) Commercial radio or TV broadcasting studio and/or tower and microwave relay towers, cellular telephone towers and similar structures which support antennae, dishes or other broadcast, relay, amplification and other transmission devices and their accessory structures when considering the following, which shall be provided by the applicant.

1. Location of all towers used for similar purposes within a three (3) mile radius and co-location possibilities;
2. Method(s) to camouflage, or stealth technology used, to minimize visual impacts;
3. Number of users that tower will support;
4. An intermodulation study or other documentation which provides a technical evaluation that indicates potential interference problems.

No new or existing telecommunications service shall interfere with public safety telecommunications. The property line setbacks for towers shall be the height of the tower and any antennae plus 20' from any property line or road right-of-way. These setbacks may be reduced if the tower is engineered to collapse on itself. The setback with certification from an engineer shall be the collapse radius plus 20' from all property lines or the Highway and railroad setbacks as prescribed at §17.23 of this ordinance, whichever is greater. No tower shall be within 600 feet of the nearest residence other than the owner of the property upon which the tower will be constructed.

When considering conditions to attach to any permit which may be issued, the Board of Adjustment should take into account that monopole towers are preferred, with lattice towers being the second preference, and guyed towers being least desirable. Illumination should be limited to the minimum required by FAA or other federal or state authority. Within 180 days of cessation of operations all abandoned or unused towers and accessory structures not to be used for another purpose shall be removed.

(w) Riding stables and riding academies subject to the following:

1. Lighted equestrian trails shall be no closer than 200 feet from any property line or 300 feet from any residence other than that of the owner unless written approval is granted by the adjoining owner(s) for a lesser setback and approval is granted by the Board of Adjustment.

2. Stables, barns, corrals and exercise yards shall be located no closer than 300 feet from any property line of a residential district or residential use as defined in §17.40. Where meeting this setback is impossible or impractical due to location of existing agricultural facilities, as verified by the Town Board, new buildings and building additions may be constructed at a lesser setback provided the degree of non-conformity is not increased.

3. Except in the RC Recreational District no more than 2 persons other than a member of the resident family shall be employed on the premises.

4. Animal unit densities shall be one (1) per three (3) acres or less for parcels of twelve (12) acres or less, and one (1) per acre for parcels larger than twelve (12) acres.

(x) Roadside stand.

(y) Land disposal of waste material other than agricultural waste and sanitary landfill, provided no location shall be within ½ mile of the boundary of any residence district and the operation shall be in full compliance with Ch. NR 214 and 500-524, or other applicable NR Codes.

(z) Slaughterhouses, when located not less than 1,000' from any residential building other than that of the owner of the premises, his agent or employee.

(aa) Shooting ranges provided:

1. Shooting stands shall be no less than 1,000' from residential buildings, other than that of the owner, his agent or employee unless owners and occupants of such residences waive this condition in writing.

2. No firing shall be toward or over any named navigable water (determined at the time of application) located within 1,000 feet of the bullet barrier or population center located within 2 miles of the bullet barrier. Safety of potential users of non-named minor navigable streams (determined at the time of application) shall be addressed in the application, and if deemed safe by the Board of Adjustment, firing toward or over these streams may be permitted.

3. The range shall be clearly identified from all directions with conspicuous "Danger Shooting Range" signs.

4. There shall be a barrier, impenetrable to any missile fired on the range, which shall extend a distance above and to each side of the targets equal to 1' for each 25 yards to the most remote shooting stand, but in no case less than 4' nor shall barriers be required to be more than 20’ above the target or 30’ to either side of the target unless land uses down range would require a higher or wider barrier.

5. Any other conditions the Board of Adjustment considers necessary for the public safety.

6. Trap and skeet ranges providing the owner of the trap or skeet range has under control by ownership or lease an area no less than 1,800' wide and 900' deep and providing further that there shall be no residences within 1,000' of the external boundaries of the range, unless owners and occupants of such residences waive this condition in writing.

(ab) Travel trailer parks, subject to the provisions for travel trailer parks in the Recreation District. See §17.52(3)(1) & (q).

(ac) Bed and Breakfast Establishment, Tourist Rooming House, or Boarding House, subject to Chapter 254.61 Wis. Stats.

(ad) Dams, power plants and flowages.

(ae) Institutions of a charitable or philanthropic nature, day care or child care facilities, hospitals, clinics and sanatoria, except contagious hospitals and mental institutions.

(af) Libraries, museums and community buildings, private clubs and fraternities, except those whose principal activity is a service customarily carried on as a business.

(ag) Livestock collection and transfer depots when located not less than 300' from an RS residential district and when accessory to principal agricultural use of the property.

(ah) Commercial Wind Electrical Generation Towers provided no tower shall be located within 1200 ft. of a residence or residential zoning district and the towers shall be set back from any property boundary a distance equivalent to its height to the top of the arc of the rotor plus 100 feet. No tower shall be located in any floodplain or wetland.

(ai) Processing and production of biomass materials.

(4) HEIGHT, YARDS, AREA AND OTHER REQUIREMENTS.

(a) Height. Except as otherwise provided in this chapter, no building or structure shall exceed a height of 35'. See §17.22.

(b) Lot Area. Buildings used in whole or in part for residential dwelling purposes which are hereafter erected or structurally altered shall be located on a lot having an area of not less than the following.

A-1 or A-2

/1 One acre with a width of 150 feet at the building line.

/2 Two acres with a width of 200 feet at the building line.

/5 Five acres with a width of 300 feet at the building line.

/9 Nine acres with a width of 300 feet at the building line.

This requirement shall not apply to mobile homes permitted on farms as an accessory use.

1. Riding stable/Academy hereafter established shall be located on a parcel having a contiguous area of not less than 35 acres.

2. The minimum lot size for farm residences or structures which are separated from a large parcel through farm consolidation shall be one acre outside of the road right-of-way and shall not be less than 150’ wide at the building line. No lot shall be created such that the existing structure(s) or the septic system serving the structure(s) becomes nonconforming due to property line setbacks or other setbacks.

(c) Floor Area. Buildings used in whole or in part for residential purposes which are hereafter erected, moved or structurally altered shall have a minimum floor area of 720 sq. ft., provided that this regulation shall not apply to mobile homes permitted on farms.

(d) Side Yards. There shall be side yards provided between each building or structure and the lot line as follows.

A-1 or A-2

/1	No less than 20 feet
/2	No less than 30 feet.
/5 & /9	No less than 50 feet.

(e) Rear Yard. Except on waterfront lots where §17.30(6)(a) shall apply where it is more restrictive than this section, there shall be a minimum rear yard depth as follows:

A-1 or A-2

/1 & /2	50 feet
/5 & /9	100 feet

(f) Street Setbacks. There shall be a street setback provided between each building or structure and the public street as follows: (see §17.23 Highway and Railroad Setbacks for road classifications)

A-1 or A-2

/1 & /2	Same as §17.23
/5 & /9	Class A Highways - 150 feet from right-of-way Class B and Class C Highways - 84 feet from right-of-way or 125 feet from centerline, whichever distance is greater

(g) Buildings or structures which were legally built at a conforming setback and on a conforming lot prior to the adoption of these provisions requiring larger lots and greater setbacks, or which are on lots created through a farm consolidation pursuant to §17.48(4)(b)2., may be added to or rebuilt on the existing foundation subject to all of the limitations of the A-1/1 or A-2/1 district. Side yard, rear yard and street setbacks for substandard lots created prior to adoption of /2, /5, or /9 as outlined at (4)(b) above shall be based upon the minimum requirements of the next smaller classification. On developed lots/parcels, new construction may also be allowed at street setbacks that were in effect prior to the Town's adoption of larger lot sizes with greater setbacks.

(h) Off Street Parking. See §17.70.

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17.49 A-3 AND A-3-M EXCLUSIVE AGRICULTURAL DISTRICTS.

(1) PURPOSE. The A-3 and A-3-M Exclusive Agricultural Districts are intended to: preserve productive agricultural land for food and fiber production, preserve productive farms by preventing land use conflicts between incompatible uses, control public service costs, maintain a viable agricultural base to support agricultural processing and service industries, prevent conflicts between incompatible uses, reduce costs of providing services to scattered nonfarm uses, space and shape urban growth, implement the provisions of the County agricultural plan when adopted and periodically revised, and comply with the provisions of the Farmland Preservation Law to permit eligible landowners to receive tax credits under §71.57-61, Wis. Stats.

(2) LANDS INCLUDED WITHIN THESE DISTRICTS. These districts are generally intended to apply to lands which are limited to exclusive agricultural use, including: lands historically exhibiting good crop yields or capable of such yields, lands which have been demonstrated to be productive for dairying, livestock raising and grazing, other lands which are integral parts of such farm operations, land used for the production of specialty crops such as cranberries, ginseng, mint, sod, fruit and vegetables, and lands which are capable of productive use through economically feasible improvements such as irrigation.

(3) PERMITTED USES.

(a) One single family dwelling, or duplex, provided all other conditions of this chapter and the Private Sewage System Code can be met. All new habitable structures other than that of the farm operator shall be located at least 300' from buildings, pens and structures used for the housing, sheltering or feeding of livestock.

1. Conventional dwellings in the A-3 District.

2. Mobile homes or conventional dwellings in the A-3-M District provided the mobile home and the land are owned by the same person.

(b) Mobile homes.

1. One mobile home used for habitation which is not the primary place of residence shall be permitted as an accessory building on an operating farm providing:

a. A determination is made in writing by the town zoning and planning committee, or the town board in the absence of a town zoning and planning committee, that one or more of the occupants of the mobile home derives a substantial portion of their livelihood from the farm operation and/or substantially participates in the operation of the farm, and provided that each mobile home is provided with proper skirting or a foundation.

b. More than one mobile home on the property may be permitted with town board approval and a special exception permit from the Board of Adjustment.

2. The temporary use of a mobile home, not to exceed one year, unless an extension is authorized in writing by the town board, shall be permitted while a permanent dwelling is under construction, providing the mobile home and the permanent dwelling are located on the same lot or parcel of land and providing a County sanitary permit has been obtained for the permanent dwelling and that an approved private waste disposal system is utilized by the temporary mobile home.

(c) Single family dwelling, in addition to permitted residences in sub. (3)(a) and (b), providing one or more of the occupants is a parent or child of the operator of the farm, or when the dwelling is to be the retirement home of the present farm operator.

(d) Pole buildings, garages, private kennels, and any other buildings necessary to the farm operation or permitted residential uses.

(e) Campers or camping trailers may be stored or parked indefinitely, provided the unit is stored in or behind a structure or is screened from the road with natural screening so that it is not visible from the right-of-way.

(f) General farming. Where 500 or more animal units are proposed the rules contained in the Marathon County Livestock Facilities Licensing Ordinance Chapter 13 shall apply. General farming also includes dairying, livestock and poultry raising, nurseries, greenhouses, beekeeping, vegetable warehouses, seasonal sale of seed and fertilizer and other similar enterprises or uses, except farms operated for the disposal or reduction of garbage, sewage, rubbish or offal; provided that no greenhouse or building for the housing of livestock or poultry shall be located within 100' of any boundary of a residential lot other than that of the owner or lessee of such greenhouse or building containing such livestock or poultry. Buildings, pens, structures, barnyards or feedlots used for the housing, sheltering or feeding of livestock or other farm animals shall be located no less than 100' from navigable waters and shall be constructed in compliance with Chapter 11.02 of the Marathon County Code of Ordinances Animal Waste and Manure Management Code, Chapter 13 Livestock Facilities Licensing Ordinance when applicable, and other applicable WI Admin Codes and County Ordinances.

(g) One roadside stand per farm, of not more than 300 sq. ft., used solely for the sale of products more than 50% of which were produced on the premises.

(h) Forest and game management as well as storage of biomass product when screened from view of any residential district and 500 feet from any residence other than the owner's.

(i) Hunting and fishing shelters. A building, sometimes referred to as "hunting shack," intended for temporary occupancy for hunting, fishing or other recreational purposes, provided that the building is located no less than 600' from the nearest residence other than that of the owner and complies with the provision of Ch. ILHR 83, Wis. Adm. Code, the sanitary requirements of Ch. 15 of this General Code and has the written approval of the town board. This definition does not include cottages, campers, camping trailers or nonfarm residences. As a condition of the shelter permit, a statement shall be recorded at the Register of Deeds, stating that the structure cannot be improved or used for anything other than its originally approved use, unless it can be brought into compliance with this chapter and the Wisconsin Farmland Preservation Law. The recorded statement shall be made binding on all heirs and assignees.

(j) Hunting, fishing and trapping.

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(k) Maple syrup processing plant.

(l) Sawmills. When located 500' minimum distance from any residence other than that of the owner.

(m) Signs. See §17.80.

(n) Public utility equipment such as telephone and electric power, transmission and distribution poles, towers and lines, including transformers.

(o) Ponds which are outside the jurisdiction of shorelands described in §17.30. Ponds shall comply with §17.48(2)(d) of this code.

(p) Transient amusements and temporary / intermittent uses such as music festivals, carnivals, rodeos, horse shows, circuses, temporary campgrounds, and specialty club events and shows are subject to the Marathon County Assemblies Ordinance and shall require a temporary zoning permit. Temporary campgrounds shall conform to the requirements of Ch. DHS 178, Wis. Adm. Code which shall apply until amended and then apply as amended, and be licensed under DHS 178 Wis. Adm. Code as special event campgrounds. These activities shall not be permitted for more than seven consecutive days nor more than three times in any 365 day period.

(q) Home occupations and professions.

(r) Land spreading of municipal sewage sludge when done in accordance with and subject to the conditions contained in a permit from the Department of Natural Resources issued pursuant to Wis. Admin. Code NR 204.

(s) Private Wind Electrical Generation Towers subject to the provisions of §17.48(2)(r).

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(4) SPECIAL EXCEPTIONS. The following are special uses permitted when the location of the use has been approved and a special exception permit has been granted by the Board of Adjustment after a public hearing. Such approval shall be consistent with the general purpose and intent of this chapter and shall be based upon such evidence as may be presented at such public hearing. The Board of Adjustment, in passing upon applications for these special exception permits, shall consider the following factors: the statement of purposes of this chapter and the A-3 District, the potential for conflict with agricultural use, the need of the proposed use for a location in an agricultural area, the availability of alternative locations, compatibility with existing or permitted uses on adjacent lands, the productivity of the lands involved, the location of the proposed use so as to reduce to a minimum the amount of productive agricultural land converted, the need for public services created by the proposed use, the availability of adequate public services and the ability of affected local units of government to provide them without an unreasonable burden. These uses are as follows:

(a) Canneries.

(b) Cheese factories.

(c) Concrete or blacktop batching plant (temporary only).

(d) Condenseries.

(e) Creameries.

(f) Dog field trial grounds.

(g) Facilities used for the centralized bulk collection, storage and distribution of agricultural products to wholesale and retail markets.

(h) Facilities used to provide veterinarian services for livestock.

(i) Facilities used in processing of agricultural products.

(j) Fish hatchery (commercial).

(k) Governmental uses such as Town Halls, garages, solid waste transfer stations and recycling collection centers or depots.

(l) Public utility substations, relay stations and microwave receivers and transmitters, semipublic and private utility towers, receivers, transmitters and other similar necessary appurtenant facilities, commercial radio or TV broadcasting tower(s), cellular telephone towers and similar structures subject to the provisions of §17.48(3)(v).

(m) The establishment of farms with a total contiguous land area of less than 35 acres. Provisions for approval must be conditioned on compliance with the Animal Waste and Manure Management, Code, the Livestock Facilities Licensing Ordinance, and any other applicable WI Admin. Codes and County ordinances.

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(n) Riding stables and riding academies pursuant to §17.48(3)(w) of this Code.

(o) Land disposal of waste material other than agricultural waste and sanitary landfill, provided no location shall be within ½ mile of the boundary of any residence district and the operation shall be in full compliance with Ch. NR 214 and 500-524, or other applicable NR Codes.

(p) Nonmetallic mineral extraction subject to Chapter 21 of the General Code of ordinances, §17.55(2)(h) of this chapter, and provided the reclamation of the extraction site is to an agricultural use.

(q) Bed and Breakfast Establishment, Tourist Rooming House, or Boarding House subject to Chapter 254.61 Wis. Stats.

(r) Livestock collection and transfer depots when located not less than 300' from an RS residential district and when accessory to the principal agricultural use of the property.

(s) Commercial wind generating towers subject to the provisions of §17.48(3)(ah).

(t) Processing and production of biomass materials.

(5) CONDITIONS ATTACHED TO SPECIAL EXCEPTIONS.

(a) Upon a consideration of information supplied at the public hearing and a review of the standards contained in sub. (4), the following conditions may be attached to the granting of a special exception: increased setbacks and yards; specifications for water supply, liquid waste and solid waste disposal facilities; landscaping and planting screens, sureties, operational controls and time of operation; air pollution controls; erosion prevention measures; location of the use; and similar requirements found necessary to fulfill the purpose and intent of this chapter. Violation of these conditions shall constitute a violation of this chapter as provided in §17.93.

(b) The Department of Agriculture, Trade and Consumer protection shall be notified of the approval of any special exceptions.

(6) HEIGHT, YARDS, AREA REQUIREMENTS.

(a) Lot Area.

1. The minimum lot size to establish a residence or farm operation is 35 contiguous acres, except provided in sub-pars 2. through 4. below, (§91.75, Wis Stats., as amended).

2. The minimum lot size shall be one acre to establish a separate parcel for an additional residence for parents or children of the farm operator, or for persons earning a substantial part of their livelihood from the farm operation. A statement from the Town Board that the intended owner of the lot meets the criteria of this section, and that the parcel is the first (only) parcel intended for the farmer, his child, or parent.

3. Where an additional residence for persons specified in subpar. 2. above is located on a farm without creating a separate parcel, the residence shall be at least 40' from other residences.

4. The minimum lot size for farm residences or structures which are separated from a large parcel through farm consolidation shall be one acre outside of the road right-of-way and shall not be less than 150' wide at the building line. No lot shall be created such that the existing structure or the septic system serving the structure becomes nonconforming due to the property boundary setbacks or other minimum setbacks.

5. Lots or parcels having less than 35 acres that legally existed prior to the town board's approval of this section may be developed pursuant to §17.21(2) of this Code.

   A lot having an area of more than one acre and less than 35 acres may be reduced to a minimum of one acre or a lot of any size may be enlarged provided either of these actions do not create a nonconforming lot, and further provided there is no net increase in the number of lots. Minimum lot width shall be 150 feet. Minimum frontage on a public highway shall be 33 feet. No lot shall be reduced in a way that creates substandard dimensions or setbacks for structures, private sewage systems, or other regulated features. Reductions in lot area shall comply with the provisions of Chapter 18, 'Marathon County Land Division Regulations'.

(b) Height.

1. The maximum height of a farm dwelling shall not exceed 35'.
2. The maximum height of other structures shall meet the provisions of §17.22 of this chapter.

(c) Side Yards. There shall be a side yard provided between each building or structure and the lot line of no less than 20'.

(d) Rear Yard. The minimum depth of any rear yard shall be 50', except on waterfront lots.

(e) Setback Lines. See §17.23, 17.25 and 17.30(6)(a).

(f) Off Street Parking. See §17.70.

(g) Floor Area. Buildings used in whole or in part for residential purposes which are hereafter erected, moved or structurally altered shall have a minimum floor area of 720 sq. ft., provided that this regulation shall not apply to mobile homes permitted as accessory buildings on operating farms.

(7) STANDARDS FOR REZONING.

(a) The State Department of Agriculture, Trade and Consumer Protection shall be mailed a copy of the notice of a public hearing on a petition for a rezone and following the hearing a copy of the findings upon which the decision to deny or grant the petition was based.

(b) Decisions on petitions for rezoning areas zoned for exclusive agricultural use shall be based on findings which consider the following:

1. Adequate public facilities to serve the development are present or will be provided.
2. Provisions of these facilities will not be an unreasonable burden to local government.
3. The land is suitable for development.
4. Development will not cause unreasonable air and water pollution, soil erosion or adverse effects on rare or irreplaceable natural areas.
5. The potential for conflict with remaining agricultural uses in the area.
6. The need of the proposed development location in an agricultural area.
7. The availability of alternative locations.
8. The productivity of the agricultural lands involved.
9. The location of the proposed development to minimize the amount of agricultural land converted.

17.50 A-4 AND A-4-M AGRICULTURAL TRANSITION DISTRICT.

(1) PURPOSES. The purposes of the A-4 and A-4-M Districts are to: provide for the orderly transition of agricultural land to other uses in areas planned for eventual urban expansion; defer urban development until the appropriate local governmental bodies determine that adequate public services and facilities can be provided at a reasonable cost; ensure that urban development is compatible with local land use plans and policies; provide periodic review to determine whether all or part of the lands should be transferred to another zoning district. Such review shall occur:

(a) A minimum of every 2 years.

(b) Upon completion or revision of a County agricultural preservation plan or municipal land use plan which affects lands in these districts; or

(c) Upon extension of public services such as sewer and water, necessary to serve urban development.

(2) LANDS INCLUDED WITHIN THESE DISTRICTS. These districts are generally intended to apply to lands located adjacent to incorporated municipalities or urbanized areas where such lands are predominantly in agricultural or related open space use but where conversion to nonagricultural use is expected to occur in the foreseeable future. Lands indicated as transition areas in the agricultural plan and similar lands are to be included.

(3) PERMITTED USES. Same as §17.49(3), Exclusive Agricultural Districts (A-3 and A-3-M) including the selection of the treatment of mobile homes as primary dwellings.

(a) A-4 conventional primary dwellings only.

(b) A-4-M mobile homes or conventional primary dwellings.

(4) SPECIAL EXCEPTIONS. Same as §17.49(4) and (5), Exclusive Agricultural Districts (A-3 and A-3-M). In addition, hunting grounds, game reserves (commercial) and dog field trial grounds.

(5) MINIMUM LOT SIZE, HEIGHT AND YARDS. Same as §17 49(6), Exclusive Agricultural Districts (A-3 and A-3-M).

(6) STANDARDS FOR REZONING. Same as §17.49(7), Exclusive Agricultural Districts (A-3 and A-3-M).

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17.52 RC RECREATION DISTRICT.

(1) PURPOSE. This district is intended to provide for the orderly and attractive grouping of recreation-oriented establishments, facilities and structures.

(2) PERMITTED USES.

(a) Agriculture and other open land uses, including beekeeping, field crops, forestry, orchards and wild crop harvesting, truck farming, horticulture or viticulture, but not livestock as defined in Wis. Admin. Code ATCP51.

(b) Any use permitted in the Conservancy District.

(c) One camping trailer, park unit, mobile camper or houseboat for temporary parking and living purposes for the caretaker or owner of an approved campground and their family only.

(d) Fish hatcheries and farm ponds subject to the conditions contained in §17.42(2)(l) of this chapter.

(e) Community buildings, private clubs and fraternities, except those whose principle activity is a service customarily carried on as a business.

(f) Municipal buildings, except sewage disposal plants, garbage incinerators and buildings for the repair or storage of road building or maintenance machinery.

(g) Parks and playgrounds, including swimming pools, golf and disk golf courses, paintball gaming grounds, tennis courts, picnic grounds, bathing beaches, and similar recreational activities.

(h) Railroad right-of-way but not including switching spurs, classification yards or sidings.

(i) Signs. See §17.80.

(j) Telephone exchanges, provided there is no service garage or storage yard. Telephone, telegraph and power distribution poles and lines and necessary appurtenant equipment and structures, such as transformers, unit substations and equipment housings.

(k) Vending machines when the use is clearly an indoor accessory to the principle use.

(l) Buildings and structures and uses of land customarily incidental to the above permitted uses, and on an approved special exception site per §17.52(3) or in compliance with §17.19(3)(f), but only on same premises with the primary permitted uses.

1. In campgrounds established prior to the adoption of zoning with pre-existing camp sites constructed within setback lines established at §17.52(3)(q) and §17.23(1), (2), (3), and (4) the following minor structures are permitted by right (no zoning permit is required) with setbacks of seven (7) feet from side lot lines and fifteen (15) feet from any public road right-of-way.

a. One storage shed per campsite up to eighty (80) square feet, or no more than two (2) sheds of which aggregate square footage is no more than eighty (80) square feet.

b. Decks, patios, and landings of which aggregate area is 200 square feet or less. Landings of 6 feet or less, the length of the camper or park unit or less when not connected, or immediately adjacent, to a patio or deck is also exempt. If connected or adjacent, landings will be included in the 200 square foot total.

c. Stairs not exceeding four (4) feet in width leading to/from doorways, decks, or landings.

d. The setback to side yards may be reduced to zero where a legally constructed opaque privacy fence is in place and the storage shed is equal in height or shorter than the fence.

e. Plastic storage units with a footprint of forty eight (48) square feet or less shall not be considered structures but articles of personal property, however no more than two (2) such units will be allowed on any camp site.

2. In any campground where the setbacks established at §17.52(3)(q), §17.30(6), and §17.23(1), (2), (3), and (4) are met or exceeded those minor structures enumerated at §17.52(2)(l)1. are permitted by right. In addition, the following structures may be constructed upon the issuance of a zoning permit.

a. No more than two (2) sheds of eighty (80) square feet or less will be permitted on any camping site, one by right. The second will require a zoning permit prior to installation/construction.

b. No more than (1) patio, one (1) deck, and one (1) landing with a total aggregate square footage of 400 square feet will be permitted on any camping site. A zoning permit is only required when the aggregate area exceeds 200 square feet.

When not connected, or immediately adjacent, to a patio or deck six (6) foot wide landings not exceeding the length of the camping unit are exempt. If connected or adjacent, landings will be included in the 400 square foot total.

3. Within 75 feet of the Ordinary High Water Mark of any navigable water, structures are not permitted. (See §17.30(6). Plastic storage units as outlined at (l)1. e. are authorized/allowed.

(m) Private wind electrical generation towers subject to the standards at §17.48(2)(r).

(3) SPECIAL EXCEPTIONS. The following are special uses permitted when the location of the use shall have been approved and a special exception permit granted after a public hearing by the Board of Adjustment.

(a) Amusement parks, including baseball batting ranges, commercial skating rinks, go-cart tracks, race tracks, golf driving range, miniature golf course or similar establishments.

(b) Automobile service station.

(c) Concession stands.

(d) Dinner clubs.

(e) Dwelling, single family, providing it shall be an accessory to a principle use. The use of a mobile home may be authorized by the Town Board.

(f) Gift and specialty shops customarily found in recreational areas.

(g) Institutions of philanthropic or educational nature.

(h) Marinas, boat liveries, sale of bait and fishing equipment. The service and repair of boats and motors.

(i) Microwave radio relay structures, providing there would be no adverse affect on neighboring properties.

(j) Motels, hotels, resorts (including two or more seasonal single family dwellings for rent or lease).

(k) Restaurants.

(l) Recreation camps, youth camps and campgrounds, provided all buildings shall be more than 100' from the side lot line. Recreation camps shall conform to Ch. DHS 175, Wis. Adm. Code, and campgrounds shall conform to Ch. DHS 178, Wis. Adm. Code, which shall apply until amended and then apply as amended.

(m) Riding stables and riding academies subject to the provisions contained in §17.48, and rodeos, gymkhanas and similar equestrian events.

(n) Sanitary landfill, provided no location shall be within ½ mile of the boundary of a Residence District and the operation shall be in full compliance with Ch. NR 500 Series, Wisconsin Solid Waste Disposal Standards.

(o) Shooting ranges.

1. Shooting ranges provided the requirements for such ranges as stated in the Agricultural District are met.

2. Trap and skeet ranges providing the owner of the trap or skeet range has control by ownership or lease an area no less than 1,800' wide and 900' deep and providing further that there shall be no residences within 1,000' of the external boundaries of the range, unless occupants of such residences waive this condition in writing.

(p) Taverns, and microbreweries associated with a tavern.

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(q) Travel trailer parks, RV parks, primitive or developed campgrounds provided:

1. The minimum size of a campground shall be five acres.
2. The maximum number of camping spaces shall be 15 per acre.
3. Minimum dimension of each camping space shall be 30' wide by 50' long.
4. Each camping space shall be so located that there shall be at least a 15' clearance between spaces.
5. There shall be 1 l/2 automobile parking spaces available for each camping space.
6. In addition to setback line requirements of §17.23 of this chapter, there shall be a minimum setback of 40' from all other exterior lot lines.
7. Travel trailer parks shall conform to the requirements of Ch. DHS 178, Wis. Adm. Code, which shall apply until amended and then apply as amended.
8. Park units and all other structures except non-transient camping units on existing camping spaces shall obtain a zoning permit prior to placement and shall meet all Shoreland, yard, and street setbacks and be provided with a state approved method for sewage disposal when intended for human habitation.

(4) HEIGHT, YARDS, AREA AND OTHER REQUIREMENTS.

(a) Height. Except as otherwise provided in this chapter, no building or structure shall exceed a height of 35'.

(b) Lot Area. One acre minimum, with a minimum width of 150'.

(c) Floor Area. Buildings used in whole or in part for residential purposes which are hereafter erected, moved or structurally altered shall have a floor area of no less than 600 sq. ft.

(d) Side Yards. There shall be a minimum side yard of 25'.

(e) Rear Yard. The minimum depth of any rear yard shall be 50', except on waterfront lots.

(f) Setback Lines. See §17.23, 17.25 and 17.30(6)(a).

(g) Off Street Parking. See §17.70.

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17.53 C-1 COMMERCIAL DISTRICT.

(1) PURPOSE. This district is designed to provide for a wide range of retail stores and personal service establishments which cater to frequently recurring needs. The regulations are designed to promote stability of retail development by encouraging continuous retail frontage.

(2) PERMITTED USES.

(a) Animal hospitals and clinics, but not the boarding of animals.

(b) Antique or art shop.

(c) Bakery employing not over 8 persons on the premises.

(d) Bank, savings and loan or other financial institutions.

(e) Barber shop, beauty parlor.

(f) Boat and motorcycle sales and service.

(g) Book and stationery store.

(h) Business, professional offices and clinics.

(i) Clothing store, department store, shoe store, shoe repair shop.

(j) Clubs and lodges.

(k) Commercial entertainment facilities, but not drive-in theater.

(l) Dance studios.

(m) Drugstore.

(n) Dwelling, single family, but only as an accessory to a principle use for the caretaker or owner and his family only.

(o) Florist shop, greenhouse.

(p) Food products (retail), fruit and vegetable store, grocery store, meat and fish market, supermarket.

(q) Funeral homes.

(r) Furniture store, appliances, office equipment, upholstering.

(s) Hardware, household appliances, plumbing, heating and electrical supplies, auto supplies.

(t) Health club.

(u) Hotel, motel.

(v) Insurance firms, real estate firms, stockbrokers.

(w) Jewelry store.

(x) Laundry, cleaning and dyeing establishment.

(y) Libraries, museums.

(z) Martial arts schools.

(aa) Music, radio and television store, record shop.

(ab) Paint store, interior decorator.

(ac) Parking lot.

(ad) Photographer, photography supply shop.

(ae) Printing and duplicating.

(af) Public utility office or substation, telephone exchanges, fire stations, police station, administration buildings and similar uses.

(ag) Publishing office.

(ah) Radio and television broadcasting studio, tower, mast or aerial, microwave radio relay structures.

(ai) Retail stores and shops offering convenience goods and services.

(aj) Restaurant, café, but not drive-in restaurant.

(ak) Signs, billboards, (See §17.80) sign painting shop.

(al) Sporting goods stores.

(am) Theater, except drive-in theater.

(an) Vocational schools and learning centers conducted for profit.

(ao) Manufacturing or storage in connection with any of the above uses, when clearly incidental to the conduct of a retail business on the premises.

(ap) Private solar panels and wind electrical generating structures pursuant to §17.48(2)(r).

(aq) Ponds subject to §17.45(3)(h).

(3) SPECIAL EXCEPTIONS. The following are special uses permitted when the location of the use shall have been approved and a special exception permit granted by the Board of Adjustment after a public hearing. Such approval shall be consistent with the general purpose and intent of this chapter and shall be based upon such evidence as may be presented at such public hearing.

(a) Amusement parks including baseball batting ranges, commercial skating rinks, go-cart tracks, golf driving range, miniature golf course or similar establishments.

(b) Automobile sales, service stations, repair, body shops, car wash.

(c) Bowling alleys, dance halls, skating rinks.

(d) Day care or child care facilities.

(e) Drive-in restaurant.

(f) Drive-in theater.

(g) Farm equipment sales and service.

(h) Farm machinery sales and service.

(i) Feed and seed stores.

(j) Fishing bait (live) stores.

(k) Lumber yards.

(l) Marinas.

(m) Mobile homes sales and service.

(n) Motorcycle sales, repair and service.

(o) Newspaper office and press rooms.

(p) Tavern and microbrewery.

(q) Transportation terminals, taxi, limo and bus terminals.

(r) Wholesale establishments.

(s) Outdoor and indoor sports facilities and entertainment facilities which are part of a tavern's operations.

(t) Commercial radio or TV broadcasting towers , cellular telephone towers and similar structures subject to the provisions of §17.48(3)(v).

(4) HEIGHT, YARDS, AREA AND OTHER REQUIREMENTS.

(a) Height. Except as otherwise provided in this chapter, no building or structure shall exceed a height of 35'. One additional foot of extra height may be permitted provided one additional foot of each side and rear yards for each additional foot of extra height is also established up to a maximum height of 60' unless the Board of Adjustment approves a greater height. See §17.22.

(b) Lot area. The minimum lot area shall be 10,000 sq. ft. and the minimum lot width shall be 75' at the building line.

(c) Floor Area. Buildings used in whole or part for dwelling purposes, as opposed to accommodations for transients, shall have a floor area as required by the regulations of RM Multiple Family Residence District.

(d) Side Yards. Side yards shall be not less than 10' wide.

(e) Rear Yard. There shall be a rear yard of not less than 20' in depth.

(f) Setback Lines. (Streets and Waterlines) See §17.23, 17.25 and 17.30(6)(a).

(g) Off Street Parking. See §17.70.

Revised 4/11

17.54 M-1 LIGHT INDUSTRIAL DISTRICT.

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

(2) PERMITTED USES.

(a) Automotive heavy repair and upholstery, body shop including the storage of up to ten (10) unlicensed or inoperative vehicles when stored inside a structure, or behind a plant screen or solid fence, rendering the vehicles not visible from the public road or any other person's property.

(b) Cleaning, pressing and dyeing establishments.

(c) Commercial greenhouses.

(d) Dwelling~~s~~, single family, but only as an accessory to a principle use, for the caretaker or owner and his family only.

(e) Food locker plants.

(f) General or clerical office.

(g) Light industrial plants such as required for production of millwork, machine tools, paper containers, patterns, die castings, light metal fabrication and similar small industries which do not require loud presses.

(h) Manufacture, fabrication, packing, packaging and assembly of products from furs, glass, leather, metals, paper, plaster, plastic, textiles and wood Manufacture, fabrication, packing, packaging and assembly of confections, cosmetics, electrical appliances, electronic devices, instruments, jewelry, pharmaceuticals, tobacco, toiletries and foods except cabbage, fish and fish products, meat and meat products and pea vineries.

(i) Manufacturing and bottling of nonalcoholic beverages.

(j) Painting.

(k) Printing.

(l) Professional offices.

(m) Publishing.

(n) Research and testing laboratories.

(o) Schools and training centers.

(p) Warehousing, inside storage and mini warehousing. Inside storage of contractors' supplies and equipment, and outside storage when screened from the view of any public right-of-way and residences other than the owner's.

(q) Wholesalers and distributors. Common and contract hauler parking and structures for the repair and maintenance of the vehicles.

(r) Signs. (See §17.80).

(s) Transportation terminals, taxi, limo and bus terminals.

(t) Private solar panels and wind electrical generating structures pursuant to §17.48(2)(r).

(u) Ponds subject to §17.48(2)(d).

(v) Storage, processing, and production of biomass materials when screened from view of any residential district and 500 feet from any residence other than the owner's.

(3) SPECIAL EXCEPTIONS. The following are special uses permitted when the location of the use shall have been approved and a special exception permit granted after a public hearing by the Board of Adjustment.

(a) Airports, air strip and landing fields providing the site area is not less than 20 acres.

(b) Automobile, construction, and farm machinery sales or service businesses.

(c) Commercial service facilities, such as restaurants and fueling stations provided all such services are physically and sales-wise oriented toward industrial district users and employees and other users are only incidental customers.

(d) Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelter, parks, playgrounds and museums.

(e) Manufacturing, processing and storage of dry ice and building materials, lumber yards.

(f) Public passenger transportation terminals, such as heliports, bus and rail depots, provided all principal structures and uses are not less than 100' from any residential district boundary.

(g) Commercial wind electrical generation towers subject to the provisions of §17.48(3)(ah).

(h) Commercial radio or TV broadcasting towers, cellular telephone towers and similar structures subject to the provisions of §17.48 (3)(v)

(4) HEIGHT, YARDS, AREA AND OTHER REQUIREMENTS.

(a) Height. The maximum height shall be 45' except that this may be increased to 60', provided all yards are increased 3' in width for each 5' of additional height.

(b) Lot Area. The minimum lot area shall be 20,000 sq. ft.

(c) Width. The minimum width shall be 150'.

(d) Side Yards. The minimum side yard shall be 20', provided further that any such side yard which abuts a boundary of a Residence District shall be not less than 25' wide, unless such Residence District boundary lies within a street or alley.

(e) Rear Yard. The minimum rear yard shall be not less than 25' in depth.

(f) Prohibited Uses of Yards. Any yard which abuts a boundary of a non-industrial district shall not have an automobile parking lot, stockpile, waste or salvage pile, equipment storage or other accumulation of material or equipment in the open, placed in such yard, except that loading platforms may be established in a yard if it abuts on a railroad.

(g) Setback Lines. (Streets and Waterlines) See §17.23, 17.25 and 17.30(6)(a).

(h) Off Street Parking. See §17.70.

Revised 12/04

17.55 M-2 HEAVY INDUSTRIAL DISTRICT.

(1) PURPOSE. The Heavy Industrial District is intended to provide for uses which by their nature could exhibit characteristics harmful, noxious or detrimental to surrounding uses of the land.

(2) PERMITTED USES.

(a) Any use permitted in the M-1 Light Industrial District.

(b) Automobile sales and service stations.

(c) Freight yards and depots including livestock collection, transfer and sales.

(d) Breweries.

(e) Inside storage and outside storage when fenced.

(f) Lumber yards.

(g) Binderies.

(h) Mining of nonmetallic minerals and the processing for manufacture of materials incidental to such extraction and the erection of buildings and the installation of equipment and machinery may be permitted provided:

1. Nonmetallic mining shall comply with the terms of the Marathon County Nonmetallic Mining Code, Chapter 21, General Code of Ordinances.

2. All operations shall be at least 50' from the centerline of any right-of-way and 10' from any property line unless there is a written agreement between adjoining owners both of whom hold valid nonmetallic mining permits under which they both agree to mine up to their common property line. Mining up to or into the right-of-way may be authorized where it is determined by the unit of government having jurisdiction over the road that such mining would be beneficial. All accessory uses such as offices and parking areas shall be at least 100' from any right-of-way or property line.

(3) SPECIAL EXCEPTIONS. The following are special uses permitted when the location of the use shall have been approved and a special exception permit granted by the Board of Adjustment after a public hearing. Such approval shall be consistent with the general purpose and intent of this chapter and shall be based upon evidence presented at such public hearing.

(a) Airports, airstrips and landing fields provided the site area is not less than 20 acres.

(b) Commercial service facilities, such as restaurants and bulk fueling stations provided all such services are physically and sales oriented toward industrial district users and employees and other users are only incidental customers.

(c) Creameries, condenseries.

(d) Crematories.

(e) Manufacture and processing of abrasives, acetylene, acid, alkalies, ammonia, asphalt, batteries, bedding, bleach, bone, cabbage, candle, carpeting, celluloid, cement, cereals, charcoal, chemicals, chlorine, coal tar, coffee, coke, cordage, creosote, dextrine, disinfectant, dye, excelsior, fish, fuel, gelatin, glucose, hair products, ice, ink, insecticide, lampblack, lime, lime products, linoleum, matches, meat, oilcloth, paint, peas, perfume, pickle, plastics, poison, polish, potash, pulp, pyroxylin, rope, rubber, sausage, shoddy, size, starch, textiles and varnish.

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(f) Manufacture and bottling of alcoholic beverages, bag cleaning, canneries, cold storage warehouse, electric and steam generating plants, electro plating, enameling, forges, foundries, garbage incinerators, lacquering, lithographing, offal, rubbish or animal reduction, oil, coal and bone distillation refineries, road test facilities, slaughterhouses, smelting, stockyards and tanneries provided such uses shall be at least 600' from residential districts.

(g) Manufacturing, processing and storage of building materials, explosives, dry ice, fat, fertilizer, flammables, gasoline, glue, grains, grease, lard, plastics, radioactive materials, shellac, soap, turpentine, vinegar and yeast.

(h) Automobile wrecking yard, junk yard, or salvage yard, and portable tire shredders shall be surrounded by a solid fence or evergreen planting screen completely preventing a view from any other property or public right-of-way and shall be at least 600' from the nearest residence except that of the owner, his agent or employee.

(i) Municipal sewage disposal plants and related facilities.

(j) Adult entertainment, adult bookstore/adult novelty shop whether or not alcohol is served.

(k) Solid waste and recycling transfer stations.

(l) Commercial wind electrical generation towers subject to the provisions of §17.48(3)(ah).

(m) Commercial radio or TV broadcasting towers, cellular telephone towers and similar structures subject to the provisions of §17.48 (3)(v).

(4) HEIGHT, AREA, YARDS AND OTHER REQUIREMENTS.

(a) Height. The maximum height of buildings or structures shall be 45' except that this may be increased to 60', provided all yards are increased 3' in width for each 5' of additional height.

(b) Lot Area. The minimum lot area shall be 20,000 sq. ft.

(c) Width. The minimum width shall be 150'.

(d) Side Yards. The minimum side yard shall be 20', provided further than any such side yard which abuts a boundary of a Residence District shall not be less than 25' wide, unless such Residence District boundary lies within a street or alley.

(e) Rear Yard. The minimum rear yard shall be not less than 25' in depth. Any yard which abuts a boundary of a Residence District shall not have an automobile parking lot, stockpile, waste or salvage pile, equipment storage or other accumulation of material or equipment in the open, placed in such yard, except that loading platforms may be established in a yard if it abuts on a railroad.

(f) Setback lines. (Streets and Waterlines) See §17.23, 17.25 and 17.30(6)(a).

Revised 4/11

17.56 HI HIGHWAY CORRIDOR AND INTERCHANGE OVERLAY DISTRICT.

(1) PURPOSE. The Highway Corridor and Interchange Overlay District is intended to promote highway safety by protecting the traffic carrying capacity of divided highways through access controls to the intersecting roads and the orderly development of adjacent lands much of which will be related to the particular corridor and interchange. Commercial and Industrial uses shall be restricted to interchange areas only while agriculture and some limited residential development may be permitted where access is via an at-grade intersection.

(2) DISTRICT BOUNDARIES.

(a) The boundaries of the Highway Corridor and Interchange Overlay District shall be determined by the County Forestry, Recreation and Zoning Committee, after consultation with the appropriate representatives of the Department of Transportation, Division of Highways and the town board of the affected township and established according to §17.91.

(b) Where there is a conflict between the district boundaries appearing on the map and field conditions, the dispute shall be settled according to §17.90(5).

(3) ABROGATION AND GREATER RESTRICTIONS. When the Highway Corridor and Interchange Overlay District and the underlying zoning district regulations conflict, the most restrictive combination of regulations shall prevail.

(4) DESCRIPTION OF DISTRICT. The Highway Corridor and Interchange Overlay Districts have been established utilizing the most appropriate information to and including:

(a) The physical characteristics and service resources of the surrounding area.

(b) The location of nearby developments.

(c) Traffic volumes.

(d) The local road system.

(e) Relationship to neighboring interchanges.

(5) SPECIAL PROVISIONS. The following provisions shall apply to all Highway Corridor and Interchange Overlay Districts:

(a) In order to maintain the natural beauty of the Corridor and Interchange areas and prevent distraction to the highway traveler, preservation of trees and landscaping of all development may be required.

The lot owner or developer, in making an application for a zoning permit pursuant to §17.12, shall submit a plan of his lot or area to be developed and include the following:

1. Location of all existing and proposed structures.

2. Location of existing and proposed parking.

3. Gradient of the land as represented by two foot contours.

4. Proposed tree cutting and/or tree planting and landscaping.

(b) Filling, grading and excavating which would result in substantial erosion of soils which adversely affects roads, ditches or adjoining property and affect the scenic beauty is prohibited. The following shall require an erosion control plan and a special exception permit:

1. Filling or grading on slopes of 20% or more.
2. Filling or grading of more than 20,000 sq. ft. on slopes of 12-20%.
3. Filling or grading of 40,000 sq. ft. or more on slopes of 12% or less.

(c) In granting a permit the Board of Adjustment may attach the following conditions:

1. The smallest amount of bare ground be exposed for the shortest time feasible.
2. Acceptable erosion control ground cover, such as mulch, be used and permanent cover, such as sod, be planted.
3. Diversions, silting basins, terraces and other methods be used to reduce erosion.
4. Fill to be stabilized to accepted engineering practices.

(d) In keeping with the intent of this chapter, the following considerations and any other relevant factors shall serve as criteria in evaluating the suitability of the proposed uses within the Highway Corridor and Interchange Overlay District.

1. The existing topography, vegetative cover, drainage patterns and groundwater table.
2. The relation to scenic or recreation values.
3. The characteristics of the soil where septic systems are required.
4. The compatibility of the proposed use with existing or other proposed uses in the area and its relation to any existing land use plan and zoning of surrounding lands.
5. The expected composition of site generated traffic by vehicle types.
6. The volume of traffic expected to be generated relative to existing and forecasted volume and its effect on the operation of the interchange and/or road system.

(6) ACCESS CONTROL. Access from abutting property to an intersecting highway shall be permitted only at designated access points, which shall be located as follows:

(a) There shall be no access points located within 1,000' of the most remote end of an on or off ramp. A lesser distance may be permitted by the Board of Adjustment upon prior written approval by a designated representative of the agency having jurisdiction over such highway.

(b) To avoid dangerous jogs in alignment, permitted access points along opposite sides of intersecting highways shall be located with or directly opposite each other, or directly opposite a median strip crossover, or separated by no less than 300' of lateral distance along the highway centerline.

(c) Each building or group of contiguous buildings shall have not more than 2 access points to the abutting road, and no such access point shall exceed 35' in width at the property line.

In order to reduce the number of such entrances and promote the safety of travel upon the abutting road, wherever practicable, buildings or groups of buildings shall use entrances in common.

(d) The intervals between permitted entrances onto a road shall be closed to vehicular access by a curb, drainage ditch, planting strip or other equally effective barrier.

(e) The access requirements may be temporarily waived subject to the following conditions:

1. A temporary access permit may be obtained from the Board of Adjustment for a period of one year, providing the applicant has obtained approval in writing for such a temporary permit from the agency having jurisdiction over the highway.

2. Use of access shall be limited to the use described in the application for the temporary access permit.

3. This access permit shall be temporary in nature and may be revoked upon the provision of a frontage road or other internal circulation system which would provide a reasonable alternate means of access.

(7) SETBACK REGULATIONS.

(a) Setback lines are hereby established:

1. Along any controlled access highway. Setbacks shall be 50' from the right-of-way.

2. Along intersecting highways, setbacks shall be as provided for in §17.23 and 17.25, Highway Setbacks.

3. Along frontage roads, setbacks shall be 30' from the right-of-way of an existing or designated frontage road.

4. Where an alternative internal circulation system is provided in lieu of a frontage road, setbacks shall be 30' from the right-of-way of any existing or mapped public street or road which is a component of the internal circulation system.

(b) In case of unusual changes in alignment of the intersecting highway right-of-way line or unusual topographic conditions which would cause unnecessary hardship in the application of this section, a variance for a lesser setback from the intersecting highway may be granted by the Board of Adjustment. Such variance may be conditioned upon the prior written approval of the agency having jurisdiction over the intersecting highway.

17.57 WELLHEAD PROTECTION OVERLAY DISTRICT

(1) PURPOSE AND AUTHORITY. The residents of Marathon County, whether served by private wells or municipal supplies, depend upon groundwater for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade groundwater quality. The purpose of this Wellhead Protection District is to institute land use regulations to protect the municipal water supplies, and may impose greater restrictions than Wis. Admin. Code ATCP51 to promote the public health, safety, and general welfare of the residents of Marathon County.

Statutory authority of the Marathon County to enact these regulations was established by the Wisconsin Legislature in 1983 Wisconsin Act 410 (effective May 11, 1984), which specifically added groundwater protection to the statutory authorization for municipal planning and zoning to protect public health, safety and welfare.

(2) APPLICATION OF REGULATIONS. The overlay regulations specified in this Wellhead Protection District shall apply to the areas of Marathon County that lie within the recharge areas for municipal water supply wells, and are in addition to the requirements in the underlying zoning district. If there is a conflict between this district and the underlying zoning ordinance, the more restrictive provision shall apply.

(3) GROUNDWATER PROTECTION OVERLAY DISTRICT ZONE A.

(a) INTENT. The primary portion of the municipal well recharge area to be protected is the land within the cone(s) of depression and the area defined as Zone A and as shown on maps on file in the Department. These lands are subject to the most stringent land use and development regulations because of close proximity to the wells and the corresponding high threat of contamination.

(b) PERMITTED USES. The following uses are permitted uses within Groundwater Protection Overlay District Zone A. Uses not listed here or in Section 17.57(3)(c) are considered prohibited uses unless a determination of similarity to a permitted or special exception use (based on potential for groundwater contamination) is made by the Administrator.

1. Parks and playgrounds, provided there are no petroleum storage tanks or pesticide and fertilizer facilities, also provided that on-site waste disposal facilities or structures shall meet current codes.

2. Wildlife areas.

3. Non-motorized trails, such as biking, skiing, nature and fitness trails.

4. Sewered residential development subject to conditions in Section 17.57(6).

5. Unsewered single family residential development on existing lots of record on the effective date of this ordinance or amendment and subject to the conditions contained in Section 17.57(6).

(c) SPECIAL EXCEPTIONS. The following uses may be permitted on a case-by-case basis providing adequate groundwater protection and monitoring measures are provided as determined by the County Board of Adjustment.

1. Commercial uses served by a municipal sanitary sewer except those listed specifically as being prohibited in Section 17.57(3)(d).

2. Agricultural activities including but not limited to pasture. Conduct and management of these activities shall be subject to a farm plan based on the potential for groundwater contamination utilizing standards in the Technical Guide adopted by the Marathon County Land Conservation Committee.

(d) PROHIBITED USES. The following are prohibited uses within the Groundwater Protection Overlay District Zone A. These uses are prohibited based on the high probability that activities routinely associated with these uses may cause groundwater contamination.

1. Animal confinement facilities and animal waste facilities.
2. Any manufacturing or industrial business and asphalt product manufacturing.
3. Bus or truck terminals.
4. Bulk fertilizer and/or pesticide facilities.
5. Cemeteries.
6. Dry cleaning businesses.
7. Electroplating facilities.
8. Extermination businesses.
9. Retail and wholesale liquid motor fuel dispensing facilities.
10. Hazardous and/or toxic materials storage and waste facilities.
11. Junk yards or auto salvage yards.
12. Landfills or waste disposal facilities.
13. Paint and coating manufacturing.
14. Printing and duplicating businesses.
15. Radioactive waste facilities.
16. Recycling facilities, solid waste collection centers, and recycling collection centers.
17. Repair shops including vehicle repair establishments and auto body repair shops.
18. Salt storage.
19. Septage, sewage sludge, and/or wastewater spreading.
20. Spray wastewater facilities.
21. Petroleum product storage tanks.
22. Wastewater treatment or disposal facilities.

Where any of the uses listed in 17.57(3)(d) exist within the Groundwater Protection Overlay District Zone A on the effective date of this ordinance, those uses shall be deemed non-conforming. Owners of these facilities will be allowed to upgrade the facilities to facilitate or enhance groundwater protection within the provisions of non-conformity contained in the Zoning Ordinance. Plans for the proposed upgrade must be approved and the appropriate permit issued by the Board of Adjustment prior to any work being initiated. Expansion of any pre-existing non-conformity is prohibited.

(4) GROUNDWATER PROTECTION OVERLAY DISTRICT ZONE B

(a) INTENT. A secondary portion of the municipal well recharge areas to be protected is the land which lies within Zone B as shown on maps on file in the Department. Land use restrictions within Zone B are less restrictive than in Zone A because of longer flow times and a greater potential for remediation, dilution, and attenuation.

(b) PERMITTED USES. The following uses are permitted within Groundwater Protection Overlay District Zone B. Uses not listed here or in 17.57(4)(c) are considered prohibited uses unless a determination as outlined in Section 17.57(3)(b) is made for similar uses.

1. All uses listed as permitted uses in Groundwater Protection Overlay District Zone A.
2. Agricultural activities which follow Agricultural Best Management Practices.
3. Above ground petroleum product storage tanks up to 660 gallons when located in confinement structures as required by Section 17.57(6)(e).
4. Basement heating fuel storage tanks.
5. Commercial and/or industrial uses served by municipal sanitary sewer, except those listed as prohibited uses in Section 17.57(4)(d).
6. Unsewered single family residential uses subject to the conditions in Section 17.57(6).

(c) SPECIAL EXCEPTIONS. The following uses may be permitted on a case-by-case basis providing adequate groundwater protection and monitoring measures are provided as determined by the Board of Adjustment.

1. Nurseries for ornamental plants, greenhouses, and pesticide and fertilizer storage and associated uses for retail sales outlets.
2. Cemeteries.
3. Salt storage, including salt/sand combinations.
4. Recycling facilities, solid waste collection centers and recycling collection centers.

(d) PROHIBITED USES. The following uses are prohibited uses within Groundwater Protection Overlay District Zone B, except as provided in Sections 17.57(4)(c) or 17.57(6). These uses are prohibited based on the high probability that activities routinely associated with these uses may cause groundwater contamination.

1. Underground petroleum product storage tanks.
2. Unsewered commercial and/or industrial development.
3. Commercial pesticide and/or fertilizer storage, mixing and loading facilities.
4. Septage, sewage and/or wastewater spreading.
5. Retail and/or wholesale liquid motor fuel dispensing facilities.
6. Vehicle repair shops including auto body repair.
7. Printing and duplicating businesses which use hazardous chemical as defined by the EPA in their printing process.

8. Bus or truck terminals.
9. Landfills.
10. Wastewater treatment or disposal facilities.
11. Spray wastewater facilities.
12. Automobile salvage yards or junk yards.
13. Animal confinement facilities (except veterinary hospitals and clinics).
14. Asphalt products manufacturing.
15. Dry cleaning facilities.
16. Electroplating facilities.
17. Extermination shops.
18. Painting and coating manufacture.
19. Hazardous and/or toxic material storage and/or facilities.
20. Radioactive waste facilities.
21. Garage and vehicular towing.
22. Public and municipal maintenance garages.

Where any of the uses listed in Section 17.57(4)(d) exist within Groundwater Protection Overlay District Zone B on the effective date of this ordinance, owners of these facilities will be allowed to upgrade the facilities to facilitate or enhance groundwater protection pursuant to the provisions outlined in Section 17.57(3)(d). Expansion of any pre-existing non-conforming use is prohibited.

(5) GROUNDWATER PROTECTION OVERLAY DISTRICT ZONE C

(a) INTENT. The outermost portion of the municipal well recharge area to be protected is the land which lies within Zone C as shown on maps on file in the Department. Land use restrictions within Zone C are less restrictive than in either Zone A or Zone B because it is the portion of the recharge area most distant from the well(s).

(b) PERMITTED USES. The following uses are permitted within Groundwater Protection Overlay District Zone C. Uses not listed here or in 17.57(5)(c) are considered prohibited uses unless a determination as outlined in Section 17.57(3)(b) is made for similar uses.

1. All uses listed as permitted uses in Groundwater Protection Overlay District B.
2. Nurseries for ornamental plants, greenhouses and pesticide and fertilizer storage at the location of retail sales, provided that these products are delivered in retail quantity containers and no repackaging and/or mixing is done on the site.
3. Veterinary hospitals and clinics (but not the training, breeding or boarding of animals).

(c) SPECIAL EXCEPTIONS. The following may be permitted on a case-by-case basis providing adequate groundwater protection and monitoring measures are provided as determined by the Board of Adjustment.

1. Cemeteries.
2. Salt storage including sand/sand combinations.
3. Recycling facilities, solid waste collection centers and recycling collection centers.

(d) PROHIBITED USES. The following uses are prohibited uses within the Groundwater Protection Overlay District Zone C except as provided in Section 17.57(5)(c) or 17.57(6). These uses are prohibited based on the high probability that activities routinely associated with these uses may cause groundwater contamination.

1. Underground petroleum product storage tanks.
2. Unsewered commercial and/or industrial development.
3. Commercial pesticide and/or fertilizer storage, mixing and loading facilities.
4. Septage, sewage and/or wastewater spreading.
5. Retail and/or wholesale liquid motor fuel dispensing facilities.
6. Vehicle repair shops including auto body repair.
7. Printing and duplicating businesses which use hazardous chemical as defined by the EPA in their printing process.
8. Bus or truck terminals.
9. Landfills.
10. Wastewater treatment or disposal facilities.
11. Spray wastewater facilities.
12. Automobile salvage yards or junk yards.
13. Animal confinement facilities (except veterinary hospitals and clinics).
14. Asphalt products manufacturing.
15. Dry cleaning facilities.
16. Electroplating facilities.
17. Extermination shops.
18. Painting and coating manufacture.
19. Hazardous and/or toxic material storage and/or facilities.
20. Radioactive waste facilities.
21. Garage and vehicular towing.
22. Public and municipal maintenance garages.

Where any of the uses listed in Section 17.57(5)(d) exist within Groundwater Protection Overlay District Zone B on the effective date of this district, owners of these facilities will be allowed to upgrade the facilities to facilitate or enhance groundwater protection pursuant to the provisions outlined in Section 17.57(3)(d). Expansion of any pre-existing non-conforming use is prohibited.

(6) DESIGN AND PERFORMANCE STANDARDS

(a) INTENT. The following standards and requirements shall apply to all uses permitted within the Groundwater Protection Overlay District.

(b) LOT SIZE. Minimum lot size for unsewered residential uses shall be 2 acres except for:

1. Existing lots of record on the effective date of this ordinance.

2. Developments which will be served by municipal sewer within five years of the approval of the development. In order to provide for efficiently serving the development with municipal sewer lots smaller than two acres can be approved provided that sufficient land area will be maintained in an undeveloped state such that no more than one residence is allowed for each two acres of the overall development.

(c) LANDSCAPING AND MAINTAINED LAWN OR GRASS.

1. All commercial and industrial uses shall be allowed a maximum of 50% of the lot area to be maintained lawn or grass. In no instance shall the area of maintained lawn or grass exceed the area of impervious surfaces on the lot.

2. Sewered residential uses are permitted a maximum area of maintained lawn or grass as shown below:

Lot Area	Lawn Area
15,000 sq. ft.	6,000 sq. ft.
½ Acre	8,000 sq. ft.
3/4 Acre	11,000 sq. ft.
1 Acre	14,000 sq. ft.
1 ½ Acres	20,000 sq. ft.
2 Acres	26,000 sq. ft.

Maximum lawn areas for lot sizes not listed shall be based on the average percentage of lawn area allowed on the two nearest lot sizes listed.

3. Unsewered residential uses are permitted a maximum area of maintained lawn or grass as shown below:

Lot Area	Lawn Area
2 Acres	8,000 sq. ft.
3 Acres	21,000 sq. ft.
4 Acres	31,000 sq. ft.
5 Acres or larger	44,000 sq. ft.

Maximum lawn areas for lot sizes not listed shall be based on the average percentage of lawn area allowed on the two nearest lot sizes listed. If lots smaller than two acres are approved with the intention of sewer service provided within five years, maximum area in lawn or grass shall be allowed as in 17.57(6)(C)2..

4. Natural vegetative covers not requiring the use of pesticides or fertilizer after initial establishment are encouraged as an alternative to lawn or grass.

(d) STORM DRAINAGE AND SNOW MELT. All storm drainage for commercial and industrial sites shall be retained on the site or discharged to a municipally operated storm drain. If retained on the site, storm water shall be discharged to settling basins where it shall percolate through at least six inches of topsoil with vegetation established as in Section 17.57(6)(c). Use of drywells or other subsurface drains for storm water drainage is prohibited, as is the use of a groundwater pond.

(e) PETROLEUM, PESTICIDE, FERTILIZER AND SALT STORAGE.

1. All petroleum product storage tanks shall provide leakproof containment not less than 125% of the tank volume except basement heating fuel storage tanks.

2. Pesticide and fertilizer storage is permitted at the location of retail sales of these products provided that the products are delivered in retail quantity containers and no re-packaging and/or mixing is done on the site.

3. Pesticide and fertilizer storage is permitted on a farm for use on that farm by the owner or farm operator.

4. Bulk liquid pesticide/fertilizer storage containers exceeding 55 gallons are permitted providing the containers are located within a leakproof containment area not less than 125% of the volume of the largest container. ICC approved transport containers do not require containment.

5. Salt storage must conform to standards in Chapter Trans. 277, Wisconsin Administrative Code.

(f) ANIMAL WASTE – STORAGE AND HANDLING.

1. Animal waste storage facilities must meet the standards of the County Animal Waste Management Ordinance.

2. Animal waste, in combination with chemical fertilizer or other soil amendments, shall not be applied at rates which exceed the nutrient requirements of the crops grown on the application site.

3. Conduct and management of agricultural activity shall be subject to a plan utilizing standards in the County Technical Guide adopted by the County Land Conservation Committee.

(7) ADMINISTRATION.

(a) DETERMINATIONS. The boundaries of the Groundwater Protection Overlay District shall be shown on the maps for Marathon County. Boundary determinations for specific properties shall be made by the Administrator by scaling distances from these maps.

(b) APPEALS. Appeals to a boundary determination or any other administrative decision by the Administrator connected with this ordinance shall be made to the Board of Adjustment as provided in Section 17.90 of this Ordinance and shall be supported with appropriate technical documentation as determined by the Board of Adjustment.

17.60 MOBILE HOME PARKS

(1) DISTRICTS ALLOWED.

Mobile home parks may be allowed as a special use in the RS-2 Single Family Residence District and the A-1 and A-2 Agricultural Districts subject to the requirements of this section and upon issuance of a special exception permit by the Board of Adjustment after public hearing.

(2) APPLICATION FOR PERMIT.

(a) An application for a special exception permit for a mobile home park shall be filed as outlined in §17.13(1) and contain the information required by COMM 82 & 83, and NR 811 & 812. Plans shall be prepared showing all features required by this ordinance and Chapters ADM 65. Upon receipt of the plans, one set shall be forwarded to the County Health Department for their review and comments. Written comments or testimony shall be provided to the Board of Adjustment on all applications by a Health Department representative.

(3) REQUIREMENTS.

(a) The minimum size of a mobile home park shall be 10 acres.

(b) Each park shall provide mobile home lots and each such lot shall be clearly defined or delineated. Each lot shall have an area of not less than 5,000 sq. ft. and an average width of not less than 50', provided, however, that mobile home parks which existed lawfully at the time of the adoption of this chapter and have lots that do not comply with any of the foregoing minimum area and width requirements may continue to operate. New site development within or contiguous to an existing park shall conform to the standards of this chapter.

(c) Mobile homes shall be so located on each lot that there shall be at least a 20' clearance between mobile homes. No mobile home shall be located closer than 5' to any accessory building within the park. Mobile homes and accessory structures shall meet the street, side and rear yard requirements for the zoning district in which the mobile home park is located.

(d) Private internal streets shall comply with ADM 65.09(3). There shall not be more than 2 entrances from or exits to such street or highway from any one such park. Access shall be approved by the unit of government having jurisdiction over the street or highway.

(e) Walkways to service buildings shall be not less than 36" wide and shall be graveled or paved.

(f) All driveways and walkways within the park shall be well lighted at night.

(g) Electrical connections shall meet the requirements of Ch. COMM 16.

(h) Each mobile home lot shall be provided with 2 parking spaces.

(i) Each mobile home park shall be completely surrounded, except for permitted entrances and exits, by a yard, in addition to all other required yards and open spaces, which shall be planted to permanent grasses, flowers, shrubs and trees so as to provide a 50% opacity to a height of 8' during all seasons of the year. Plantings shall comply with §17.25 and §17.26. Plantings and time frame for achieving the prescribed opacity shall be determined by the Board of Adjustment based upon a proposal submitted with the special exception permit application.

(j) Mobile home parks shall conform to the requirements of all applicable statutes and Wis Admin. Code.

(k) Service buildings housing sanitation facilities shall be permanent structures complying with all applicable ordinances and statutes regulating buildings, electrical installations and plumbing and sanitation systems.

(l) Metal garbage cans with tight fitting lids shall be provided in quantities adequate to permit disposal of all garbage and rubbish. The cans shall be kept in sanitary condition with contents disposed of at least twice each week.

(m) Every park shall be equipped at all times with fire extinguishing equipment in good working order, of such type, size and number and so located within the park as to satisfy applicable regulations of the Fire Department. No open fires shall be permitted at any place which may endanger life or property.

(n) Adequate provisions shall be made for the disposal of all sewage from a mobile home park into a municipal sanitary sewer where available, or by properly constructed and maintained sewage system approved by the State Department of Industry, Labor and Human Relations.

(o) Open space commons and/or play areas shall be included in the design at the ratio of 9,000 square feet per each ten (10) lots or fraction thereof, exclusive of setbacks required by §17.60(3)(c).

(4) MOBILE HOME USE RESTRICTIONS.

No business other than home occupations as defined in §17.08 shall be conducted in any mobile home within a mobile home park.

(5) REGISTERS.

Each mobile home park shall maintain an office where a register complying with ADM 65.15 shall be kept. The register shall be open to County or town officials for inspection.

17.70 MOTOR VEHICLE AND PARKING REGULATIONS

(1) Loading Requirements.

In all districts adequate loading areas shall be provided so that all vehicles loading, maneuvering or unloading are completely off the public ways and so that all vehicles need not back onto any public way.

(2) Parking Requirements.

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

1. Adequate access or a public street shall be provided for each parking stall and driveways shall be at least 10' wide.
2. Each parking stall shall be not less than 9' in width and not less than 180 sq. ft. in area exclusive of the space required for ingress and egress. Unpaved and unstriped parking lots for use by the general public shall provide 360 square feet per parking space, exclusive of ingress/egress lanes.
3. No parking stall or driveway except in residential districts shall be closer than 25' to a residential district lot line or a street line opposite a residential district.

(b) Number of parking stalls required:

Single Family Dwellings and Mobile Homes	2 Stalls/Dwelling Unit
Two Family and Multi-family Dwellings	2 Stalls/Dwelling Unit
Hotels, Motels + 1 Stall/3 Employees	1 Stall/Guest Room
Hospitals, Clubs, Lodges, Sororities, Dormitories Lodging and Boarding Houses	1 Stall/2 Beds + 1 Stall/3 Employees
Sanitariums, Institutions, Rest and Nursing Homes	1 Stall/5 Beds + 1 Stall/3 Employees
Medical and Dental Clinics	4 Stalls/Doctor + 1 Stall/Employee
Churches, Theaters, Auditoriums Community Centers, Vocational and night Schools and Other Places of Public Assembly	1 Stall/5 Seats
Colleges, Secondary and Elementary Schools	1 Stall/2 Employees + A reasonable number of stalls for student and other parking

Restaurants, Bars, Places of Entertainment, Repair Shops, Retail and Service Stores	1 Stall/150 sq. ft. of Floor Area
Manufacturing and Processing Plants, Laboratories and Warehouses	1 Stall/2 Employees during any 12 hr. period
Financial Institutions, Business, Governmental and Professional Offices	1 Stall/300 sq. ft. of Floor Area
Funeral Homes	1 Stall/4 Seats
Bowling Alleys	3 Stalls/Bowling Lanes
Golf Courses	4 spaces/hole
Ball diamonds	40 spaces/diamond
Volleyball courts	20 spaces/court
Bars w/live music or DJ, banquet halls, dance clubs	1 space/50 sq. feet of patron space, including outdoor decks and patios

1. In the case of structures or uses not mentioned, the provision for a use which is similar shall apply. Combinations of any of the above uses shall provide the total of the number of stalls required for each individual use during such periods of time as the various uses are reasonably likely to be simultaneously requiring parking for employees, customers and other persons.

2. Parking lots containing 10 or more stalls which are located in the Residence Districts or adjoining residential lots shall be screened along the side or sides of such lots which abut the lot lines of residential lots by a solid wall, fence, evergreen planting of equivalent opacity or other equally effective means, built or maintained at a minimum height of 4'. If parking lots so located are lighted, the lights shall be so shielded as to prevent glare or illumination of adjoining residential property.

(3) Driveways.

(a) No direct access shall be permitted to the existing or proposed right-of-way of: expressways, freeways or interstate highways; nor to any other road, street or highway without permission of the authority maintaining the facility.

(b) Vehicle entrances and exits to drive-in theaters, banks and restaurants; motels, funeral homes, vehicular sales, service, washing and repair stations; garages or parking lots shall be not less than 200' from any pedestrian entrance or exit to a school, college, university, church, hospital, park, playground, library, public emergency shelter or place of public assembly.

(c) Vehicle entrances or exits to drive-in or outdoor theaters, race tracks or other forms of open space facilities shall be subject to there being no direct entrance to or exit from any of the above to any federal, state or county highway.

17.80 SIGNS

(1) GENERAL.

(a) No signs or billboards shall be permitted in any district except as specifically permitted herein.

(b) At no time shall signs be permitted within a vision clearance triangle in such a manner as to restrict vision or impair safety. (See §17.25.)

(c) No sign located within 150' of a highway or street right-of-way shall contain, include or be illuminated by a flashing or rotating beam of light.

(d) No sign shall be illuminated by any source of light that is not shielded to prevent glare or illumination of residential property other than that of the sign owner; nor shall the glare of any light source be so directed as to impair the safety of moving vehicles.

(e) No signs, except of a public nature normal to public right-of-ways, shall be permitted within any public right-of-way without approval in writing from the jurisdictional governmental unit.

(f) No sign larger than 5 sq. ft. shall be located, erected, moved, reconstructed or enlarged until a zoning permit has been issued.

(g) No permanent sign shall be located closer than 75' from the ordinary high-water mark of any navigable or perennial body of water, in the floodway of any stream or in any shoreland-wetland.

(h) Area measurements of signs shall include any border or trim but not the standard or supporting structure.

(i) Signs placed by or on behalf of individuals or businesses who contributed to the development or maintenance of a community park, recreation area or similar project may be allowed by the Administrator of the Department and the Town Board with no permit(s) required. These signs shall not conflict with state or federal sign regulations, shall not exceed 32 square feet in area and shall meet all setbacks or be part of an existing legal fence.

Revised 12/03

(2) Signs In Residential, Conservancy, And Agricultural Districts.

The following signs are permitted when located no less than 15' from the public right-of-way line, except as otherwise provided in this section:

(a) Customary, professional and home occupation signs not exceeding 20 sq. ft. and "For Rent" or "For Sale" signs, not exceeding 4 sq. ft. in area or as provided for in §17.48(2)(k).

(b) One on premises announcement sign or bulletin board of an appropriate nature, identifying a hospital, school, church, subdivision, municipal building, or other similar facility or institution, not exceeding 32 sq. ft. in area and an integrated changeable message board not to exceed 32 sq. ft to announce on-site or community activities/events.

(c) Temporary signs of not more than 20 sq. ft. in area for the purpose of advertising an auction, bazaar, festival, political or other special event. Signs shall be removed at the conclusion of the event.

(d) Off premises signs provided they are directional only, the outside dimensions of which do not exceed 20 sq. ft., are located within a 3 mile radius of the advertised business or activity and are not in conflict with Ch. Trans 201 Wis. Adm. Code, or §84.30 and Ch. 196, Wis. Stats.

(e) Signs necessary to the public safety and welfare or for the identification, operation or protection of a public utility installation shall be no larger than 3 sq. ft. and may be located any distance outside of the public right-of-way.

(f) In all agricultural districts, signs which advertise agricultural products that are produced on the property where the sign is located shall be permitted provided the following conditions are met:

1. Signs shall not conflict with State or federal sign regulations. (Note: it shall be the responsibility of the person wishing to erect or paint the sign to obtain any and all other permits or approvals.)

2. For signs larger than 32 sq. ft., all conditions set forth in §17.80(3)(b) shall be met.

3. Signs shall be located on an operating farm and adjacent to the principal building or buildings used in the production of the agricultural product being advertised.

4. Signs shall contain only one message per face, and no more than one double face or 2 single face signs larger than 32 sq. ft. per face shall be permitted.

5. Signs which are 32 sq. ft. in area or less shall be permitted as farm identification signs. These signs shall include the farm name and/or surname of the farm operator. Farm identification signs shall be no less than 15' from the right-of-way.

6. No sign other than a farm identification sign as defined in par. (e) above, shall contain a brand name, trade name, organization, co-op, union or bureau name.

Revised 12/11

(3) SIGNS IN RECREATIONAL, COMMERCIAL AND INDUSTRIAL DISTRICTS.

The following signs are permitted:

(a) All signs permitted in §17.80.

(b) Identifying signs advertising a business or activity conducted on the premises in accordance with the following provisions:

1. Wall signs placed against the exterior walls of buildings shall not extend more than 1' from the wall surface and shall not exceed 300 sq. ft. in area.

2. Projecting signs fastened to, suspended from or supported by attached structures shall not exceed 40 sq. ft. in area on a side.

3. Ground signs shall meet all yard requirements for the district in which they are located, shall not exceed 200 sq. ft. on a side and shall not exceed 25' in height above the main road grade.

4. Roof signs shall not exceed 10' in height above the roof or parapet nor may such a sign extend beyond the building upon which it is located and shall not exceed 200 sq. ft. on a side.

(c) Off premises signs and billboards:

1. Signs and billboards shall meet the requirements of Ch. Trans 201 Wis. Adm. Code, or §84.30 and Ch. 196, Wis. Stats. Signs and billboards shall meet all yard requirements for the district in which they are located, have a minimum separation of 1,000' from all other billboards which exceed 300 sq. ft. in area. (See definition, SIGN, BILLBOARD, DIRECTIONAL, in §17.08 of this chapter.)

2. Signs and billboards which are not within the jurisdiction of the Wisconsin Administrative Code or State Statutes, shall meet the same size requirements as on premises signs in sub. (3)(b) of this section.

(4) SPECIAL PROVISIONS.

Signs lawfully existing at the time of the adoption or amendments of this chapter may be continued although the use, size or location does not conform with the provisions of this chapter. However, such signs shall be deemed nonconforming uses or structures and shall therefore be subject to the provisions of §17.19, Nonconforming Structures and Uses.

Revised 12/11

ADMINISTRATION

17.90 BOARD OF ADJUSTMENT.

(1) ESTABLISHMENT. There is hereby established a Board of Adjustment for the purpose of hearing certain appeals and applications and granting variances from the provisions of this chapter in harmony with the general purpose and intent of this chapter.

(2) MEMBERSHIP.

(a) The Board of Adjustment shall be appointed by the County Board Chairperson and confirmed by the County Board. It shall consist of five members, one of which shall be a County Board Supervisor, and two alternates. Alternate members shall serve when a regular member will be unable to participate at a scheduled hearing due to conflict of interest or for any other reason.

(b) The members of the Board of Adjustment shall all reside within the County and outside of the limits of incorporated cities and villages; provided, however, that no 2 members shall reside in the same town. Terms shall be for staggered 3-year periods beginning July 1.

(c) The Board of Adjustment shall choose its own chairman. Official oaths shall be taken by members in accordance with §19.01, Wis. Stats., within 10 days of receiving notice of their appointment.

(d) Vacancies shall be filled for an unexpired term in the same manner as appointments for a full term. Each member shall be paid an amount to be determined by the County Board for each day he attends a meeting of the Board and in addition he shall receive mileage for each mile traveled in going to and returning from the places of meeting or site inspections by the most usual traveled route, at the rate established by the County Board.

(3) RULES.

(a) The Board of Adjustment may adopt such rules as it deems necessary to carry into effect the regulations of the County Board.

(b) Meetings shall be held at the call of the Chairman or at such other times as the Board of Adjustment may determine and shall be open to the public.

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

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

Revised 6/12

(4) POWERS.

(a) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by any administrative official in the enforcement or administration of this chapter.

(b) To hear and decide special exceptions to the terms which the Board of Adjustment is required to pass under this chapter.

(c) To authorize upon appeal, in specific cases, such variance from the dimensional standards of this chapter as will not be contrary to the public interest, where owing to special conditions, such as terrain, cover or nearby existing buildings, a literal enforcement of the provisions herein will result in unnecessary hardship, and so that the spirit and intent of this chapter shall be observed and substantial justice done. The Board of Adjustment shall determine that any variance:

1. Shall not have the effect of permitting or expanding any use where prohibited by any district, floodplain or shoreland regulation.
2. Shall not permit standards lower than those required by the Wisconsin Statutes, Wisconsin Administrative Code or the State Department of Natural Resources.
3. Shall not permit a lower degree of flood protection than the flood protection elevation.
4. Shall not permit any change in established flood elevations or profiles.
5. Shall not be granted for a use that is common to a group of adjacent lots or premises. (In such a case, this chapter would have to be amended through proper procedures.)
6. Shall not be granted for actions which require an amendment to §17.32, Floodplain Zoning of this General Code.
7. Shall not be granted solely on the basis of economic gain or loss.
8. Shall not be granted for a self-created hardship.
9. Shall not damage the rights or property values of other persons in the area.
10. Shall not allow any finished surface in any basement or crawlway below the regional flood elevation for residential or commercial structures.
11. Shall not allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.
12. When a floodplain variance is granted the Board of Adjustment shall notify the applicant in writing that it may increase flood insurance premiums and risks to life and property. a copy shall be maintained with the variance record.
13, Shall not be granted in a floodplain on a lot equal to or greater than ½ acre or not contiguous to existing structures constructed below the Regional Flood Elevation.
14. If located in a floodplain, shall only be granted upon showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause an increased risk to public safety or nuisances, shall not increase costs for rescue and relief efforts and shall not be contrary to the purpose of this ordinance.

(d) To hear and decide applications for interpretations of the zoning regulations and the location boundaries of the zoning districts, and shorelands, after the County Zoning Committee has made a review and recommendation. Shoreland boundaries shall be altered by the Board of Adjustment only when the applicant presents evidence that clearly and conclusively establishes that the location as shown on the zoning map is incorrect or arbitrary.

(e) To hear and grant applications for substitution of nonconforming uses, provided no structural alterations are to be made and the County Zoning Committee has made a review and recommendation. Whenever the Board of Adjustment permits such a substitution, the use may not thereafter be changed without a new application.

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

(g) The Board shall uphold the denial of a permit where the Board agrees with the data showing an increase in flood elevation. Increases equal to or greater than 0.01 foot may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners.

(h) The Board of Adjustment may request assistance from other County officers, departments, commissions and boards.

(i) The Chairman may administer oaths and compel the attendance of witnesses.

(5) MAPPING DISPUTES. The Board of Adjustment shall use the following procedure in deciding contested cases in which the location of the General Floodplain Zoning District boundary is disputed.

(a) When the location of the Floodplain or Floodway District boundary is established by experience, flood maps or engineering studies pursuant to §17.32(3)(a), (4)(a) and (5)(a) of this chapter, the flood elevations or "flood profiles" for the point in question shall be the governing factor in locating the district boundary. If no elevation or profiles are available to the Board of Adjustment, any other available evidence may be examined.

(b) In all cases, the person contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Zoning Board of Adjustment and, if he chooses, submit his own technical evidence. The Board of Adjustment shall not allow deviations from the boundary line as mapped unless the evidence clearly and conclusively establishes that the mapped location of the line is incorrect, approval has been granted by the Department of natural Resources, and an official letter of map amendment has been issued by the Federal Insurance Administration of F.E.M.A.

(6) APPEALS AND APPLICATIONS.

(a) Appeals to the Board of Adjustment may be made by any person aggrieved or by any officer, department, board or bureau of the County affected by any decision of an administrative officer. A notice of appeal shall be filed with both the Board of Adjustment and the officer from whom the appeal is taken within 30 days after the date of written notice of the decision or order of the administrative officer. Appeals or applications may be made by the owner or lessee of the structure, land or water affected or to be affected at any time by this chapter or by a decision of order of an administrative officer. Such appeals and applications shall include the following:

1. Name and address of the appellant or applicant and all abutting and opposite property owners of record.

2. Plat of survey prepared by a registered land surveyor, architect or engineer showing all of the information required under §17.12 for a zoning permit or under §17.13 for a special exception permit when applicable.

3. Additional information required by the Board of Adjustment or the Administrator.

(b) The officer from whom the appeal is taken shall transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

(7) HEARING NOTICE. The Board of Adjustment shall fix a reasonable time and place for the hearing of the appeal or application, give public notice thereof by class II notice, and shall give due notice to the parties in interest, the officer from whom the appeal is taken and the County Zoning Committee. At the hearing, the appellant or applicant may appear in person, by agent or by attorney. Notices of all hearings on appeals or applications for permits within the floodplain and protected shoreland areas as defined in §59.692 and 144.26(2)(d), Wis. Stats., shall be given to the State Department of Natural Resources District office at least 10 days prior to all hearings.

(8) DECISION.

(a) The Board of Adjustment shall decide all appeals and applications within 30 days after the final hearing and shall transmit a copy of the Board's decision, signed by the Secretary and Chairman, to the appellant or applicant, the officer from whom the appeal is taken and the County Zoning Committee.

(b) A copy of all decisions granting or denying a variance or special exception permit within the floodplain and protected shoreland areas shall be transmitted to the District Office of the Department of Natural Resources by the Secretary of the Board of Adjustment within 10 days.

17.91 ZONE CHANGE OR AMENDMENT.

(1) AUTHORITY. The regulations imposed and the zoning districts created under authority of this chapter may be amended from time to time by ordinance in accordance with §59.69, Wis. Stats. An amendment shall be granted or denied by the County Board only after a public hearing before the County Zoning Committee and a report of its findings and recommendations has been submitted to the County Board.

(2) INITIATION. A petition for change or amendment may be made by any property owner in the area to be affected by the change or amendment, by the town board of any town wherein this chapter is in effect, by the Administrator, by any member of the County Board or the County Zoning Committee.

(3) PETITIONS.

(a) Petitions for any change to the district boundaries or amendments to the regulations shall include all of the following or will be considered incomplete and will not be advertised or heard. Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the County Clerk. The petition shall 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 drawn to a scale of not less than 1" equals 200' showing the area proposed to be rezoned, its location, dimensions, the location and classification of adjacent zoning districts and the location and existing use of all properties within 300' of the area proposed to be rezoned.
2. Signature(s) of the applicant and owner, if different, of any/all parcels to be rezoned, or signature of the person authorized to apply pursuant to §17.91(2).
3. An application fee as required by §17.15 of this Ordinance.
4. A resolution(s) from the Town Board where the zone change is proposed stating the Town's position on the requested zone change and whether it complies with an adopted Comprehensive Plan, or resolutions from a majority of the Towns affected by a proposed ordinance amendment with affirmative resolutions on the proposed amendment. Upon submittal of a zone change, the Administrator shall forward a copy to the Town Clerk(s) for review by the Town Planning Commission and/or Town Board. Thirty (30) days after mailing the application to the Town, or as soon as practical thereafter, a public hearing may be held. If a response is received from the Town within the thirty (30) day period, or is submitted with the application, the public hearing may be scheduled at once.
5. Any required Department of Agriculture, Trade, and Consumer Protection (DATCP) conversion fee for any petition to rezone lands out of an Exclusive Agricultural or Agricultural Transition district. These funds are to be held and should the rezone petition be denied the fee shall be returned to the applicant.

(b). Additional information as may be required by the County Zoning Committee or County Board including but not limited to:

1. Written approval from the Wis. Dept. of Transportation or County Highway Dept. authorizing the construction/use of a driveway in their respective jurisdictions for the use proposed in the zone change request. Failure to provide approval for a driveway or alternate access (i.e. shared access, frontage road, backage road or other) will cause the petition to be considered incomplete and it will not be advertised or heard.

(c) The County Board may change or supplement the boundaries of the floodplain zoning districts and the regulations contained in this code in the manner provided by law. Actions which require an amendment include, but are not limited to, the following:

1. Any change to the official floodplain zoning map including the floodway line or boundary of any floodplain area;
2. Correction of significant discrepancies between the water surface profiles and floodplain zoning maps;
3. Any fill in the floodplain which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain;
4. Any fill or encroachment into the floodplain that will obstruct flow causing an increase of 0.01 foot or more in regional flood height;
5. Any upgrading of the floodplain zoning ordinance's text required by §NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the County.
6. All channel relocation and changes to the maps to alter floodway lines or to remove an area from the floodway or floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.

7. No amendment to the maps or text of this section shall become effective until reviewed and approved by the Department of Natural Resources and FEMA.
8. All persons petitioning for a map amendment which involves an obstruction to flow causing an increase of 0.01 foot or more in the height of the regional flood shall obtain flooding easements, or other appropriate legal arrangements, from all adversely affected property owners and local units of government before that amendment can be approved by the governing body.
9. When considering amendments to the official floodplain zoning map, in areas where no water surface profiles exist, the zoning agency or board shall consider data submitted by the Department of Natural Resources, the Administrator's visual on-site inspections and other available information. (See §17.32(1)(c)4.)

(d) Procedures for rezoning of lands in the Shoreland Wetland Zoning District.

1. For all proposed text and map amendments to the Shoreland-Wetland District, the district office of the Department of Natural Resources shall be provided with the following:
   a. A copy of every petition for a text or map amendment to the Shoreland-Wetland District, within 5 days of the filing of such petition with the County Clerk.
   b. Written notice of the public hearing to be held on a proposed amendment, at least 10 days prior to such hearing.
   c. A copy of the County Zoning Agency's findings and recommendations on each proposed amendment, within 10 days after the submission of those findings and recommendations to the County Board.
   d. Written notice of the County Board's decision on the proposed amendment, within 10 days after it is issued.
2. Standards for rezoning wetlands. A wetland, or a portion thereof, in the Shoreland-Wetland District shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following.
   a. Storm and floodwater storage capacity.
   b. Maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area or the flow of groundwater through a wetland.
   c. Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters.
   d. Shoreline protection against soil erosion.
   e. Fish spawning, breeding, nursery or feeding grounds.
   f. Wildlife habitat, or
   g. Areas of special recreational, scenic or scientific interest, including scarce wetland types.
3. If the Department of Natural Resources has notified the County Zoning Agency that a proposed amendment to the Shoreland-Wetland District may have a significant adverse impact upon any of the criteria listed in subpar. 2. of this chapter, that amendment, if approved by the County Board, shall contain the following provision:

   This amendment shall not take effect until more than 30 days have elapsed since written notice of the County Board's approval of this amendment was mailed to the Department of Natural Resources. During that 30 day period, the Department of Natural Resources may notify the County Board that it will adopt a superseding shoreland ordinance for the County under §59.692(6), Wis. Stats. If the Department does so notify the County Board, the effect of this amendment shall be stayed until the §59.692(6) adoption procedure is completed or otherwise terminated.

(e) Verification of Wetland Boundaries. Where a rezone petition is filed to rezone lands which were incorrectly mapped as wetlands on the DNR wetlands inventory maps, or conversely where DNR wetland maps show the land as an upland when it is in fact a wetland, a copy of the U.S. Army Corps of Engineers (ACOE) Wetland delineation or a copy of the report submitted to, and approved by, the ACOE shall accompany the petition.

(4) RECOMMENDATIONS. The County Zoning Committee shall review all such proposed changes or amendments and shall recommend that the petition be granted as requested, modified or denied. Recommendation shall be made in a written report to the County Board.

(5) HEARINGS.

(a) The County Zoning Committee shall hold a public hearing upon each proposed change or amendment, giving notice of the time and place of such hearing by publication in the County of a Class 2 notice, under Ch. 985, Wis. Stats. A copy of each notice shall be mailed by registered mail to the town clerk of each town affected by the proposed amendment at least 10 days prior to the date of such hearing.

(b) Due notice of all public hearings on petition for changes to district boundaries lying in the floodplain and/or protected shorelands shall be transmitted to the State Department of Natural Resources and the Federal Insurance Administration of F.E.M.A.

(6) COUNTY BOARD ACTION.

(a) Following such hearing and after careful consideration of the County Zoning Committee's recommendation, the County Board shall vote on the passage of the proposed change or amendment.

(b) Amendments to regulations or changes to districts affecting protected shorelands or floodplains shall not require the approval or be subject to the disapproval of any town. A copy of any amendment changing district boundaries lying in floodplain and/or shoreland areas or regulations affecting floodplains and shorelands shall be transmitted by the County Clerk to the State Department of Natural Resources within 10 days. Any amendment or changes in floodplain zoning regulations, floodplain district boundaries or changes in official floodway lines, water surface profiles and floodplain zoning maps shall be approved in writing by the water surface profiles and floodplain zoning maps shall be approved in writing by the Department of Natural Resources and the Federal Insurance Administration of F.E.M.A. before becoming effective, except as provided for in §17.32(1)(c)4.b. of this chapter.

(7) PROTEST. If a protest against a proposed change or amendment is filed with the County Clerk at least 24 hours prior to the date of the meeting of the County Board at which the recommendation of the County Zoning Committee is to be considered, duly signed and acknowledged by the owners of 50% or more of the area proposed to be altered, or by abutting owners of over 50% of the total perimeter of the area proposed to be altered included within 300' of the parcel or parcels proposed to be rezoned, action on such ordinance may be deferred until the County Zoning Committee has had a reasonable opportunity to ascertain and report to the County Board as to the authenticity of such ownership statements. Each signer shall state the amount of area or frontage owned by him and shall include a description of the land owned by him. If such statements are found to be true, such ordinance shall not be adopted except by the affirmative vote of 3/4 of the members of the County Board of Supervisors present and voting. If such statements are found to be untrue to the extent that the required frontage or area ownership is not present, such protest may be disregarded.

(8) EFFECTIVE DATE OF AMENDMENT AND THE ORDINANCE. The amending ordinance shall be mailed by the County Clerk to the appropriate town clerk or clerks as provided by §59.69(5)(e)6., Wis. Stats., and shall become effective unless disapproved within 40 days by the appropriate town board or boards as provided in §59.69(5)(e)6., Wis. Stats.

17.92 ADMINISTRATION.

(1) ADMINISTRATOR. There is hereby created the office of Administrator for the administration and enforcement of the provisions of this chapter.

(2) Deputy zoning administrators may be appointed to assist the Administrator in carrying out the function of his office generally within the Town in which they reside. Their specific duties shall be determined by the Administrator. Compensation (deputy zoning administrators) shall be determined by the Land Conservation and Zoning Committee.

(3) POWERS AND DUTIES. In the administration and enforcement of this chapter, the Administrator shall have the following powers and duties:

(a) Appoint Deputy Zoning Administrators, delegate duties and supervise staff members.

(b) Advise applicants as to the provisions of this chapter and assist them in preparing permit applications.

(c) Issue permits and inspect properties for compliance with this chapter and issue certificates of compliance when appropriate.

(d) Keep records of all permits issued, inspections made, work approved and other official actions.

(e) Report violations of this chapter or other land use regulations to the Zoning Committee and the District Attorney or Corporation Counsel.

(f) Have access to any structure or premises for the purpose of performing his duties between 8 a.m. and 8 p.m., by permission of the owner or upon issuance of a special inspection warrant in accordance with §66.0119, Wis. Stats.

(g) Make on-site investigations required for administration of this Code.

(h) Upon reasonable cause or question as to proper compliance, to revoke any zoning or special exception permit and issue cease and desist orders requiring the cessation of any building, moving, alteration or use which is in violation of the provisions of this chapter or order restoration and/or after-the-fact compliance.

(i) Keep the official records of all water surface profiles, floodplain zoning maps, floodplain zoning ordinances, nonconforming uses and changes thereto, permit applications, permits, appeals, variances and amendments related to Ch. 20, Floodplain Zoning, of this General Code.

(j) Submit copies of any required data, variances, amendments case-by-case analyses, annual reports and any other required information to the Department of Natural Resources. An annual summary showing only the number and types of zoning actions taken by the County shall be submitted to that Department by the Administrator.

(k) Submit copies of map and text amendments and biennial reports which relate to the floodplain sections of this chapter to the Federal Insurance Administration of the Federal Emergency Management Agency.

(l) Maintain on file a list of all documentations of certified elevations in floodplain areas, including certified lowest floor and regional flood elevations for floodplain development and substantial damage assessment reports.

(m) Inspect all damaged floodplain structures and perform a substantial damage assessment to determine if substantial damage to the structure has occurred.

17.93 VIOLATIONS AND PENALTIES.

(1) VIOLATIONS. No person shall construct or use any structure, land or premises in violation of any of the provisions of this chapter. In case of any violation, the County Board of Supervisors, Administrator, County Zoning Committee, Town Board or any property owner who would be specifically damaged by such violation may institute appropriate action or proceeding to enjoin a violation of this chapter. Every structure, fill or development placed or maintained in violation of this chapter is a public nuisance; and the creation thereof may be enjoined and maintenance thereof may be abated by an action instituted by the County.

(2) PENALTIES. Any person who fails to comply with the provisions of this chapter or any order of the Administrator issued in accordance with this chapter or resists enforcement shall, upon conviction thereof, be subject to a forfeit not less than $10 nor more than $200 and costs of prosecution for each violation and in default of payment of such forfeiture and costs shall be imprisoned in the County jail until payment thereof, but not exceeding 30 days. Each day a violation exists or continues shall constitute a separate offense. Any person who places or maintains any structure, fill or development on any floodplain in violation of this chapter may be fined not more than $50 for each offense.

(3) Pursuant to §59.692(1t) Wis. Stats, Marathon County may not commence an enforcement action against a person who owns a building or structure that is in violation of a shoreland zoning standard or an ordinance enacted under §59.692 Wis Stats if the building or structure has been in place for more than ten (10) years. These buildings and structures remain violations of this ordinance until such time as they are removed, relocated to a conforming location, or otherwise altered to become conforming.

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