

**CALUMET COUNTY ZONING ORDINANCE**

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**CALUMET COUNTY PLANNING & ZONING COMMITTEE**

**CALUMET COUNTY PLANNING DEPARTMENT**

Adopted by the Calumet County Board of Supervisors  
on Tuesday, November 9, 1976.

(Ordinance No. 66)

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**COMPREHENSIVE REVISION OF THE ZONING ORDINANCE  
OF CALUMET COUNTY, WISCONSIN**

The County Board of Supervisors of Calumet County does ordain as follows:

ARTICLE I  
STATUTORY AUTHORIZATION AND PURPOSE

**Section 1.01 Statutory Authorization:** This comprehensive revision of the Calumet County Zoning Ordinance is adopted pursuant to the authorization contained in sections 59.07(51), 59.97, 59.971, 59.99, 87.30 and 144.26 of the Wisconsin Statutes.

**Section 1.02 Statement of Purpose:**

**1.021** – The purpose of this chapter is to promote the public health, safety, convenience and general welfare; to encourage planned and orderly land use development; to protect property values and the property tax base; to permit the careful planning and efficient maintenance of highway systems; to ensure adequate highway, utility, health, educational and recreational facilities; to recognize the needs of agriculture, forestry, industry and business in future growth; to encourage uses of land [and] other natural resources which are in accordance with their character and adaptability; to provide adequate light and air, including access to sunlight for solar collectors and to wind for wind energy systems; to encourage the protection of groundwater resources; to preserve wetlands; to conserve soil, water and forest resources; to protect the beauty of and amenities of landscape and man-made developments; to provide healthy surroundings for family life; and to promote the efficient and economical use of public funds.

**1.022** – To accomplish the above purposes, this Chapter provides for:

1. The maintenance of safe and healthful conditions by limiting structures to those areas where soil and geologic conditions will provide a safe foundation.
2. The prevention and control water pollution through establishing minimum lot sizes to provide adequate area for private sewage disposal facilities.
3. The regulation of building sites, placement of structures and land uses by:
  - a. Separating conflicting land uses.
  - b. Prohibiting certain uses both detrimental to the shoreland and interior areas.
  - c. Setting minimum lot sizes and widths.
  - d. Regulating side yards and building setbacks from roadways.
  - e. Controlling the use and placement of signs.
  - f. Regulating the use of manufactured homes, trailers, campsites, quarries and junkyards.

ARTICLE II  
SHORT TITLE

This ordinance shall be known and may be cited as "The Zoning Ordinance" of Calumet County, Wisconsin.

ARTICLE III  
DEFINITIONS OF CERTAIN TERMS USED HEREIN

**Section 3.01 Definitions:** For the purpose of this ordinance, certain words and terms are defined as follows:

**3.011** Words used in the present tense include the future; the singular number includes the plural number and the plural number includes the singular number; the word "building" includes the word "structure"; the word "shall" is mandatory; the word "may" is permissive. Any words not herein defined shall be presumed to be interpreted by their customary dictionary definitions.

### **3.012 Specific Words and Phrases:**

**Animal Feeding Operation.** A lot or facility other than a pasture, where animals have been, are, or will be fed, confined, maintained or stabled for a total of 45 consecutive days or more in any 12 month period.

**Animal Kennels and/or Breeding (Commercial).** Any place where more than four dogs over the age of six months are boarded bred or offered for sale.

**Automobile Yard.** Any premises, on which more than two automotive vehicles not in running, operating or licensed condition and not used for salvage purposes, are stored in the open. This use would be intended, as an example, for an auto body shop or auto repair shop where for periods of time more than two vehicles need to be stored outside as a matter of practicability to the business. Within the Residential and Recreation zoned district, only one automotive vehicle that is not in running, operating or licensed condition would be permissible.

**Boardinghouse.** A building or premises where meals, or meals and lodging are offered for compensation for five but not more than 12 persons and where no more than five sleeping rooms are provided for such purpose. An establishment where meals are served for compensation for more than 12 persons shall be deemed a restaurant. An establishment with more than 5 sleeping rooms offered for compensation shall be deemed a hotel or motel.

**Boathouse.** Any structure designed for the purpose of protecting or storing boats for noncommercial purposes. Boathouses shall not be used for human habitation.

**Building.** Any structure used, designed or intended for the protection, shelter, enclosure or support of persons, animals or property. When a building is divided into separate parts by unpierced walls extending from the ground up, each part shall be deemed a separate building.

**Building, Accessory.** A building or portion of a building subordinate to the main building and used for a purpose customarily incidental to the permitted use of the main building or the use of the premises. In the case of a house and detached garage on a lot, the accessory building is the garage.

**Building Code.** A collection of regulations adopted by a local governing body setting forth standards for the construction of buildings and other structures for the purpose of protecting the health, safety and general welfare of the public.

**Building, Height of.** The vertical distance from the first floor level to the highest point of the roofline. In the case of a walkout basement on a substandard lot, vertical distance shall be measured from the floor of the walkout.

**Buildable Area of a Lot.** That part of the lot bounded by the required building setback, side and rear yard line.

**Campgrounds and Camping Resorts.** Any privately or municipally owned parcel or tract of land accessible by auto-manufactured or other engine-driven vehicle designed, maintained, intended or used for the purpose of supplying accommodations for overnight use by recreational vehicles, open to the public and designated as a developed camp area and set aside for free or paying camping purposes.

**Contractor.** Any person, firm or corporation that is a party to agreements, whether verbal or written, to perform work or provide supplies to another party. A contractor shall include, but not be limited to: building contractors of any kind, plumbing contractors, electrical contractors, heating contractors, repair services of any kind, and material suppliers of any kind.

**Day Care Center.** A building licensed as a day care center by the Department of Health and Social Services under statewide 48.65, where care is provided for more than eight (8) children.

**District.** A part or parts of the county for which the regulations of this ordinance governing the use and location of land and buildings are uniform.

**Dwelling.** A building designed or used exclusively as the living quarters for one or more families.

**Dwelling, One-Family.** A detached building designed for or occupied exclusively by one family.

**Dwelling, Two-Family.** A detached residential building containing two dwelling units designed for occupancy by not more than two families.

**Dwelling, Multiple-Family.** A residential building designed for or occupied by three or more families, with the number of families in residence not to exceed the number of dwelling units provided.

**Exception.** The use of property, including the use and location of buildings, the size of lots and dimensions of required yards, otherwise not allowable under the terms of this ordinance, which is permissible by reason of special provision of this ordinance, or for which a special permit may be issued by the zoning agency or the Board of Adjustments under conditions specified in this ordinance.

**Family.** One or more persons related by blood or any other legal relationships occupying the premises and living together as a single housekeeping unit, as distinguished from a group occupying a boardinghouse, lodging house, club, fraternity or hotel.

**Family Day Care Home.** Is a dwelling licensed as a day care center by the Department of Health and Social Services under statewide 48.65, where care is provided for not more than eight (8) children.

**Farm.** A parcel of land used for purposes of "General Farming", (as defined in this ordinance), including attendant buildings.

**Fence-Open.** A fence, including gates, which has, for each one foot wide segment extending over the entire length and height of the fence, 50 percent of the surface area in open spaces which afford direct views through the fence.

**Fence-Solid.** A fence, including gates, which has, for each one foot wide segment extending over the entire length and height of the fence, less than 50 percent of the surface area in open spaces which prevents direct views through the fence. Any solid fence constructed shall comply with the road setback requirement of this ordinance and the water line setback requirements of the Shoreland and Floodplain Ordinance. Solid fence shall not extend beyond 6' in height for residential purposes and 7' for commercial and industrial purposes. There shall be no height restriction of fences for agricultural purposes on operating farms.

**Garage, Private.** A structure primarily intended for and used for the enclosed storage or shelter of the private motor vehicles of the families resident upon the premises. Carports are considered garages.

**Garage, Public or Commercial.** Any garage other than a private garage.

**General Farming.** Utilization of natural resources for the purpose of raising and selling basic foodstuffs, but not including the extensive processing of raw goods. Farms under this definition shall produce annually on the farm a minimum of \$6000.00 in gross sales of agricultural products. General Farming shall include but not be limited to the following:

1. Beekeeping
2. Dairying
3. Grazing
4. Livestock raising
5. Swine raising
6. Poultry raising
7. Egg production
8. Orchards
9. Raising of grain, grass, mint and seed crops
10. Sod farming
11. Corn shelling, hay baling and combining services
12. Customary farm accessory structures including barns, storage bins, machine sheds, and etcetera

**Golf Course, Type A.** Any public or private golf course where the only commercial activities are fee collection and sale or rental of golf equipment.

**Golf Course, Type B.** Any public or private golf course where the degree of commercial activity exceeds that defined for Type A.

**Home Occupations and Professional Home Office.** A gainful occupation conducted in a residential structure that meets all of the following conditions:

- a. The use of the residential dwelling for the home occupation shall be clearly incidental and subordinate to its residential use and shall not occupy more than 25% of the living space area of one floor.
- b. No home occupation shall be located in or conducted in an accessory structure but may be permitted in an attached garage.
- c. The home occupation shall be conducted by resident(s) of the dwelling unit. Such use shall not employ more than one person that is not a resident of the dwelling unit.
- d. Such use shall not include the conduct of any retail or wholesale business on the premises unless conducted solely by mail or telephone and unless the sales are clearly incidental to the service provided. The sale of products produced by the home occupation on the premises would be allowed.
- e. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street.
- f. Such use shall not include the operation of any machinery, tools, appliance or other operational activity that would create a nuisance due to noise, dust, odors, or vibration and be incompatible with the surrounding area.
- g. No outdoor storage of equipment or product involved with the home occupation shall be permitted.
- h. No more than one non-illuminated on-premise sign shall be permitted. The sign shall not exceed 9 square feet in sign face area.
- i. Home occupations, which comply with the conditions set forth above, may include but not limited to: babysitting, crafts, artistic painting, canning, desktop publishing and other computer services, dressmaking, art studio and framing shop, laundering, piano teaching, and professional home offices of real estate agents, insurance agents, architects, etc.

**Home Businesses.** Home businesses may be permitted as a conditional use by the Planning and Zoning Committee in any district that permits home occupations. These uses shall generally be limited by the standards for home occupation but the Committee may permit the conduct of the home business in an accessory building. The Committee may further permit the assembly and manufacture of small-scale piecework if not disruptive to the neighborhood.

**Hotel.** A building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than five sleeping rooms with no cooking facilities in any individual room or apartment.

**Hotel, Summer residence.** An establishment where lodging, with or without meals, is furnished to the public as a seasonal service and not the year round.

**Junk or Salvage Yard.** An area consisting of buildings, structures, or premises where junk, waste, discarded or salvage materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including automobile yards, house wrecking and structural steel materials and equipment yards, but not including the purchase or storage of used furniture and household equipment or used cars in operable condition.

**Lodging House.** A building other than a hotel where lodging only is provided for compensation for three or more persons not members of a family.

**Lot.** For the purpose of this ordinance a lot is defined as a parcel(s) of land, not separated by any public rights-of-way, upon which a principal use, and any permitted accessory use, is (or may be) conducted. Contiguous parcels of land under common ownership, regardless of any differentiating legal descriptions, which may, reasonably, be interpreted as comprising a typical farm operation, shall be, hereafter, defined as a single "lot", in the same manner as defined above.

**Lot Area, Net.** The total square footage of any lot or parcel, less the square footage of all right-of-ways or easements for roadways.

**Lot, Corner.** A parcel of land located at the intersection of two or more streets.

**Lot, Double Frontage.** A parcel of land, other than a corner lot, with frontage on more than one street or with frontage on a street and navigable water. Double frontage lots, for the purpose of this ordinance, shall be deemed to have two front yards and no rear yard.

**Lot Width.** The distance between sideyard lines of the lot, measured at the minimum road setback lines.

**Manufactured Home.** A single-family dwelling unit designed for long term occupancy, which is, or was as originally constructed, designed to be transported by any motor vehicle upon a public highway arriving at the site where it is to be occupied complete (with or without major appliances and furniture) and ready for occupancy except for minor and incidental unpacking and hook-up operations, and designed, equipped and used primarily for sleeping, eating and living quarters, or is intended to be used; and includes any additions, attachments, annexes, foundations and appurtenances.

**Manufactured Home Park.** Any plot or plots of land designed, maintained, intended or used for the purpose of supplying a location or accommodations for more than two manufactured homes on a year-round basis and shall include all buildings used or intended for use as part of the equipment thereof, whether or not a charge is made for the use of the manufactured home park and its facilities. Manufactured home parks shall not include automobile or manufactured home sales lots where unoccupied manufactured homes are parked for purposes of inspection and sale.

**Motel.** A building or group of buildings containing rooms, which are offered for compensation for the temporary accommodation of transients.

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

**Nonmetallic Mineral.** A product, commodity or material consisting principally of naturally occurring, organic or inorganic, nonmetallic, nonrenewable material. Nonmetallic minerals include, but are not limited to, stone, sand, gravel, asbestos, beryl, diamond, clay, coal, feldspar, peat, talc and topsoil.

“Nonmetallic mining” or “mining” means all of the following:

- a. Operations or activities at a nonmetallic mining site for the extraction from the earth of mineral aggregates or nonmetallic minerals for sale or use by the operator. Nonmetallic mining includes use of mining equipment or techniques to remove materials from the in-place nonmetallic mineral deposit, including drilling and blasting, as well as associated activities such as topsoil removal, excavation, grading and dredging. Nonmetallic mining does not include removal from the earth of products or commodities that contain only minor incidental amounts of nonmetallic minerals, such as commercial sod, agricultural crops, ornamental or garden plants, forest products, Christmas trees or plant nursery stock.
- b. Processes carried out at nonmetallic mining sites that are related to the preparation or processing of the mineral aggregates or nonmetallic minerals obtained from the same nonmetallic mining site. These processes include, but are not limited to stockpiling of materials, blending mineral aggregates or nonmetallic minerals with other mineral aggregates or nonmetallic minerals, blasting, crushing, screening, scalping, pulverizing, and de-watering.

“Nonmetallic mining reclamation” or “reclamation” means the rehabilitation of a nonmetallic mining site to achieve a land use specified in a nonmetallic mining reclamation plan approved under this chapter, including removal or reuse of nonmetallic mining refuse, grading of the nonmetallic mining site, removal, storage and replacement of topsoil, stabilization of soil conditions, re-establishment of vegetative cover, control of surface water and groundwater; prevention of environmental pollution; and if practicable, the restoration of plant, fish and wildlife habitat. “Nonmetallic mining refuse” means waste soil rock and mineral, as well as other natural site material resulting from nonmetallic mining. Nonmetallic mining refuse does not include marketable by-products resulting directly from or displaced by the nonmetallic mining that are scheduled to be removed from the nonmetallic mining site within a reasonable period of time after extraction.

“Nonmetallic mining site” or “site” means all contiguous areas of present or proposed mining described in par. (a).

(a) Nonmetallic mining site means the following:

1. The location where nonmetallic mining is proposed or conducted.
2. Storage and processing areas that are in or contiguous to areas excavated for nonmetallic mining.
3. Areas where nonmetallic mining refuse is deposited.
4. Areas affected by activities such as the construction or improvement of private roads or haulage ways for nonmetallic mining.
5. Areas where grading or re-grading is necessary.
6. Areas where nonmetallic mining reclamation activities are carried out or structures needed for nonmetallic mining reclamation, such as topsoil stockpile areas, re-vegetation test plots, or channels for surface water diversion are located.

“Operator” means any person who is engaged in, or who has applied for a permit to engage in nonmetallic mining, whether individually, jointly or through subsidiaries, agents, employees, contractors or subcontractors.

**Planned Development Units.** A group of structures designed to be maintained and operated as a unit in single ownership or control by an individual, partnership, corporation or cooperative group and which has certain facilities in common, such as yards and open spaces, recreation areas, garages and parking areas.

**Recreation Camp.** An area containing one or more permanent buildings used periodically for the accommodation of members of associations or groups for recreational purposes.

**Recreational Complex.** Any private site offering recreational facilities, and at which any type of user or membership fee is charged provided that no type of commercial activity other than collection of such fees is conducted.

**Recreation Complex, Commercial.** Any recreational complex, as defined above, which includes any type of commercial activity beyond the charging of user or membership fees.

**Recreational Trails, Public or Private.** This definition shall include, but not be limited to: snowmobile trails, cross-country ski trails, horseback trails, hiking trails, or nature trails. Whether public or private, such trails will be allowed only after all property owners along the trail routes have given consent in whatever manner is, or may be required.

**Roadside Stand.** A structure not permanently fixed to the ground that is readily removable in its entirety, covered or uncovered, and solely for the sale of farm products produced on the premises. No such roadside stand shall be more than 300 square feet in ground area and there shall not be more than one roadside stand on any one premise.

**Setback.** The depth of the yard, measured horizontally on a lot from and at right angles to the front lot line or the right-of-way line of a street, road, highway or the waterline.

**Sign.** A sign is any structure or natural object or part thereof or device attached thereto or printed or represented thereon which is intended to attract attention to any object, product, place, activity, person, institution, organization or business, or which shall display or include any letter, word, model, banner, flag, pennant, insignia, device, or representation used as or which is in the nature of an announcement, direction, or advertisement.

**Small Engine or Motor.** Any internal combustion engine with a 50 cubic inch (or less) displacement, or any electrically powered lawn equipment.

**Story.** That portion of a building included between the surface of a floor and the surface of the floor next above it, or, if there is no floor above it, then the space between the floor and the ceiling next above it. A basement or cellar having one-half or more of its height above grade shall be deemed a story for purposes of height regulation.

**Story, Half.** The space under any roof except a flat roof, the wall plates on at least two opposite exterior walls of which are not more than two feet above the floor of such story.

**Streets in Platted Subdivision.** Those streets indicated on recorded subdivisions prepared pursuant to Chapter 236, Wisconsin Statutes, or the Land Subdivision Regulations of Calumet County, which are designed solely for property access. For the purpose of this definition, Certified Survey Maps shall not be considered recorded subdivision plats.

**Structure.** Anything constructed, erected or otherwise placed upon any premises requiring a more or less permanent location on or in the ground, including but not limited to for reasons of specific enumeration, all buildings, modular buildings, modular homes, trailers, towers, signs, satellite dishes and animal waste storage structures. Slabs and driveways shall not be interpreted as a structure.

**Structure, Accessory.** Any detached structure or portion thereof, clearly sub-ordinate to and used for a purpose customarily incidental to the permitted use of a pre-existing principal structure and located on the same premises as said principal structure.

**Structure, Permanent.** A structure placed on or in the ground or attached to another structure in a fixed position, and intended to remain in place for a period of more than nine months.

**Structure, Principal.** The structure containing or housing the principal use of a premises.

**Structural, Alteration.** Any change in the supporting members of a structure, such as bearing walls, columns, beams, girders; or any changes in the roof and/or exterior walls in excess of \$500 in value (cost).

**Sustained Yield Forestry.** Management of forested lands to provide annual or periodic crops of forest products.

**Swimming Pool, Private.** Any swimming pool designed for use by a single family and located upon the same private lot as the dwelling of the owner.

**Swimming Pool Public, Type A.** Any swimming pool designed for use by more than a single family, whether located on public or private property, or any such pool located wholly or in part within a public park, school, private club, or recreational complex of any kind and at which any type of user or membership fee is charged, provided that no type of commercial activity other than collection of such fees is conducted.

**Swimming Pool Public, Type B.** Any public swimming pool where the degree of commercial activity exceeds that defined for Type A Public Swimming Pools listed above.

**Temporary Structure.** A structure which is built of such materials and in such a way that it would commonly be expected to have a relatively short, useful life or is built for a purpose that would commonly be expected to be relatively short-term and not to be habitable.

**Tourist Home.** A building in which lodging, with or without meals, is offered to transient guests for compensation provided there are no more than five sleeping rooms for such purposes and no cooking facilities are provided in the individual rooms or apartments.

**Trailer.** A vehicular, portable structure built on a chassis that can be transported by any motor vehicle and is designated to be used as a temporary dwelling for travel, recreation and vacation use, which does not fall within the definition of a manufactured home.

**Trailer Camp.** Any privately or publicly owned parcel or tract of land accessible by automobile or other engine-driven vehicle designed, maintained, intended or used for the purpose of supplying accommodations for use by recreational vehicles on a temporary basis, open to the public, and designated as a trailer camp area.

**Use.** Any clearly identifiable activity conducted or service performed on any specific premises, with or without any structures.

**Use, Accessory.** Any use of a premise which is clearly subordinate to and customarily incidental to a pre-existing, permitted, principal use and located upon the same premises as such established principal use.

**Use, Conditional.** A "conditional use" is one that because of its unique characteristics and impact upon the environment, cannot be properly classified as a permitted use.

**Use, Principal.** The clearly identifiable dominant (or main) use of a premises.

**Variance.** A determination made by the Board of Adjustments after notice and a hearing that some condition of the property exists that renders strict application of the provisions of the Chapter unfair. There are two distinct standards that must be met before the Board may grant a variance.

- a. **Area Variance.** An unnecessary hardship exists because of circumstances, which as a result of special conditions of the property that were not self created, affect a particular lot and make strict compliance with the restrictions on setback, frontage, height, or density unnecessarily burdensome or unreasonable in light of the purposes of this Chapter.
- b. **Use Variance.** Because of circumstances, which as a result of special conditions of the property that were not self created, affect a particular lot and make strict compliance with the restrictions on use, deny the landowner any reasonable use of the land without the variance.

**Veterinary Clinic.** Any commercially operated animal hospital, treatment center, and/or office(s).

**Vision Clearance.** An unoccupied triangular space at the intersection of two or more streets or highways, or highways and railways that is bounded by the street lines, highway or railway right-of-way lines and a setback line connecting points specified by measurement from the corner on each street, highway or railway line.

**Wetlands.** Wetlands are areas where groundwater is at or near the surface much of the year. Tamaracks, sphagnum moss, sedges, cattails, reeds and vegetation types.

**Yard.** An open space on the same lot with a building, unoccupied and unobstructed from the ground upward except as otherwise provided herein.

**Yard, Front.** A yard extending the full width of the lot between the front lot line and the nearest part of the main building excluding uncovered steps.

**Yard, Rear.** A yard extending for full width of the lot, being the minimum horizontal distance between the nearest part of the main building, excluding uncovered steps and the rear lot line.

**Yard, Side.** A yard extending from the front yard to the rear yard being the minimum horizontal distance between a building and the side lot line.

#### ARTICLE IV ESTABLISHMENT OF DISTRICTS

This article is established to provide districts for the various uses of land in Calumet County and to provide for the interpretation of district boundaries on the zoning map.

**Section 4.01 Classes of Districts:** For the purposes of this ordinance, Calumet County is divided into fourteen (14) general districts designated as follows:

1. Exclusive Agricultural (A-1)
2. Transitional Agricultural (A-2)
3. General Agricultural (A-3)
4. Residential District (R-1)
5. Residential District (R-2)
6. Multiple family Residential District (R-3)
7. Residential Planned Development District (R-4)
8. Recreational (REC)
9. Local & Neighborhood Commercial (C-1)
10. Community and Area Wide Commercial (C-2)
11. Commercial/Light Industrial (C-3)
12. Industrial District (I)

- 13. Conservancy District (CON)
- 14. Town of Harrison Overlay District (HOD)

**Section 4.02 Zoning Map:** The boundaries of these districts are hereby established as shown on the zoning maps. Said maps, titled "Official Zoning Map of the Town of (name of particular town), Calumet County," and dated \_\_\_\_\_, 19\_\_\_\_, are hereby made a part of this ordinance, and shall be on file in the Calumet County Planning Department and available for public inspection.

**Section 4.03 Interpretation of District Boundaries:** Where uncertainty exists with respect to the boundaries of any of the aforesaid districts shown on the zoning maps the following rules shall apply:

**4.031** Where district boundaries are depicted as approximately following the centerlines of streets or highways, centerlines of streams, drainage ways, or street or highway right-of-way lines, such centerlines, or right-of-way lines shall be construed to be such boundaries.

**4.032** Where district boundaries are so depicted that they approximately follow lot lines, such lot lines shall be construed to be said boundaries.

**4.033** Where district boundaries are so depicted that they are approximately parallel to the centerlines of streets, highways, or railroads, or rights-of-way of same, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given, such dimension shall be determined by the use of the scale shown on said zoning map.

**4.034** Where a district boundary line, as appearing on the zoning map, divided a lot in single ownership at the time of enactment of this ordinance, the district requirements for the least restricted portion of such lot shall be deemed to apply to the whole thereof, provided that such extension shall not include any part of such a lot more than 35 feet beyond the district boundary lines.

**4.035** By March 1st of each year, the Official Zoning Map(s) shall be revised, as necessary, to show any approved zoning district (map) changes.

**4.036** Boundaries of the HOD are set by the Sanitary District boundaries and Agreement Area boundaries. As changes occur to the boundary of the Sanitary Districts and Agreement Areas, so shall the boundaries of the HOD. These boundary changes to the HOD shall not require a rezoning hearing.

ARTICLE V  
APPLICATION OF REGULATIONS

**Section 5.01 Use:** No building or structure or land shall hereafter be used or occupied and no existing building or structure, or part thereof, shall be erected, constructed, reconstructed, moved, subdivided, or altered except in conformity with the regulations herein specified for the district in which it is located.

**Section 5.011 Uses Not Listed:** When a use is proposed that is not listed in this zoning ordinance, the County Code Administrator or Planning Director shall try to determine if the use is similar to another use in this ordinance. If said use is similar, it shall only be authorized in that zoning district where such similar use is allowed. If the proposed use is not listed in this zoning ordinance, the Planning and Zoning Committee can only authorize the use via the Conditional Use Permit process.

**Section 5.02 Lot Size and Occupancy:** No lot, even though it may consist of one or more adjacent lots in the same ownership at the time of passage of this ordinance, shall be reduced in size so that the lot width or size of yards or lot area per family or any other requirements of this ordinance is not maintained, except as otherwise provided in Article X.

**Section 5.03 Height and Density:** No building or structure shall hereafter be erected, constructed, reconstructed, or altered to:

- a. Exceed the height limits provided in this ordinance.
- b. House a greater number of families or occupy a smaller lot area per family provided in this ordinance, or
- c. Have narrower or smaller yards than provided in this ordinance .

**5.031** Churches, schools, hospitals, sanitariums and other public and quasi-public buildings may be erected to a height not exceeding 60 feet nor five stories, 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.

**5.032** Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, penthouses, stacks, scenery lofts, tanks, water towers, ornamental towers, spires, wireless, television or broadcasting towers, masts or aerials, telephone, telegraph and power transmission poles and lines, microwave radio relay structures and necessary mechanical appurtenances and farm buildings not for human habitation are hereby exempted from the height regulations of this ordinance may be erected in accordance with other regulations or ordinances of Calumet County.

#### **Section 5.04 Front, Side and Rear Yard Regulations.**

**5.041** Except as otherwise provided in the ordinance, every building hereafter erected, moved or structurally altered for any purpose, except farm buildings not permanently fixed to the ground, shall be set back from the adjoining highway or highways as required by Section 8.02 Highway Setback Lines.

**5.042** No part of a yard or other open space provided about any building for the purpose of complying with the provisions of this ordinance shall be included as part of a yard or other open space required for another building.

**5.043** No building or structure shall be erected or extended into a required yard, except for accessory buildings in a rear yard (as specified in Section 6.02), open fences, (as defined in Section 3.012) and the ordinary projections of sills, belt courses, cornices and other ornamental features projecting not more than 12 inches.

**5.044** Open or enclosed fire escapes and fire towers may project into a required yard not more than five feet provided they are located so as not to obstruct light and ventilation.

**Section 5.05 One Principal Structure Per Lot:** Only one principal structure, may hereafter be erected or moved onto any one lot: except that on any operating farm located in the Agricultural District (or pre-existing operating farm located in any other District), there shall be no limitation on the number of clearly identifiable non-residential, farm-related structures. However, any such farm operation shall be limited to two structurally separate, dwelling units. (Within the Commercial and Industrial Districts more than one principle structure would be permissible providing these buildings are under the same ownership and their use complements one another.)

**Section 5.06 Planted Buffer Strips:** Wherever commercial or industrial uses abut or are located within 100 feet of any residential use, a ten-foot wide planted buffer strip shall be provided along the abutting property line of the commercial or industrial use and the ten feet shall be added to the yard requirements of this ordinance.

**Section 5.07 Relationship to Shoreland/Floodplain Supplementary Overlay Zoning Ordinance:** Whenever a Shoreland or Floodplain District overlays one or more of the general zoning districts established under this ordinance, the dimensional requirements (i.e. lot size and width, setbacks, etc.) and all other applicable provisions of said Shoreland/Floodplain Ordinance shall take precedence. However, all other provisions of this general zoning ordinance, applicable to the zoning district(s) involved and which are not specifically addressed in the Shoreland/Floodplain Supplementary Overlay Zoning Ordinance, must be compiled within the normal manner.

**Section 5.08 Accessory Structures** Except where permitted through the Shoreland Zoning Ordinance, accessory structures shall not precede a principal structure. An accessory structure can be permitted if, after review by Planning Department staff, it is determined to be accessory to the use of the land on which it is placed.

ARTICLE VI  
GENERAL PROVISIONS

This article is established to regulate and strive for the ultimate termination of nonconforming uses; to regulate the use of accessory buildings; and to provide for regulation of off-street parking and off-street loading and unloading space for each type of use specified:

**Section 6.01 Nonconforming Uses of Land, Nonconforming Structures, and Nonconforming Uses of Structures and Premises, and Nonconforming Characteristics of Use.**

**6.011** Intent-Within the districts established by this ordinance or amendments that may later be adopted there exist:

- a. Structures
- b. Uses of land and structures, and
- c. Characteristics of use, which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendment. It is the intent of this ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Nonconforming uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. A nonconforming use of structure and land in combination shall not be extended or enlarged after passage of this ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses, of a nature that would be prohibited generally in the district involved.

To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent matter. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

**6.012** Nonconforming uses of land (or land with minor structures only)--where at the time of passage of this ordinance lawful use of land exists which would not be permitted by the regulations imposed by this ordinance and where such use involves no individual structure with a replacement cost exceeding \$1,000, the use may be continued so long as it remains otherwise lawful, provided:

- a. No such nonconforming use shall be enlarged or increased, not extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance.
- b. No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this ordinance.
- c. If any such nonconforming use of land ceases for any reason for a period of more than 30 days, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.
- d. No additional structure not conforming to the requirements of this ordinance shall be erected in connection with such nonconforming use of land.

**6.13** Nonconforming structures--where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure; such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a. No such conforming structure may be enlarged or altered in a way that increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.

- b. Residential structures which encroach upon setback lines, but which met setback requirements at the time of construction, may be altered so long as they do not create a greater degree of encroachment.
- c. Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent of more than 50 percent of its equalized assessment value at time of destruction, it shall be reconstructed except in conformity with the provisions of this ordinance.
- d. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

**6.014** Nonconforming uses of structures or of structures and premises in combination--if lawful use involving individual structures with a replacement cost of \$1,000 or more, or of structure and premises in combination, exists at the effective date of adoption or amendment of this ordinance, that would not be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a. No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- b. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance but no such use shall be extended to occupy any land outside such building.
- c. If no structural alterations are made, any nonconforming use of a structure or structure and premise, may as a special exception be changed to another nonconforming use provided that the Board of Adjustments, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Adjustments may require appropriate conditions and safeguards in accord with the provisions of this ordinance.
- d. Any structure, or structure and land in combination, in or on which a nonconforming use is replaced by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.
- e. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for 12 consecutive months (except when government action impeded access to the premises) the structure, or structure and premises in combination, shall not thereafter be used except on conformity with the regulations of the district in which it is located.
- f. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than 50 percent of the equalized assessed value at time of destruction.

**6.015** Repairs and maintenance on any nonconforming structure or portion of a structure containing a nonconforming use. Work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing to an extent not exceeding twenty percent of the current replacement cost of the nonconforming structure or nonconforming portion of the structure as the case may be, provided that the cubic content existing when it became nonconforming shall not be increased.

If a nonconforming structure or portion of a structure containing nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the district in which it is located.

Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

**6.016** Uses under special exception provisions not nonconforming uses. Any use which is permitted as a special exception in a district under the terms of this ordinance (other than a change through Board of

Adjustment action from a nonconforming use to another use not generally permitted in the district) shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

**6.02 Permitted Accessory Structures:** All of the restrictions of this Section 6.02 shall not apply to farm related accessory structures on any operating farm zoned Agricultural (or, any pre-existing operating farm); but any such accessory structures shall not be placed less than 25 feet from any side or rear lot line.

On non-operating farmsteads all of the restrictions of Section 6.02 shall be applied to any new accessory structure in excess of the pre-existing farm buildings.

All accessory structures, otherwise permitted, shall comply with the following general requirements:

**6.021** Shall not exceed twenty (20) feet in total height. Within the residential and recreational district, the height shall not exceed fifteen (15) feet in total height.

**6.022** Shall not be placed nearer than six (6) feet to any side or rear yard lot line, when placed entirely in a "rear yard" (provided no vehicular entrance to or exit from a private garage shall be nearer than fifteen (15) feet to an alley line).

**6.023** No such structure shall, individually, exceed 2,400 square feet in ground floor area. Accessory buildings used for domestic livestock and related feed and equipment may be up to 22 feet high and 3,200 square feet. If such structure is partially used for personal storage, that portion may not exceed 2,400 square feet. Within the residential and recreational district, the size for an individual structure shall not exceed 1,000 square feet.

**6.024** That a maximum of one (in number) such structure, of over 600 square feet in ground floor area, individually shall be permitted on anyone lot. In zoning districts other than recreational and residential, this 600 square foot limit may be exceeded if the combined square footage of accessory buildings over 600 square feet does not exceed 2,400 square feet.

All of the restrictions of this Section 6.02 shall not apply to farm related accessory structures on any operating farm zoned Agricultural (or, any pre-existing operating farm); but any such accessory structures shall not be placed less than 25 feet from any side or rear lot line.

**Section 6.03 Off-Street Automobile Parking:** 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:

**Adequate Access** to a public street shall be provided for each parking space, and driveways shall be at least 10 feet wide for one and two-family dwellings, 18 feet for farmsteads and a minimum of 24 feet for all other uses.

**Size** of each parking space shall be not less than 180 square feet exclusive of the space required for ingress and egress.

**Location** to be on the same lot as the principal use or not over 400 feet from the principal use. No parking stall or driveway except in residential districts shall be closer than 25 feet to a residential district lot line or a street line opposite a residential district.

**Number of Parking Stalls Required** are shown in the following table:

	<u>Use</u>	<u>Minimum Parking Required</u>
<b>6.031</b>	Single-family dwellings and and manufactured homes	2 spaces for each dwelling unit
<b>6.032</b>	Multi-family dwellings	1.5 spaces for each dwelling unit

<b><u>6.033</u></b>	Hotels, motels	1 space for each guest room plus 1 space for each 3 employees
<b><u>6.034</u></b>	Hospitals, clubs, lodges, dormitories, lodging and boarding houses.	1 space for each 2 beds plus 1 space for each 3 employees
<b><u>6.035</u></b>	Sanitariums, institutions, rest and nursing homes	1 space for each 5 beds plus 1 space for each 3 employees
<b><u>6.036</u></b>	Medical and dental clinics	5 spaces for each doctor
<b><u>6.037</u></b>	Churches, theaters, auditoriums, community centers, vocational and night schools and other places of public assembly	1 space for each 5 seats
<b><u>6.038</u></b>	Colleges, secondary and elementary schools	1 space for each 2 employees plus 1 space for each 10 students of 16 years of age or more
<b><u>6.039</u></b>	Restaurants, bars, places of entertainment, repair shops, and service stores	1 space for each 150 sq. ft. of floor area and 1 space for each 2 employees
<b><u>6.0310</u></b>	Manufacturing and processing plants, laboratories and warehouses	1 space for each 2 employees
<b><u>6.0311</u></b>	Financial institutions, business, government and professional	1 space for each 200 sq. ft. of floor area and 1 space for each offices 2 employees
<b><u>6.0312</u></b>	Funeral homes	1 space for each 4 seats
<b><u>6.0313</u></b>	Bowling alleys	5 spaces for each alley
<b><u>6.0314</u></b>	Lodges and clubs	1 space for each 5 members
<b><u>6.0315</u></b>	Automobile repair/garages	1 space for each regular employee plus 1 space for each 250 sq. ft. of floor area used for repair work
<b><u>6.0316</u></b>	Gasoline filling stations	3 spaces for each grease rack or similar facility plus 1 space for each attendant

**Section 6.04 Off-Street Loading and Unloading Space:** On every lot which a business, trade, or industrial use is hereafter established, space with access to a public street or alley shall be provided as indicated below for the loading and unloading of vehicles off the public right-of-way.

**6.041** Retail Business: One (1) space of at least 10 x 25 feet for each 3,000 square feet of floor area or part thereof.

**6.042** Wholesale and Industrial: One (1) space of at least 10 x 50 feet for each 10,000 square feet of floor area or part thereof.

**6.043** Bus and Truck Terminals: Sufficient space to accommodate the maximum number of buses or trucks to be stored or to be loaded or unloaded at the terminal at any one time.

**Section 6.05 Outside Vehicle Storage.** Prohibited Activities: No person, group of persons, company, firm, corporation or any other entity shall within the unincorporated areas being subject to the Calumet County Zoning Ordinance: (1) Store more than 2 unlicensed, unregistered, or disabled motor vehicles, in any combination of, outside of an enclosed structure in an agricultural district, or more than one such motor vehicle outside of an enclosed structure in a residential district. (2) Store more than two vehicles, regardless of condition, off-premises outside of an enclosed structure in an agricultural district or more than one such vehicle outside of an enclosed structure in a residential district.

A disabled motor vehicle is any motor vehicle having an inoperable component or components, which renders it illegal for operation on any public road, street or highway. Off-premises vehicle storage means any motor vehicle storage on a property that is not the primary residence of the person to whom the vehicle is registered.

**6.06 Total Buildable Lot Area:** The total square footage, in ground floor area, of all structures (proposed and existing) on any one lot shall not exceed 15% of net lot area for unsewered lots, or 20% for sewerer lots. Above ground swimming pools, decks, gazebos, and swing sets are excluded from lot coverage requirements. Within the Commercial and Industrial zoning districts, maximum lot coverage shall not exceed 20% net lot area for unsewered lots or 25% for sewerer lots.

## ARTICLE VII USE PROVISIONS

**Section 7.01 Exclusive Agricultural District (A-1)** The purposes of the Exclusive Agricultural District are to: (1) preserve agricultural land for food and fiber production; (2) protect existing farms from encroachment by conflicting, non-agricultural land uses; (3) maintain a viable agricultural base to support agricultural processing and service industries; (4) prevent conflicts between incompatible uses; (5) reduce costs of providing services to scattered non-farm uses; (6) properly time and shape non-farm growth; (7) implement the objectives of the County Farmland Preservation Plan, as adopted by the Calumet County Board of Supervisors; and (8) comply with Wisconsin's Farmland Preservation Law, to permit eligible landowners to qualify for tax credits under S.71.09(11).

### **7.011** Lands Included Within this District:

This district is generally intended to include:

- a) The entire acreage of all existing parcels of 35 or more acres in size which are (1) comprised of over 50% of total acreage in Soil Conservation Service Soil Capability Classes I-III (inclusive), and (2) which are currently being used predominantly for one or more of the uses "permitted" under Section 7.012; or "conditional" under Section 7.013.
- b) Except that, any portions of such parcels which are: (1) currently being used for any purposes other than those listed as "Permitted" or "Conditional" under Sec. 7.012 or (2) which are located either entirely or partially within any of the "Growth Service Areas" delineated in the Growth Management Policy of the Calumet County Land Subdivision Regulations, shall not be included within the Exclusive Agricultural District:
- c) Providing that no such resulting Exclusive Agricultural Districts shall be less than one hundred (100) contiguous acres in size and those individual fractional parcels of less than 35 acres shall not be included, unless they are part of a larger farm in the county which meets all the requirements and 75% of the parcel is cropped and pastured and on prime agricultural soils.

These criteria are consistent with the mapping policies used for establishing the farmland preservation areas in the Calumet County Farmland Preservation Plan.

### **7.012** Permitted Uses:

- a. Primary Agricultural Uses (as defined under S. 91.01(1) Wisconsin Statutes) and under general farming definition of this Ordinance.):
  1. Beekeeping
  2. Animal feeding operation
  3. Dairying
  4. Egg production
  5. Floriculture
  6. Fish hatcheries

7. Forest and game management
8. Grazing
9. Livestock raising
10. Orchards
11. Plant greenhouses and nurseries. Plant greenhouses involving no sales except for those products grown on the premises. Nurseries involving just the growing of products with no sales on premises.
12. Poultry raising
13. Raising of grain, grass mint and seed crops
14. Raising of fruits, nuts and berries
15. Sod farming
16. Vegetable farming
17. One primary farm residence
18. Up to two (2) additional, single-family residences occupied by the farm owner or operator or the parents or children of the owner or operator; and, of which at least one of the two must be sited on a recorded lot. Farm dwellings and other related structures existing prior to the effective date of this amendment, which is remaining after a farm consolidation may, be separated from the farm lot.
19. Public recreational trails, except motorcycle trails.
20. All wind energy facilities, regardless of size, provided they comply with all standards set forth in Chapter 79 of the Calumet County Code of Ordinances as referenced therein.

b. Permitted Accessory Uses:

1. Accessory uses, customarily incidental to the single-family residences permitted above, such as those listed in the Residential District.
2. One (1) roadside stand per farm, used solely for sale of products produced on the premises.
3. Accessory uses clearly related but incidental to the primary farm operation such as, but not limited to, seed sales, grain drying, fertilizer sales, and minor repair of farm equipment. Any accessory use in this category must be clearly interpreted by the County Code Administrator as being "subordinate to and customarily incidental to" a pre-existing, permitted principal use on the same premises.

**7.013** Conditional Uses:

1. One single-family residence, occupied by a family of which at least one member earns a minimum of 2/3 of the family income from farming operations on the farm premises, and providing that no more than two total additional, single family residences are created on the farm pursuant to Sec. 7.012 a[18].
2. Customary home occupations or professional offices conducted within and clearly accessory to a permitted agricultural residence.
3. Saw mills
4. Fur farms
5. Stables and paddocks
6. Dams and flowages
7. Governmental uses such as, but not limited to by specific enumeration; police and fire stations, highway garages, municipal administrative buildings and post offices, solid waste disposal sites and sewage treatment plants.
8. Other utility uses not requiring authorization under Section 196.49 along with any necessary appurtenant equipment and structures; including such as gas, electric, telephone, radio and television.
9. The following activities if not used commercially and are an incidental use to the farming operation: mineral extraction pits and placement of such materials; airports and landing strips.
10. Religious, cultural or institutional uses such as, but not limited to by specific enumeration; churches, cemeteries, schools (public or private).
11. Livestock veterinarian services
12. Processing of agricultural products, such as, but not limited to, by specific enumeration; canning, dairy processing, livestock butchering, livestock sales facilities or grain milling.
13. Sales and servicing facilities for agricultural-related machinery or equipment.
14. Facilities for centralized collection and bulk storage of agricultural products.
15. Publicly owned and operated recreational sites, (which includes no commercial activities except user fee collection), such as but not limited to by specific enumeration; parks or preserves, nature centers, golf courses and marinas, or boat liveries.

16. Private recreational trails, except motorcycle trails.
17. The storage and sale of feed, fertilizer and other products essential to agricultural production if not considered an accessory use under 7.012 (b)(3) of this ordinance.
18. Nurseries involving the growing of products with sales of both on and off premise products.
19. Telecommunication Facilities
20. Agricultural support and agricultural service contractors and appurtenant facilities and structures.

**7.014** Standards Applicable to Conditional Uses:

The Department of Agriculture, Trade and Consumer Protection (DATCP) shall be notified of the approval of any Conditional Uses. When hearing and acting upon petitions for Conditional Uses, the Planning and Zoning Committee shall consider the following review standards:

1. That "Statement of Purpose" of this ordinance and the "Opening Statement" (Section 7.01) of the A-1 District.
2. The compatibility of and/or potential for conflict, with existing agricultural uses.
3. The need of the proposed Conditional Use for a location in the A-1 District.
4. The availability of alternative locations in more appropriately zoned districts.
5. The agricultural productivity of the lands involved.
6. The amount (acreage) of productive agricultural land to be converted for the proposed Conditional Use.
7. The need for public services created by the proposed Conditional Use.
8. The availability of adequate public services and the ability of affected local units of government to provide them without unreasonable burden.
9. The affect of the proposed Conditional Use on water or air pollution, soil erosion and rare or irreplaceable natural resources.

**7.015** Conditions Attached to Conditional Use Approvals:

Upon consideration of information supplied at the Public Hearing and review consideration of the standards listed in Section 7.014, the Planning and Zoning Committee may attach specific conditions to its approval of a Conditional Use, which it deems necessary in furthering the purpose and intent of this ordinance. Such conditions may include specifications for, without limitation because of specific enumeration; increased setbacks and yards; water supply; liquid or solid waste disposal facilities; landscaping and planting screens; parking and traffic control signs; operational controls and time of operation; air pollution controls; water pollution controls; soil erosion prevention measures; type of construction; location of the use of any other requirements deemed necessary by the Planning and Zoning Committee. Failure to comply with any such specified approval conditions shall constitute a violation of this ordinance as provided in Section 14.02.

**7.016** Minimum Lot, Height and Yard Requirements:

- a. Net Lot Area
  1. The net lot area required to establish a new farm operation or any farm-related single-family residences in excess of those permitted under Section 7.012 or 7.013 shall be 35 acres, except as provided below.
  2. Where a residence for persons specified in Section 7.012(a)(18) or 7.013(1) is located on a farm without creating a separate parcel said residence shall be kept at least fifty (50) feet from all other existing residences.
  3. The net lot area for farm residences or other related structures existing prior to the effective date of this ordinance, and which are separated from a larger parcel through farm consolidation shall not be less than one acre.
  4. The minimum size of a parcel created under Section 7.012(a)(18) or 7.013(1) shall be 1 acre, exclusive of road right-of-way, and shall also have a minimum width of 150 feet.
- b. Structural Height Requirements: The maximum height for all principal residential structures shall be 35 feet. Maximum height for any non farm-related accessory structures shall be as specified in Section 6.02 of this ordinance. There shall be no specific height maximum for any non-residential farm-related structures, except that the total height of any such structure shall not exceed .75 times its distance from the nearest property line.
- c. Yard (setback requirements): The minimum side yards and rear yard (setbacks) for all principal

residential or agricultural structures shall be 25 feet and 50 feet respectively, from the nearest lot line. The minimum side and rear yards (setbacks) for all other, farm-related accessory structures shall be 25 feet from the nearest lot line. Minimum highway setbacks shall be as specified in Section 8.02 of this ordinance. New buildings in which farm animals are kept shall be erected at least 100 feet from the nearest existing residence on a nonfarm lot. Farm buildings housing animals, barnyards or feedlots shall be at least 100 feet from any lakes, ponds or continuous streams as defined by United States Geological Survey (USGS) Quadrangle maps.

**7.017** Standards for Rezoning: The Department of Agriculture, Trade and Consumer Protection (DATCP) shall be notified of all rezonings. Local decisions on petitions for rezoning of areas zoned A-1 shall be based upon findings that consider:

1. Adequate public facilities to serve the development are present or will be provided.
2. Provision of these facilities will not be an unreasonable burden to local government.
3. The land is suitable for non-agricultural development.
4. Development will not cause unreasonable air and water pollution, soil erosion or adverse affects on rare or irreplaceable natural resources.
5. The potential for conflict with remaining agricultural uses in the area.
6. The need for the proposed development to be located in an agricultural area.
7. Availability of alternative locations.
8. Productivity of the agricultural land involved.
9. The amount of productive agricultural land to be converted for proposed development.

**7.018** Soil and Water Conservation Requirements

Many of the productive soils throughout the County are susceptible to erosion. Soil losses are severe in some portions of the County. Animal waste and fertilizer runoff are negatively affecting surface and ground water in many areas of the County. The long-term maintenance of productive agricultural operations is dependent on the sound management of soil resources. Soil conservation practices are also important for maintaining the quality of water resources.

In addition to the eligibility requirements, a Zoning Certificate for farmland preservation tax credits shall be issued only if:

1. The landowner has implemented the Calumet County Soil and Water Conservation Standards for the Farmland Preservation Program, according to a schedule of compliance approved by the Land and Water Conservation Committee, on all land for which the landowner claims Farmland Preservation Program tax credits or,
2. There is substantial conformance with an existing Conservation Plan as defined by Land and Water Conservation Department policy.

**Section 7.02 Transitional Agricultural District (A-2)**

The purposes of the A-2 District are to: (1) provide for the orderly transition of agricultural land to other uses in areas planned for eventual non-agricultural expansion; and (2) defer non-agricultural development until the appropriate local governmental bodies determine that adequate public services and facilities can be provided at a reasonable cost; (3) ensure that non-agricultural development is compatible with local land use plans and policies; (4) 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 five years; (b) upon revision of a county agricultural preservation plan or municipal land use plan which affects lands in the district; or (c) upon extension of public services such as sewer and water, necessary to serve non-agricultural development.

**7.021** Lands Included Within this District:

This district is generally intended to include:

- a. The entire acreage of all existing parcels of 35 or more acres in size, which are:
  1. Comprised of over 50% of total acreage in Soil Conservation Service Soil Capability Classes I-III (inclusive),

2. Currently being used predominantly for one or more of the uses listed in Section 7.012, or conditional uses listed in Sec. 7.013.
  3. At least partially located within any of the "Growth Service Areas" delineated in the Growth Management Policy of the Calumet County Land Subdivision Regulations; or shown as "Transitional Areas" in the Calumet County Farmland Preservation Plan.
- b. Providing that no such resulting Transitional Agricultural Districts shall be less than thirty-five (35) contiguous acres in size and that individual, fractional parcels of less than 35 acres shall not be included, unless they are part of a larger farm in the county which does meet all of the requirements and 75% of the parcel is cropped and pastured and on prime agricultural soils.

**7.022** Permitted Uses (same as 7.012 except that no large wind energy facilities shall be permitted.)

**7.023** Conditional Uses (same as 7.013)

**7.024** Standards Applicable to Conditional Uses (same as 7.014)

**7.025** Conditions Attached to Conditional Use Approvals (same as 7.015)

**7.026** Minimum Lot, Height, and Yard Requirements (same as 7.016)

**7.027** Standards for Rezoning (same as 7.017)

**7.028** Soil Conservation Requirements (same as 7.018)

### **Section 7.03 General Agricultural (A-3)**

The agricultural district provides for the continuation of general agriculture and related uses in those areas suited to farming. The intent is to conserve areas with adequate soil types, drainage and topography for farming and to regulate residential, commercial and industrial development in such areas.

**7.031** Permitted Uses.

- a. General farming, providing that new buildings in which farm animals are kept shall be erected at least 100 feet from the nearest existing residence on a nonfarm lot. Farm buildings housing animals, barnyards or feedlots shall be at least 100 feet from any lakes, ponds or continuous streams as defined by United States Geological Survey (USGS) Quadrangle maps.
- b. One and two family dwellings
- c. Telephone buildings (provided that there is no service garage or storage yard), telephone telegraph and tower transmission towers, poles and lines, including transformers, substations, relay and repeater stations, equipment housings and other natural appurtenant equipment and structures.
- d. Public and private schools, churches, cemeteries, mausoleums, crematories, funeral homes, municipal buildings, public parks and recreation areas, historic sites and indoor museums or art galleries.
- e. Hospitals, clinics, sanitariums and convalescent homes
- f. Home occupations
- g. Woodlots and tree farms
- h. Institutional recreation camps
- i. Stables, riding academy, public livery
- j. Greenhouses, involving no sales except for those products grown on the premises.
- k. Accessory uses (including, but not limited to for reasons of specific enumeration); accessory uses permitted in the Residential District; one (1) roadside stand, per operating farm, for on-premise sales of farm products produced thereon.
- l. Recreational trails, public or private
- m. Public swimming pools - Type A.
- n. All wind energy facilities, regardless of size, provided they comply with all standards set forth in Chapter 79 of the Calumet County Code of Ordinances as referenced therein.

**7.032** Special Accessory Uses: Any of the following uses are permitted as accessory uses, if in full compliance with the following special provisions:

- a. Uses
  - 1. Small engine repair and welding activities in conjunction with the pre-existing agricultural use.
  - 2. Farm implement repair activities in conjunction with the pre-existing agricultural use.
  - 3. Contractor's storage activities.
- b. Provisions
  - 1. Only one structure permitted.
  - 2. All supplies/equipment are housed within an enclosed structure.
  - 3. No sales or other commercial activity of any kind are conducted
  - 4. Such proposed Special Accessory Use must be clearly interpreted, by an authorized county employee, as being "subordinate to and customarily incidental to" a pre-existing, permitted, principal use on the same premises, and
  - 5. Compliance with all other general provisions of Section 6.02 of this ordinance, except no such structures shall exceed twenty (20) feet in height.

**7.033** Conditional Uses (See Article XII)

- a. Trailer camps, campgrounds and manufactured home parks
- b. Fur farms and the processing of agricultural products such as but not limited to by specific enumeration, canning, dairy processing, livestock butchereries, livestock sales facilities or grain milling.
- c. Junk or salvage yards
- d. Solid waste disposal sites including concrete, stone and other demolition materials from building or construction projects.
- e. Quarrying and mineral extraction or placement and deposition of such materials.
- f. Saw mills
- g. Golf courses - Type A
- h. Golf Driving Ranges
- i. Recreational Complex
- j. Private aircraft landing fields and facilities
- k. Sales and servicing facilities for agricultural related machinery or equipment.
- o. Wastewater and/or sewage treatment facilities (except for individual, on-site sewage disposal facilities such as septic tank-filter field, holding tanks, or alternate sewage disposal systems.)
- m. Veterinary Clinics
- n. Commercial animal kennels and/or breeding activities
- o. Contractor's storage structures, provided:
  - 1. Use limited to one permanent building not to exceed 2,400 square feet.
  - 2. Usage of building be limited to storage purposes only - sales or other commercial activity not permitted.
  - 3. All equipment and supplies to be housed within enclosed building.
  - 4. Such proposed building is permitted only as an accessory building (meaning that the principle structure must precede said accessory building).
  - 5. No such structure shall exceed eighteen (18) feet in total height.
- p. Ammunition manufacturing and wholesale distribution
- q. Sportsmen's clubs and related activities to include, but not limited to; rifle ranges, field shooting and the authorized raising of small game.
- r. The temporary storage and mixing of cement, asphalt, or road oils
- s. Mini-warehousing and nonagricultural related storage facilities.
  - 1. New construction
    - a. Use must be interpreted by Planning Department staff as being accessory to the pre-existing permitted, principle use on the same premises.
    - b. All material, equipment must be housed within an enclosed structure.
    - c. One structure permitted
    - d. No commercial activity allowed to be conducted.
    - e. Size and height of structure must be reviewed to determine compatibility.
  - 2. Existing structure(s) that are not accessory
    - a. Must comply with b, d, and e as listed above.
- t. Facilities for centralized collection and bulk storage of agricultural products.
- u. The storage and sale of feed, fertilizer and other products essential to agricultural production, if not considered an accessory use under 7.012 (b)(3) of this ordinance.
- v. Day Care Center
- w. Bed & Breakfast

- x. Telecommunication Facilities
- y. Limited resale of small-scale handmade piecework such as, but not limited to, home crafts, wood furniture and lawn ornaments as an accessory use only. Conditional review shall also include type of product being sold, size and location of sales area, duration of operation, etc.
- z. Limited construction and/or assembly of handmade piecework such as, but not limited to, wood furniture, gazebos, and mini-barns as an accessory use only, and operated in an enclosed, compliance accessory building.
- aa. Municipal and private water towers and appurtenant structures.
- bb. Agricultural support and agricultural service contractors and appurtenant facilities and structures.

**7.034** Lot area and width. Buildings or parts of buildings hereafter erected or structurally altered for human habitation shall provide a lot area of not less than one acre and no such lot shall be less than 150 feet in width.

**7.035** Height. No building or parts of buildings hereafter erected or altered for human habitation shall be more than two and one-half stories and shall not exceed 35 feet in height.

**7.036** Side Yards. All buildings shall be set back at least 25 feet from any side lot line.

**7.037** Rear Yard. There shall be a rear yard of not less than 50 feet.

**Section 7.04(A) Residential District (R-1):** The residential district is intended to provide for high quality year-round residential development in and around the existing villages and communities in order to make it more reasonable to provide these developments with the necessary municipal services, such as sewer and water facilities and fire protection. The criteria of this district is designed to provide reliable single-family home sites in those developing areas which offer a "suburban" arrangement of amenities, services, facilities, etc.

**7.041(A)** Permitted Uses:

- a. One family dwellings
- b. Public park and recreation areas, churches, schools, historic sites
- c. Horticulture and gardening but not including commercial greenhouses.
- d. Telephone, telegraph and power transmission poles and lines, including transformers, equipment housings and other necessary appurtenant equipment and structures provided there is no service garage or storage yard.
- e. Home occupations
- f. Crop farming
- g. Public swimming pools - Type A
- h. Small wind energy facilities, provided they comply with all standards set forth in Chapter 79 of the Calumet County Code of Ordinances as referenced therein.

**7.042(A)** Permitted Accessory Uses: Private garages, carports, swimming pools, boat houses, non-commercial storage structures, when located on same lot and not involving the conduct of a business, except as a permitted conditional use. The accessory structure shall not be constructed prior to the principle building and shall not be used as a separate dwelling unit.

**7.043(A)** Conditional Uses:

- a. The non-commercial raising and keeping of domestic livestock, fowl and more than two dogs.
- b. Community buildings, libraries and museums.
- c. Recreational trails, public or private.

**7.044(A)** Lot Area and Width. Buildings or parts of buildings hereafter erected or structurally altered for human habitation shall provide the following lot areas and widths;

- a. Lots served by public sanitary sewer shall have a lot area of not less than 12,500 square feet and width not less than 85 feet for single-family residences. Lots on radial streets shall have a minimum of 70 feet of frontage.

- b. Lots not served by public sanitary sewer shall have a lot area of not less than 20,000 square feet and a width not less than 100 feet for single family residences. Lots on radial streets shall have a minimum of 70 feet of frontage.

**7.045(A)** Height. No building or parts of a building hereafter erected or altered for human habitation shall be more than two and one half stories and shall not exceed 35 feet in height.

**7.046(A)** Side Yards. There shall be a side yard on each side of all buildings not less than 10 feet in width for buildings served by public sewer and not less than 15 feet in width for buildings not served by public sewer except as provided for in Section 6.02.

**7.047(A)** Rear Yard. There shall be a rear yard of not less than 25 feet.

**Section 7.04(B) Residential District R-2:** The intent of this district is to provide a lot size and associated standards for a home site which will accommodate the use of a duplex housing type. Since the two-family dwelling produces a divergent occupancy pattern from that of the traditional single-family dwelling, duplex zoning when desired should be applied on a district basis. This zoning should be applied adjacent to but not within the character of the single-family neighborhood in which it is to be located.

**7.041(B)** Permitted Uses.

- a. Two-family Dwelling
- b. New farm buildings on any existing farm, provided that buildings in which farm animals are kept shall be at least 100 feet from the nearest existing residence on a nonfarm lot. New farm buildings housing animals, barnyards or feedlots shall be at least 100 feet from any lakes, ponds, or continuous streams as defined by United States Geological Survey (USGS) Quadrangle maps.
- c. All permitted uses of the R-1 District

**7.042(B)** Permitted Accessory Uses: Private garages, carports, swimming pools, boat houses, non-commercial storage structures, when located on same lot and not involving the conduct of a business, except as a permitted conditional use. The accessory structure shall not be constructed prior to the principle building and shall not be used as a separate dwelling unit.

**7.043(B)** Conditional Uses: R-2 Zoning (Duplex)

- a. Rest homes and homes for the aged
- b. Hospitals
- c. Medical and dental offices
- d. Funeral homes, cemeteries, mausoleums, or crematories
- e. Municipal buildings except sewage disposal plants, garbage incinerators and highway equipment buildings and storage yards.
- f. Community buildings, libraries and museums.
- g. Golf course - Type A
- h. Recreational complex
- i. Recreational trails, public or private
- j. Manufactured home parks
- k. The non-commercial raising and keeping of domestic livestock, fowl and more than two dogs.
- l. Day Care Center
- m. Bed & Breakfast
- n. Electrical and gas substations, service garages and storage yards; transmission and relay towers.
- o. Zero Lot Line 2-family dwellings that meet the following conditions:
  - 1. Each single family attached development shall have a minimum lot area of 7,250 sq. feet and minimum lot frontage of 45' or 50' for radial building setbacks and shall be provided with public sewer.
  - 2. The common parcel line between the units shall be consistent with the shape of the lot and the design of the structure. Divisions that create irregular angles off the front or back of the structure are subject to committee approval.
  - 3. Setbacks and yards - there shall be a minimum setback of 30' from right-of-way of all public streets. There shall be a sideyard requirement on one side of a building of not less than 10'. The two dwelling units shall be placed on one property line with a zero foot sideyard. There shall be a 25' minimum rear yard setback. Lot coverage standard is 20% maximum and maximum height 35' (2-1/2 stories). In the Town of Harrison Overlay

District, there shall be a minimum setback of 25' from right-of-way of all public streets and 25% lot coverage standard.

4. Not more than 2 single-family attached dwelling units shall be contiguous per original lot.
5. A note shall be placed on the face of all certified survey maps and subdivision plats Creating zero lot line development, which state: "When attached dwelling units are created, matters of mutual concern to the adjacent property owners, due to construction, catastrophe, use, and maintenance, shall be dealt with by private covenants and deed restrictions and the approving authorities shall not be held responsible for the same." The covenants shall provide for mediation of any and all disputes. The restrictive covenants shall be recorded at the Calumet County Register of Deeds and be similar to those typically recorded on a Declaration of Condominium. Provisions for insurance, alterations, destruction, aesthetics, etc. shall be provided on the covenant.
6. There shall be a common wall and be a one-hour fire wall running from the lowest floor level to the underside of the roof sheathings. The basement wall, if any, shall be waterproofed masonry.
7. Each dwelling unit shall have separate sewer and water lines and other separate utility lines entering each unit and also separate sump pump facilities.
8. Both units shall have the exterior finished within one year of building permit issuance date Exterior shall not be changed in construction material or color without written consent of both property owners.
9. The application of zero lot line applies only to R-2 zoned duplex lots.

**7.044(B)** Lot Area & Width. Buildings or parts of buildings hereafter erected or structurally altered for human habitation shall provide the following lot areas and widths. The lot area and width requirements of single family dwellings hereafter erected, moved, or structurally altered in the R-2 District shall be the same as those required under the R-1 District.

- a. Lots served by public sanitary sewer shall have a lot area of not less than 15,000 sq. ft. and a lot width of not less than 100' for duplexes.
- b. Lots not served by public sanitary sewer shall have a lot area of 30,000 sq. ft. and lot width of 150' for duplex lots.

**7.045(B)** Height. Same as 7.045(A).

**7.046(B)** Side Yard. Same as 7.046(A).

**7.047(B)** Rear Yard. There shall be a rear yard of not less than 25'.

**Section 7.04(C) Multiple Family Residential District. (R-3):** The intent of this district is to provide residential development, which provides rental housing to be built within the economics of scale while retaining a relatively low density pattern. The use of this district shall be applied to those locations in which it will be compatible with surrounding uses. Also where the increased density would not create a service problem and where the use will accommodate both the existing or anticipated character of the surrounding area.

**7.041(C)** Permitted Uses.

- a. Multiple family dwellings - only on lots provided with public sewer unless application applies to existing structures. Site Plan approval required of Planning and Zoning Committee.
- b. All permitted uses of Section 7.041 (B).

**7.042(C)** Permitted Accessory Uses. Same as 7.042(A)

**7.043(C)** Conditional Uses. Same as 7.043(B)

**7.044(C)** Lot Area and Width. Building or parts of buildings hereafter erected or structurally altered for multi-family residential use shall provide the following lot areas and width. A minimum lot area of 20,000 square feet and minimum width of 125'. Such lots should provide a minimum of the following square feet per dwelling unit; up to 4 units-5,000 square feet; up to 6 units-4,500 square feet.; over 6 units-4,000 square feet. The lot area and lot width requirements for single-family and duplex dwellings hereafter

erected, moved, or structurally altered in the R-3 District shall be the same as those required in the R-1 and R-2 respective districts.

**7.045(C)** Height - Same as 7.045(A)

**7.046(C)** Sideyard. All buildings shall be setback at least 25' from any side lot line.

**7.047(C)** Rearyard. There shall be a rear yard of not less than 50 feet.

**7.048(C)** Parking. A minimum of 1.5 off-street parking spaces of not less than 180 sq. ft. in area per space, exclusive of access drive or aisle shall be provided for each dwelling unit.

**Section 7.04(D) Residential Planned Development District (R-4):** The purpose of the R-4 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 that 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.

In Cluster Subdivisions 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. Such developments shall be site designed as a total unit development and may be developed by subunits in accordance to the approved overall site plan. Developments of this type shall not be built on unsewered lots and shall provide a minimum of 3 acres under one ownership.

**7.041(D)** Permitted Uses.

- a. Clustered single-family lot developments. Site Plan approval required of Planning and Zoning Committee.
- b. Two Family dwellings. Site Plan approval required of Planning and Zoning Committee.
- c. Multi-family dwellings. Site Plan approval required of Planning and Zoning Committee.
- d. Any permitted use in the R-1 and R-2 Residence District.
- e. Accessory uses, structures, and amenities in the approved development plan.

**7.042(D)** Conditional Uses.

- a. Retail convenience consumer goods and sales.
- b. Recreation complex
- c. Recreational trails, public or private.
- d. Day Care Center
- e. Golf Course - Type A

**7.043(D)** Lot area and width

- a. Area: The minimum of open space or excess land not used for lots or streets shall be at least 20 percent, exclusive of setback areas, of any platted subdivision and shall be dedicated in perpetuity to remain in open space. This may be accomplished by conveyance in common to each of the owners of lots in the development or to a corporation formed by them. If the land is to be conveyed to owners of lots in the development, a homeowner's association or similar legally constituted body shall be created to maintain the open space land. Any restriction placed on platted land by covenant, grantor easement or any other manner which was required by a public body or which names a public body as grantee, promisee or beneficiary, shall vest in the public body the right to enforce the restriction at law or in equity against anyone who has or acquires an interest in the land subject to the restriction.
- b. Lot Area and Width and Coverage:
  1. The minimum lot size shall be 10,000 square feet for single-family dwellings.  
5,000 square feet for each row house or apartment.  
12,000 square feet for Duplex.
  2. The minimum width shall be 65 feet for single-family residences.  
120 feet for row house or apartment development.  
80 feet for Duplex
  3. Maximum Lot Coverage of 25%.

**7.044(D)** Height. No building or parts of a building hereafter erected or altered for human habitation shall be more than two and one half stories and shall not exceed 35 feet in height.

**7.045(D)** Side Yards. There shall be a side yard on each side of a building having a minimum width of ten (10) feet.

**7.046(D)** Rear Yard. The minimum depth of any rear yard shall be 25 feet.

**7.047(D)** Parking. A minimum of 1.5 off-street parking spaces of not less than 180 square feet in area per space, exclusive of access drive or aisle shall be provided for each dwelling unit.

**Section 7.05 Recreational District (REC):** The recreational district provides for the continuation of some agricultural uses and the development of those recreational uses that are consistent with the maximum recreational use of the water and its shoreland. The development of some residential uses is permitted providing that adequate sewage disposal facilities can be provided.

**7.051 Permitted Uses:**

- a. New farm buildings on any existing farm provided that buildings in which farm animals are kept shall be at least 100 feet from the nearest existing residence on a nonfarm lot. Farm buildings housing animals, barnyards, or feed lots shall be at least 100 feet from any lakes, ponds or continuous streams as defined by United States Geological Survey (USGS) Quadrangle maps.
- b. One and two family dwellings for year round or seasonal use.
- c. Telephone, telegraph and power transmission towers, poles and lines including transformers, substations, equipment housings and other necessary appurtenant equipment and structures.
- d. Public and private schools, churches, public parks and recreation areas, and historic sites.
- e. Accessory uses permitted in the residential district.
- f. Woodlots and tree farms
- g. Home occupation
- h. Golf courses - Type A
- i. Public Swimming Pools - Type A
- j. Crop farming
- k. Recreational trails, public or private
- l. Museums (indoor)
- m. Small wind energy facilities, provided they comply with all standards set forth in Chapter 79 of the Calumet County Code of Ordinances as referenced therein.

**7.052 Conditional Uses:**

- a. Summer theaters and outdoor music amphitheaters.
- b. Hotels, motels, and resorts
- c. Institutional recreation camps
- d. Golf Courses - Type B
- e. Marinas, boat liveries, sale of bait and fishing equipment, fish farms and forest industries
- f. Trailer camps, campgrounds and manufactured home parks
- i. Private clubs and lodges, except those whose chief activity is a service customarily carried on as a business.
- j. Sportsmen's club and related activities to include, but not be limited to; rifle ranges; field shooting and the authorized raising of small game.
- i. Recreational Complex
- j. Public Swimming Pools - Type B
- k. Multiple-family residential units, townhouses and planned development units
- l. Grazing
- p. Wastewater and/or sewage treatment facilities (except for individual) on site sewage disposal facilities such as septic tank filter field, holding tank, or alternate sewage disposal systems.
- n. Cemeteries, mausoleums, crematories, or funeral homes
- o. The non-commercial raising and keeping of domestic livestock, fowl and more than two dogs.
- p. Bed & Breakfast

**7.053 Lot Area and Width.** Buildings or part of buildings hereafter erected or structurally altered for human habitation shall provide the following lot areas and widths:

- a. Lots served by public sanitary sewer shall have a lot area of not less than 10,000 square feet and a width of not less than 75 feet for single-family residences. For duplexes, a minimum of 15,000 square feet lot area and 100 feet minimum lot width would be required.
- b. Lots not served by public sanitary sewer shall have a lot area of not less than 20,000 square feet and a width of not less than 100 feet for single-family residences. For duplexes a minimum of 30,000 square feet lot area and 150 feet minimum lot width would be required.

**7.054** Height. No building or parts of a building hereafter erected or altered for human habitation shall be more than two and one half stories and shall not exceed 35 feet in height.

**7.055** Side Yards. There shall be a side yard on each side of all buildings not less than ten feet in width for buildings served by public sewer and not less than 15 feet in width for buildings not served by public sewer except as provided for in Section 6.02.

**7.056** Rear Yards. There shall be a rear yard of not less than 25 feet.

**COMMERCIAL DISTRICTS:**

**SECTION 7.06 (A) LOCAL & NEIGHBORHOOD COMMERCIAL -- C-1:** This commercial district is intended to provide for the orderly and attractive grouping of convenient locations of local retail stores, shops, offices and establishments serving the daily needs of the neighborhood.

**7.061(A)** Permitted Uses:

- a. Retail stores and shops offering convenience goods and services.
- b. Business and professional offices and studios
- c. Banks and savings and loan offices
- d. Post offices
- e. Restaurants
- f. Dental and medical clinics
- g. Public and semi-public buildings and institutions
- h. Telephone buildings, telephone, telegraph and power transmission towers, poles and lines, including transformers, substations, relay and repeater stations, equipment housings and other necessary appurtenant equipment and structures; radio and television stations and transmission towers and microwave relay towers.
- i. Museums
- j. Veterinary Clinics (not to include any type of commercial animal kennels and/or breeding activities)
- k. Cemeteries, mausoleums, crematories and funeral homes
- l. Small wind energy facilities, provided they comply with all standards set forth in Chapter 79 of the Calumet County Code of Ordinances as referenced therein.

**7.062(A)** Permitted Accessory Uses:

- a. Garages for storage of vehicles used in conjunction with the operation of a business.
- b. Off-street parking and loading areas.
- c. Residential quarters for the owner, proprietor, commercial tenant, employee or caretaker located in the same building as the business.

**7.063(A)** Conditional Uses:

- a. Rest homes and homes for aged
- b. New farm buildings on an existing farm, provided that buildings in which farm animals are kept shall be at least 100 feet from the nearest existing residence on a non-farm lot. Farm buildings housing animals, barnyards or feed lots shall be at least 100 feet from any lakes, ponds, or continuous streams as defined by United States Geological Survey (USGS) Quadrangle maps.
- c. Wholesaling establishment
- d. Drive-in establishments serving food or beverages to customers other than at a booth or table.
- e. New & used car sales
- f. Farm implement sales
- g. Golf driving ranges
- h. Laundromats
- i. Taverns
- j. Auto service stations and maintenance facilities
- k. Recreational trails, public or private

- l. One and two family dwellings
- m. Auto Body Shop
- n. Contractors
- o. Wastewater and/or sewage treatment facilities (except for individual, on-site sewage disposal facilities such as septic tank filter fields, holding tanks, or alternate sewage disposal systems).
- p. Commercial animal kennels and/or breeding activities
- q. Day Care Center
- r. Municipal and private water towers
- s. Commercial entertainment facilities
- t. Small repair shops
- u. Rooming and boarding houses, hotels and motels
- v. Commercial greenhouses
- w. Recreational complex, commercial
- x. Mini-warehousing
- y. Gas Station/Convenience Store
- z. Plaza's, malls, mini-malls or any similar facility containing three or more separate stores or businesses.
  - aa. Plazas, malls, mini-malls or any similar facility containing three or more separate stores or businesses being converted to condominium-type ownership or any other similar zero lot line development, ownership or any other similar zero lot line development
  - ab. Telecommunication Facilities

**7.064(A)** Lot Area and Width. Buildings or parts of buildings hereafter erected, moved, or structurally altered in this district shall provide the following lot areas and widths:

- a. Lots served by public sanitary sewer shall have a lot area of not less than 12,500 square feet and a width not less than 85 feet. For conditionally approved duplexes a minimum of 15,000 square feet lot area and 100 feet minimum lot width would be required.
- b. Lots not served by public sanitary sewer shall have a lot area of not less than 20,000 square feet and a width not less than 100 feet. For conditionally approved duplexes a minimum of 30,000 square feet lot area and 150 feet minimum lot width would be required.

**7.065(A)** Height. No building or part of building hereafter erected or altered shall be more than two and one half stories and shall not exceed 35 feet in height.

**7.066(A)** Side Yards. There shall be a side yard on each side of all buildings not less than ten feet in width for buildings served by public sewer and not less than 15 feet for buildings not served by public sewer except as provided for in Section 6.02.

**7.067(A)** Rear Yard. There shall be rear yard of not less than 25 feet.

**SECTION 7.06(B) COMMUNITY AND AREA WIDE COMMERCIAL -- C-2:** This district is intended to provide for grouping at convenient locations, larger community orientated retail stores, shops, offices and establishments serving the needs of the area, rather than just the local neighborhood. Higher levels of traffic and activity would be expected in this district.

**7.061(B)** Permitted Uses:

All uses listed in 7.061(A)

- a. Rest homes and homes for aged
- b. Drive-in establishments serving food or beverages to customers other than at a booth or table.
- c. New & Used car sales
- d. Farm implement sales
- e. Golf driving ranges
- f. Laundromats
- g. Auto service stations and maintenance facilities
- h. Wastewater and/or sewage treatment facilities (except for individual, on-site sewage disposal facilities such as septic tank filter fields, holding tanks, or alternate sewage disposal systems).
- i. Day Care Center
- j. Municipal and private water towers
- k. Commercial entertainment facilities

- l. Small repair shops
- m. Rooming and boarding houses, hotels and motels
- n. Commercial greenhouses
- o. Recreational complex, commercial

**7.062(B) Permitted Accessory Uses:**

- a. Garages for storage of vehicles used in conjunction with the operation of a business.
- b. Off-street parking and loading areas.
- c. Residential quarters for the owner, proprietor, commercial tenant, employee or caretaker located in the same building as the business.

**7.063(B) Conditional Uses:**

- a. General warehousing activity
- b. New farm buildings on an existing farm, provided that buildings in which farm animals are kept shall be at least 100 feet from the nearest existing residence on a non-farm lot. Farm buildings housing animals, barnyards or feed lots shall be at least 100 feet from any lakes, ponds, or continuous streams as defined by United States Geological Survey (USGS) Quadrangle maps.
- c. Wholesaling establishment
- d. Transportation terminals
- e. Miniature golf, go-kart and amusement parks
- f. Lumber and building supply yards
- g. Taverns
- h. Manufactured home parks
- i. Recreational trails, public or private
- j. One and two family dwellings
- k. Multiple-family residential units, townhouses and planned development units. Refer to Sections 7.04(C) and 7.04(D) for standards.
- l. Auto Body Shop
- m. Contractors
- n. Commercial animal kennels and/or breeding activities
- o. Gas Station/Convenience Store
- p. Hospitals
- q. Plaza's, malls, mini-malls or any similar facility containing 3 or more separate stores or businesses.
- r. Plaza's, malls, mini-malls or any similar facility containing 3 or more separate stores or businesses being converted to condominium-type ownership or any other similar zero lot line development.
- s. Telecommunication Facilities
- t. Carpentry shop to include the making of cabinets, windows, doors, and signs.

**7.064(B) Lot Area and Width.** Buildings or parts of buildings hereafter erected, moved, or structurally altered in this district shall provide the following lot areas and widths:

- a. Lots served by public sanitary sewer shall have a lot area of not less than 15,000 square feet and a width not less than 100 feet.
- b. Lots not served by public sanitary sewer shall have a lot area of not less than 20,000 square feet and a width not less than 100 feet. For conditionally approved duplexes a minimum of 30,000 square feet lot area and 150 feet minimum lot width would be required.

**7.065(B) Height.** No building or part of building hereafter erected or altered shall be more than two and one half stories and shall not exceed 35 feet in height.

**7.066(B) Side Yards.** There shall be a side yard on each side of all buildings not less than ten feet in width for buildings served by public sewer and not less than 15 feet for buildings not served by public sewer except as provided for in Section 6.02.

**7.067(B) Rear Yard.** There shall be rear yard of not less than 25 feet.

**SECTION 7.06(C) COMMERCIAL/LIGHT INDUSTRIAL -- C-3:** The intent of this district is to provide for the development of areas where activity and usage are more intense than in the C-1 or C-2 district. These uses are generally considered quasi commercial/industrial or light industrial. These districts, due to actual physical and operational characteristics, need to be carefully established to ensure compatibility with surrounding areas.

**7.061(C)** Permitted Uses: All uses listed in 7.061(A) and 7.061(B) including the following:

- a. Wholesaling establishment
- b. Lumber and building supply yards
- c. Auto Body Shop
- d. Gas Station/Convenience Store
- e. Contractors

With the exclusion of:

- 1a. Rooming & Boarding Houses
- 2b. Rest homes and Homes for Aged
- 3c. Day Care Center

**7.062(C)** Permitted Accessory Uses:

- a. Any accessory use permitted in the C-1 and C-2 district except residences.
- b. Office, storage, power supply and other such uses normally auxiliary to the principal commercial or industrial operations.

**7.063(C)** Conditional Uses:

- a. General warehousing activity
- b. New farm buildings on an existing farm, provided that buildings in which farm animals are kept shall be at least 100 feet from the nearest existing residence on a non-farm lot. Farm buildings housing animals, barnyards or feed lots shall be at least 100 feet from any lakes, ponds, or continuous streams as defined by United States Geological Survey (USGS) Quadrangle maps.
- c. Miniature golf, go-kart and amusement parks
- d. Recreational trails, public or private
- e. Commercial animal kennels and/or breeding activities
- f. Automobile yards
- g. Light manufacturing and assembly and processing to include but not limited to:
  - Carpentry Shop
  - Cabinet Maker
  - Windows and Doors
  - Signs and Woodcraft
- h. Sand Blasting and Painting Operation
- i. Wastewater and Sewage Treatment Facilities
- j. Residential quarters for the owner, proprietor, commercial tenant, employee or caretaker located in the same building as the business.
- k. Transportation Terminals
- l. Day Care Center
- m. Plaza's, malls, mini-malls or any similar facility containing 3 or more separate stores or businesses.
- n. Plaza's, malls, mini-malls, or any similar facility containing 3 or more separate stores or businesses being converted to condominium-type ownership or any other similar zero lot line development.
- o. Telecommunication Facilities

**7.064(C)** Lot Area and Width. Buildings or parts of buildings hereafter erected, moved, or structurally altered shall provide a lot area of not less than 20,000 square feet and a width not less than 100 feet.

**7.065(C)** Height. No building or part of building hereafter erected or altered shall be more than two and one half stories and shall not exceed 35 feet in height.

**7.066(C)** Side Yards. There shall be a side yard on each side of all buildings not less than 25 feet in width.

**7.067(C)** Rear Yard. There shall be rear yard of not less than 25 feet.

**Section 7.07 Industrial District (I):** The industrial district is intended to provide 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 the county as a whole by reason of noise, dust, smoke, odor, traffic, physical appearance or other similar factors and subject to such regulatory controls as will reasonably ensure compatibility in this respect.

**7.071** Permitted Uses: The following uses when they are in keeping with the preamble of this section, as follows:

- a. Manufacture, assembly fabrication, and processing plants and similar type industrial operations.

- b. General warehousing
- c. Lumber and building supply yards
- d. Saw mills
- e. Contractors
- f. Transportation Terminal
- g. Wholesaling Establishment
- h. All wind energy facilities, regardless of size, provided they comply with all standards set forth in Chapter 79 of the Calumet County Code of Ordinances as referenced therein.

**7.072** Permitted Accessory Uses:

- a. Any accessory use permitted in the commercial district, except residences.
- b. Office, storage, power supply and other such uses normally auxiliary to the principal industrial operations.
- c. Retail sales of goods produced on the premises, providing the sales are secondary to the manufacturing or processing operation.

**7.073** Conditional Uses:

- a. Junk or salvage yards
- b. Quarrying, mining and processing of products from these activities
- c. Stock yards or slaughterhouses
- d. Storage and mixing of cement, asphalt, or road oils
- e. Acid manufacture
- f. Cement, lime gypsum or plaster of paris manufacture
- g. Explosives manufacture or storage
- h. Fat rendering
- i. Fertilizer manufacture
- j. Glue manufacture
- k. Inflammable gases or liquids, storage, refining or manufacture of
- l. Leather and hides manufacture or tanning of
- m. Meat and meat products, fish or fish products, sauerkraut and cabbage by-products, processing, packing or manufacture of
- n. Paper, pulp or plastics manufacture
- o. Slaughterhouses
- p. Smelting
- q. Stockyards
- r. Solid waste disposal sites including concrete, stone and other demolition materials from building or construction projects.
- s. Recreational trails, public or private
- t. Wastewater and/or sewage treatment facilities (except for individual, on-site sewage disposal facilities such as septic tank filter fields, holding tanks, or alternate sewage disposal systems)
- u. Automobile yards
- v. Sand blasting and painting operations
- w. Residential quarters for the owner, proprietor, commercial tenant, employee or caretaker located in the same building as the business.
- x. Day Care Center
- y. Telecommunication Facilities

**7.074** Lot Area and Width. Buildings or parts of building hereafter erected, moved, or structurally altered shall provide a lot area of not less than 40,000 square feet and a width not less than 200 feet.

**7.075** Height. No building or part of a building hereafter erected or structurally altered shall be more than two and one half stories and shall not exceed 35 feet in height.

**7.076** Side Yards. There shall be a side yard on each side of all buildings not less than 25 feet in width.

**7.077** Rear Yard. There shall be a rear yard of not less than 25 feet.

**Section 7.08 Conservancy District (CON):** The conservancy district is intended to be used to prevent destruction of natural or man-made resources and to protect watercourses including the shorelands of navigable waters, and areas which are not adequately drained, or which are subject to periodic flooding;

where development would result in hazards to health or safety; would deplete or destroy resources or be otherwise incompatible with the public welfare. This district includes all wetland areas designated as swamps or marshes on the United States Geological Survey map sheets. Wetlands are any lands wet enough to support a growth of moisture loving plants or aquatics and having an accumulation of organic matter, such as peat or muck. Wet soils can be the results of a high-water table (as close to the surface as one foot, but frequently no closer than three feet) or of a permeable layer within the soil causing slow seepage. A thick, dark colored topsoil along with a gray or highly mottled subsoil indicates wet soil conditions. Wetlands are seldom suitable for building for the following reasons: (1) septic tank systems will not function because of high groundwater; (2) water supplies are often polluted by septic tank wastes that have not been adequately absorbed by the soil; (3) foundations and roads crack due to poor support capabilities and frost action; (4) flooding is often common in Spring and other times of high water. The filling or draining of a wetland, so as to substantially change the condition of the soil or lower the water table may make it possible in some cases to install an adequate septic tank system. In such cases, the applicant shall present evidence proving that the suitability of the soil at the site has been altered at a public hearing as provided in Articles XIII and XIV of this ordinance. The applicant shall have additional on-site investigations made, including percolation tests; obtain the certification of a soil specialist that specific areas lying within this district are suitable for the proposed facility; and meet the Division of Health and other state regulations. Upon consideration of these factors, the Board of Adjustments may attach conditions without limitation because of specific enumeration, such as requirements for larger minimum lot size; modified soil absorption system; provisions of sewage holding tanks and methods of sewage collection; and other requirements it deems necessary to fulfill the purpose and intent of this ordinance.

**7.081** Permitted Uses:

- a. Public fish hatcheries
- b. Soil and water conservation programs as approved and administered by the Calumet County Soil and Water Conservation District Board.
- c. Forest management program
- d. Wildlife preserves
- e. Grazing where such activities will not be in conflict with the stated purposes of this district.
- f. Telephone, telegraph and power transmission towers, poles and lines, including transformers, substations, relay and repeater stations, equipment housing and other necessary appurtenant equipment and structures.
- g. Orchards and wild crop harvesting.
- h. Recreational trails, public or private.

**7.082** Conditional Uses:

- a. Filling, drainage or dredging of wetlands according to the applicable provisions of the Shoreland/Floodplain Overlay Zoning Ordinance.
- b. Public and private parks and golf courses - Type A.
- c. Dams, plants for the production of electric power and flowage areas.
- d. Accessory structures such as hunting and fishing lodges.
- e. Piers, docks, boathouse

**7.09** - Surface Water Drainageway Overlay District (SWDD):

The purpose of this district is to preserve and protect surface water drainageways from any alteration that would affect water quality, flood storage and the flow capacity of the drainageways. It is not the intent of this district to take lands out of productive use.

This surface water drainageway district is established as an overlay district and one to work in conjunction with the existing underlying district. The district boundaries are determined according to the specific watershed area land use and the hydraulic carrying capacity required. The boundaries and widths are determined as follows:

- 60' for drainage area less than 300 acres
- 100' for drainage area 300 - 1000 acres
- 120' for drainage area over 1000 acres

In addition to the widths specified, there shall be provided a buffer zone of 20 feet on each side of drainageway.

**7.091** Permitted uses:

- a. Uses listed in the underlying district with no permanent buildings permitted.
- b. Any dredging, clearing, cleaning, relocation, filling, etc of any existing surface water drainageway or buffer zone shall require the receipt of a land use permit. Prior to the permit issuance, the proposed practice shall be reviewed by the Land Conservation Department to determine compliance with the standards for a 10-year frequency storm identified in the National Engineering Field Manual and/or Technical Release No. 55 of the Soil Conservation Service - U.S. Department of Agriculture. Input shall also be received from the State Designated Area Wide Water Quality Planning Agency to determine if the proposed practice(s) is in conformance with the area wide water quality management plan for the protection of the surface water resource.

Upon favorable review by the listed Departments, the land use permit may be issued providing the project is in compliance with all other provisions of County land use regulations. Work performed within the shoreland jurisdictional area on waterways that are deemed navigable must still comply with the provisions of the Shoreland Zoning Ordinance.

### **SECTION 7.10 TOWN OF HARRISON OVERLAY DISTRICT (HOD)**

The intent of this overlay district is to address the needs for the growth and expansion of areas in close proximity to other developing areas of the Fox Valley. This district provides for more concentrated development that is more consistent with the character of adjoining urban and semi-urban areas. This overlay allows for changes to the zoning standards that reflect a pattern of more compact and dense development. These patterns provide for more efficient and cost effective routes and modes of transportation, sewer and water extension and other public utilities. Additionally, these standards are intended to reduce sprawl and encourage more compact development in areas where sewer and public utilities are provided.

**Section 7.101 Lands Included within this District:** The boundaries of this district shall include all areas served by municipal sewer within the Town of Harrison that are also part of the following described districts or areas: (1) Darboy Sanitary District; (2) Waverly Sanitary District; (3) Appleton Boundary Agreement Area; (4) Menasha Boundary Agreement Area.

**Section 7.102 Overlay Standards:** Within this district, the following sections of the County Zoning Ordinance shall be modified as follows:

1. Section 6.06 Total Buildable Lot Area (formerly (Sec. 6.025). The total square footage, in ground floor area of all structures (proposed and existing) on any one lot shall not exceed 35% net lot area for commercial and industrial zoned properties (C-1, C-2, C-3 and Industrial). Additionally, the total amount of impervious surface area shall not exceed 70%
2. Section 7.043 (D) b.3. Residential Planned Development District (R-4): Maximum lot coverage of 30%.
3. Section 7.065 (C ) Commercial/Light Industrial (C-3): No building or part of building hereafter erected or altered shall exceed 45 feet in height.
4. Section 7.075 Industrial District (1): No building or part of building hereafter erected or altered shall exceed 45 feet in height.
5. Section 8.02 Setbacks from Highways: The minimum setback from the Right of Way Line on a street in a platted subdivision that is approved after the effective date of this amendments (July 15, 2003) and is improved with curb and gutter shall be 25 feet.
6. Section 8.021 (b) Vision Clearance Triangle: The vision clearance triangle on streets within a platted subdivision shall be described as follows: Starting at the point of intersection of the two lot lines abutting the streets (lot corner closest to the street intersection), thence going away from that intersection a distance of 25 feet along each lot line. The diagonal line that connects these two points forms the vision clearance triangle.
9. The minimum width for streets within platted subdivision shall be 60 feet.

**Section 7.11 Town of Harrison Industrial/Commercial Overlay District:** The intent of this overlay district is to address the needs for additional review and more detailed analysis of industrial and commercial development occurring in more rapidly developing growth and expansion areas in the Town of Harrison. This overlay provides for a more local review of the development that is generally more concentrated and more consistent with other developing areas of the Fox Valley. The Town's review will

allow for a greater level of control over the landscape, aesthetic value, and architectural character of industrial and commercial development that would still be consistent with the overall intent of the ordinance.

**Section 7.111 Lands Included Within This District.** The boundaries of this district shall include all areas within the following zoning districts: C-1, C-2, C-3 and Industrial.

**Section 7.112 Overlay Standards.** Within this district, the Town of Harrison shall have the ability to conduct their own review and control authority over the following:

- a. Site Plan Review
- b. Design Standards, including architectural design and building materials.
- c. Landscape and screening requirements.
- d. Nuisance control

This section shall not be interpreted or construed to allow a lesser standard or be less restrictive than the County’s Zoning Ordinance setbacks, lot coverage, and height restrictions.

### ARTICLE VIII SETBACKS

**Section 8.01 Setback Lines Established:** Setback lines are hereby established in Calumet County outside the limits of incorporated cities and villages, along all public highways, and at the intersections of highways with highways, and highways with railways, as hereinafter provided. Where a highway is located on a county, city, or village boundary, this section shall not be effective on the side of such highway that is within the city or village or the adjoining county.

**Section 8.02 Setbacks from Highways:** Except as otherwise provided, the distances from the center line, as defined by Section 8.032, or from the right-of-way line to the setback line shall be as provided by the following paragraphs of this subsection:

**8.021** Whenever a highway is improved to a classification requiring a greater setback distance than that required by this ordinance prior to such improvement the setback distance of existing buildings shall not be affected by such improvement.

In cases where the provisions of this section may be interpreted to provide for different setback distances, the greater setback distance shall prevail, but this regulation shall not apply to streets in platted subdivisions.

- a. Along Highways generally. The minimum setback distance from the center line or right-of-way line, at any point, for the respective classes of highway shall be as follows:

<u>Highway Classification</u>	<u>Setback from Centerline</u>	<u>Setback from Right-of-Way Line</u>
Federal and State Trunk Highways	125 Feet	75 Feet
County Trunk Highways	100 Feet	60 Feet
Town Roads (Except in platted subdivision)	83 Feet	50 Feet
Streets in platted Subdivisions	30 Feet	
Private Roads	45 Feet	30 Feet edge of road or easements

- a. In each quadrant of any public street intersection or street-railroad intersection, there shall be a Vision Clearance Triangle bounded by the street (and/or track) centerlines and a line connecting points on them two hundred fifty (250) feet from the centerline intersection along Federal and/or state highways, two hundred fifty (250) feet from the centerline intersection along all railroads, two hundred (200) feet from the centerline intersection along County Trunk highways and 125 feet from the center line intersection along town roads within platted subdivisions and one

hundred fifty (150) feet from the centerline intersection along Town Roads. Within a Vision Clearance Triangle, no structure, no motor vehicle or object of natural growth, except annually

harvested crops (except fruit trees), shall be constructed, maintained, placed or permitted to grow beyond a height of three (3) feet above the elevation of the highway or railroad grade at the centerline. This provision shall not apply to any private streets or roads.

- b. At Highway Intersections with Transitional Widening. At intersections of highways with other highways provided with transitional widening of pavement or surfacing, such transitional widening shall be considered as additional width, and the setback line on the side which is widened shall be increased by an amount equal to the width of the additional pavement.
- c. At Highway Intersections with Curve Connections. At intersections of highways with other highways, where the intersecting highways are connected with pavement or surfacing constructed on a curve, the pavement or surfacing on the curve shall be classified as provided by Section 8.022 and the setback distance along the curve shall be measured from the center line of the curved section determined accordingly.

**8.022** Center lines of Highways. The centerline of any road or highway is the center of the surfacing or pavement, or if there be none, the center of the graded roadbed, or the center of the directional separator, if the highway is directionally divided.

**8.023** Structures Prohibited within Setback Lines. No new buildings, new sign, or other new structure, including cemeteries, nor any part thereof, shall be placed between the setback lines established by this ordinance and the highway except as provided by this ordinance and no such building, sign or structure or part thereof existing within such setback lines of the effective date of this ordinance, shall be moved, except outside such set back lines, or altered, enlarged or added to in any way that increases or prolongs the permanency thereof.

**8.024** Structures Permitted Within Setback Lines. The following kinds of structures may be placed between the setback line and the highway:

- a. Open fences
- b. Telephone, telegraph and energy transmission poles and lines and microwave radio relay structures may be constructed within the setback lines.
- c. Underground structures not capable of being used as foundations for future prohibited overground structures.
- d. Signs permitted within setback lines as provided in Section 9.02 of this ordinance.
- e. Access or service highways constructed according to plans as approved by the county highway committee. In giving such approval, the county highway committee shall give due consideration to highway safety and maximum sight distances.
- f. Temporary structures permitted in the commercial and industrial districts.
- g. Rear yard decks on double fronted lots providing the minimum rear yard setback is applied for the applicable zoning district, or 2/3 of the road setback, whichever distance is greater. This provision shall not be applied to navigable water setbacks.

This subsection shall not be interpreted so as to prohibit the planting and harvesting of field crops, shrubbery or trees; provided however, that no shrubbery or trees shall be so located, maintained or permitted to grow so that the view across the sectors at the intersections, as provided by Section 8.021, paragraphs (b), (c), (d) of this section, shall be obstructed.

**8.025** Exception to setbacks in Commercial District. The road setback for a commercial structure in a platted area shall be 45' from the ROW of a County Highway and 60' from the ROW of a State or Federal Highway.

## ARTICLE IX SIGN REGULATIONS

### **Section 9.01 Permitted Locations of Signs:**

Zoning District  
R

Types of Signs Permitted  
1, 3, 4, 7

C and I  
A  
CON and REC

1, 2, 3, 4, 5, 6, 7, 8  
1, 2, 3, 4, 7, 8  
1, 4, 7, 8

**Section 9.02 Types of Signs, Maximum Size, Number and Location:**

Type 1 - Official traffic control signs, and informational or directional notices erected by federal, state or local units of government. Official signs may be placed within the highway right-of-way. No permit required.

Type 2 - Directory signs advertising a business or activity conducted, an area of interest, or a service available, at a specific location. Such signs shall be not more than 32 square feet in gross area. There shall not be more than two such signs relating to any one such use in the approaching direction along any one highway. No such sign shall be more than ten miles away from the location to which it relates. Such signs may be placed at the right-of-way line of the highway. A larger number of signs may be permitted by the Board of Adjustments if the Board shall find it necessary for directing the traveling public. Permit required.

Type 3 - Signs advertising a customary home occupation or professional office. Such signs shall not exceed 9 square feet in gross area and allow sign at road right-of-way, and if illuminated shall be indirectly lighted. No permit required.

Type 4 - Signs advertising the sale, rent or lease of the property on which the sign is placed. Such sign shall not exceed 12 square feet in gross area and may be placed at the right-of-way line of the highway. No permit required. For platted subdivisions or condominium plats, up to two signs not exceeding 32 square feet may be placed at the right-of-way of the highway. No such sign shall be more than 1/2 mile from the location to which it relates. Permit required.

Type 5 - Signs advertising a general brand or product; an area of interest; a business conducted; or a service available. Such signs shall not be more than 300 square feet in gross area and shall comply with the setbacks established for structures in Section 8.02 of this ordinance. If such sign is not on the same premises to which it advertises, a permit may not be issued until approved via the conditional use process. Permit required.

Such sign, if located on premise, of not more than 200 sq. ft, may be established not closer than 2/3 of the required minimum setback for structures. Or, such on premise sign, of not more than 100 square feet may be established at no closer than 1/3 of the required minimum setback. Permit required.

Type 6 - Signs on or attached to agricultural, commercial and industrial buildings advertising a business conducted or a service available on the premises. No sign shall be higher than the maximum height limitation permitted in the district. No permit required.

Type 7 - On-premise signs advertising a public or semi-public use. Such signs shall not exceed 14 square feet in gross area. There shall be no more than one sign for each highway upon which the property faces. Such signs may be placed at the right-of-way line of the highway. Permit required.

Type 8 - Recreational directory signs indicating the direction to a cottage, resort, residence or similar use. Such signs shall not be more than 12 square feet in gross area. Where a common posting standard is provided all such signs shall be attached to the standard recreational directory. The resulting composite sign shall not exceed 100 square feet in gross area. Signs may be placed at the right-of-way line of highways. Permit required.

**Section 9.03 Prohibited Characteristics of Signs:**

**9.031** No sign, except official traffic control signs erected by governmental units, shall be placed which will interfere with the visibility or effectiveness of any official traffic sign or signal, or placed within a Vision Clearance Triangle as defined in Section 8.021(b) of this Ordinance.

**9.032** No sign shall resemble, imitate, or approximate the shape, size, form, or color of railroad or traffic signs, signals, or devices.

**9.033** No sign shall contain, include, or be illuminated by flashing lights.

**9.034** No sign shall contain, include or be composed of any conspicuous animated or moving part.

**9.035** No sign shall make use of any rock, tree, or other natural feature for support or for carrying any message, except that legal no hunting or no trespassing or other private regulatory signs may be attached to a tree.

**9.036** No sign shall contain more than 300 square feet in gross area.

**Section 9.04 Signs Near the Water.** Any sign intended to be read from the water shall be set back a minimum of 75 feet from the normal high-water mark, and shall not exceed 30 square feet in gross area.

Signs advertising the sale of property (type 4 signs) would be permissible within 75' provided they not exceed 12 square feet.

**Section 9.05 Existing Signs:** Any sign, which becomes a nonconforming sign at the effective date of this ordinance or which becomes a nonconforming sign at any future date, may be continued provided that no increase in size, illumination or flashing of such sign shall be made and further provided the following:

Any sign, including structures and all supporting members, shall be discontinued and removed not more than five (5) years after the date that such sign becomes a nonconforming sign, unless such nonconforming sign shall be made to conform to all of the regulations of the district in which it is located.

## ARTICLE X EXCEPTIONS AND MODIFICATIONS

This article is established to provide relief from unnecessary hardships that may occur from the application of this ordinance to a specific piece of property.

### **Section 10.01 Existing Substandard Lots:**

**10.011** Existing Lots Served by Public Sewer. A lot that does not contain sufficient area to conform to the dimensional requirements of this ordinance but which are at least 55 feet wide and 7,500 square feet in area may be used as a building site provided that the use is permitted in the zoning district; providing the lot is of record in the County Register of Deeds Office; prior to the effective date of this ordinance, and provided that the lot is in separate ownership from abutting lands. An existing substandard lot intended for a two family dwelling shall have a minimum of 10,000 square feet lot area and 75 feet minimum lot width.

**10.012** Existing Lots Not Served by Public Sewer. A lot which does not contain sufficient area to conform to the dimensional requirements of this ordinance, but which is at least: (1) 100 feet wide and 20,000 square feet in area, if located in the Agricultural District; (2) 150 feet wide and 30,000 square feet in area, if located in the Industrial District; or (3) 75 feet wide and 15,000 square feet in area, if located in any other districts; may be used as a building site provided that the use proposed is permitted in the zoning district where located, provided that the substandard lot in question is of record in the County Register of Deeds office prior to the effective date of this ordinance, provided that the lot meets the requirements of ILHR 85 Wisconsin Administrative Code, and provided that the lot is in separate ownership from all abutting property. An existing substandard lot intended for a two family dwelling shall have a minimum of 20,000 square feet lot area and 100 feet minimum lot width.

### **10.013** Improvements on Substandard Lots.

#### a. Improvements on Vacant Substandard Lots:

1. A zoning permit for the improvement of a vacant lot with lesser dimensions and requisites than those stated in 10.11 and 10.12 shall be issued only after the granting of a variance by the Board of Adjustment.
2. For the purposes of this Section, improvement of a vacant substandard lot shall be defined as the placement of:
  - a. Any permanent site constructed structure(s).
  - b. Structure(s) moved onto a lot and modified to make them permanent.
  - c. Structure(s) moved onto a lot, for residential purposes, (i.e., travel trailers) which are not modified to make them permanent, but are located on the lot for a minimum of thirty (30) consecutive days. Structures placed in State approved campgrounds are exempt from this

requirement.

b. Further Improvements on Improved Substandard Lots:

1. Additional improvements on existing improved substandard lots may be allowed, if the following reduced side and rear yard setbacks are maintained:

Agricultural District

Side Yard	12' each side
Rear Yard	25'

Residential, Recreational and Commercial Districts

Side Yard:	
With sewer	6' each side
Without sewer	10' each side
Rear Yard	20'

2. On any existing improved substandard lot(s), the total ground floor area of all structures, including any new structures, additions or alterations, shall not exceed 25% of the total area of the lot(s) in question if the lot(s) are served by sanitary sewer, or 20% if not served by sanitary sewer.

**Section 10.02 Front-Yard Setbacks:** The front yard building setback requirements of Section 8.02 of this ordinance shall not apply on any structure, proposed after the effective date of this ordinance, if there are any existing principal structures located, on or off-lot on the same side of the roadway within 200 feet of the proposed structure, which are already set back less than the required distance. In such cases, the setback of such proposed structures may be less than the required setback, but not less than the average of the setbacks of the aforementioned existing principal structures and the required setbacks of Section 8.02. However, in no case shall the proposed structure be made to setback any further than that required distance specified in Section 8.02 or less than 2/3 of the required setback. Additions to structures are permissible providing there is no greater degree of encroachment and the 2/3 setback standard is met. Open sided additions (porch or deck) are exempt from the 2/3 setback providing there is no greater degree of encroachment.

**Section 10.021 - Dundas, Forest Junction, Hayton, St. Anna, & St. John -Reduced Road Setbacks**

In the above-listed unincorporated communities, alterations or additions to structures that do not exceed 50 percent of the equalized assessed value and do not meet the two-third setback standard are permissible providing that:

1. The alteration or addition is not closer, than the existing structure.
2. A hold harmless agreement is signed, if requested, by the applicable agency having authority over the roadway.

Upon receipt of a building permit application, staff will forward a copy to the applicable agency, requesting their determination of whether or not the hold harmless agreement will be required.

**Section 10.03 Corner Lots.** Except in platted subdivisions, in the case of a corner lot that abuts any two intersecting streets, the minimum side yard setback shall be two-thirds of the front yard setback for that street as listed in Section 8.02. The front yard setbacks shall be the same as listed in Section 8.02.

**Section 10.04 Public Utility Lots.** Public utility structures less than 1000 square feet in area, which require the authorization of a permit by this ordinance, shall be allowed on lots which do not meet the minimum yard area and width requirements of the zoning district in which they are permitted; provided, however, they shall be situated on a lot of sufficient size to accommodate the development, future expansion, parking and all applicable setback requirements for the zoning district in which the utility is permitted. (06-09)

ARTICLE XI  
CONDITIONAL USE STANDARDS

## **Section 11.01 Manufactured Home Parks and Trailer Parks:**

**11.011** **Manufactured Home Parks.** No manufactured home park shall be developed until the plans for the park have been approved by the County Planning and Zoning Committee and a Conditional Use Permit has been granted. Manufactured home parks shall be only permitted in the recreational, residential and agricultural zoning districts and shall meet the requirements stated below.

Any person with two or more existing manufactured homes on his premises shall submit a plan of his property to the County Planning Department within three months of the effective date of this amendment, showing the location of all such manufactured homes. Any manufactured home development which meets the minimum requirements stated below shall be designated as an "approved Manufactured Home Park" and the owner shall be permitted to locate additional manufactured homes on approved home sites subject to the following conditions:

- a. Minimum size shall be (5) acres.
- b. Maximum number of manufactured home sites shall be eight per acre.
- c. Minimum dimensions of a manufactured home site shall be 50 feet wide by 90 feet long.
- d. Minimum distance between manufactured home trailers shall be 20 feet.
- e. Minimum distance between manufactured home and service road shall be ten (10) feet.
- f. There shall be two parking spaces for each manufactured home.
- g. No manufactured home sales office or other business or commercial use shall be located within the manufactured home park site unless such park site is located in the Commercial District. However, the sale of vacated manufactured homes on existing lots within the manufactured home park is permitted. Laundries, washrooms, recreation rooms, maintenance equipment storage and one managerial office are also permitted.
- h. In addition to the highway setback requirements, there shall be a minimum setback of 40 feet from all other exterior lot lines.
- i. Each manufactured home park shall be completely enclosed, except for permitted entrances and exits, by either:
  1. A temporary planting of fast-growing material capable of reaching a height of ten (10) feet or more.
  2. A permanent evergreen planting, the individual trees to be of such a number and so arranged that within ten (10) years they will have formed a dense screen. Such permanent planting shall be grown or maintained to a height of not less than ten (10) feet.
- j. All manufactured homes shall meet the construction standards of the Manufactured Homes Manufacturing Association.
- k. Manufactured home parks shall comply with the sanitation regulations of the Calumet County Sanitary Ordinance and the appropriate requirements of Chapter H77, Wisconsin Administrative Code. No manufactured home site shall have an individual on-site soil absorption sewage disposal system unless it meets the minimum lot size specifications as stated in Article VIII of this ordinance.
- l. No manufactured home site shall be rented for a period of less than 30 days.

**11.012** **Trailer Camps, Campgrounds and Camping Resorts.** The County Planning and Zoning Committee shall approve all plans for trailer camps and campgrounds. Such facilities shall meet the following conditions.

- a. Each trailer or campsite shall be plainly marked.
- b. Maximum number of trailer or campsites shall be 15 per acre.
- c. The minimum size of a travel trailer park or campground shall be five (5) acres.
- d. The minimum size of a travel trailer or campsite shall be 25 feet wide by 40 feet long.
- e. Each travel trailer or campsite shall be separated from other travel trailer sites by a yard not less than 15 feet wide.
- f. There shall be one and one-half automobile parking spaces for each trailer or campsite.
- g. In addition to the highway setback requirements, there shall be a minimum setback of 40 feet from all other exterior lot lines.
- h. It shall conform to the requirements of Section H78, Wisconsin Administrative Code, which shall apply until amended and then apply as amended.
- i. The screening provisions for manufactured home parks shall be met.
- j. Each trailer camp, campground, or camping resort shall have a service building similar to that required by Section H77, Wisconsin Administrative Code.

- k. No trailer or camping unit shall be located on one site for a period of more than 7 days or an extension thereof not to exceed 14 days. No trailer shall be stored in a trailer park, camping ground or camping resort.

**Section 11.02 Mineral Extraction Sites:** All non-metallic mining activities and operations as defined in Section 3.012 shall be regulated as follows:

**11.021** Applicability. These regulations shall apply to any new mineral extraction operations begun after the legal effective date of this ordinance.

**11.022** General Requirements. The following standards shall apply in all applicable cases:

- a. All excavations, except solid rock quarries, shall be at least 100 feet from any existing side or rear property lines. Solid rock quarries shall be at least 500 feet from any pre-existing residence. These minimum distances may be varied where: (1) an adjacent property contains an existing adjacent excavation and (2) such variation are first approved, in writing, by the property owners involved.
- b. As a minimum requirement, all excavations or stockpiles shall be no closer to a road than the specified building setback distances required in Section 8.02 of this ordinance.
- c. Any portion of an existing or new non-metallic mining site that operates after August 1, 2001, shall comply with the reclamation requirements set forth in the County's Non-Metallic Mining Reclamation Ordinance. Items D and E below shall apply only to sites or portions of sites, which were mined prior to August 1, 2001 and are not covered under the County's Non-Metallic Mining Reclamation Ordinance. However, with the approval of the Planning and Zoning Committee, these reclamation requirements may be removed if the operator complies with the Non-Metallic Mining Reclamation Ordinance requirements for those portions of the site.
- d. All final grades of areas no longer being worked shall be no steeper than two (2) feet horizontal to one (1) foot vertical (not applicable to solid rock quarries).
- e. Any part of an excavation in which water collects to a depth of three (3) feet or more for thirty (30) or more consecutive days shall be drained or filled to prevent such collection of water unless approval is given by the Planning and Zoning Committee on a plan for creation of an artificial pond or lake.
- f. All aspects of such operations shall be in compliance with any applicable state or federal regulations.

**11.023** Application. Applications requesting County Planning and Zoning Committee approval of a proposed quarry or other mineral extraction site shall be accompanied by:

- a. A legal description of the proposed site.
- b. A site map drawn to scale showing at least the boundaries of the proposed site, approximate location and dimensions of all proposed excavations, present or future location, and dimension of any existing or proposed access roads.
- c. A complete description (written) of the method(s) of operation to be used.
- d. If a proposed operation will include sand and gravel washing, information shall be submitted concerning the estimated daily quantity of water required, its source, and its disposal.
- e. Where deemed necessary by the Planning and Zoning Committee, a topographic map (minimum contour interval of five feet) of the proposed site, and the contiguous area extending at least 200 feet beyond the site on all sides, shall be submitted.

Applications for approval shall comply with all of the general requirements of Section 12.04 of this ordinance.

**11.024** Review Considerations. In reviewing an application for approval of a mineral extraction site, the County Planning and Zoning Committee shall also take into consideration:

- a. The appropriateness of the proposed operation in relation to existing nearby land uses.
- b. Any applicable recommendations of the Soil and Water Conservation District technical guide.
- c. The effect of the proposed operation upon existing private and public water supplies.
- d. The economic effect(s) of the proposed operation on private enterprises and local government.
- e. The effect of the proposed operation on public health and safety.
- f. The location of the site with respect to floodplains and floodways of rivers or streams.

**11.025** Approval. The County Planning and Zoning Committee shall render a decision on the application. The Committee may approve, approve with conditional conditions, or deny any application based upon the above guidelines.

**11.026** Conditional Permit. Approval or conditional approval of an application shall constitute the necessary authorization for the issuance of a Conditional Use Permit by the Calumet County Planning Department. For sites or portions of sites mined prior to August 1, 2001 and not covered under the County's Non-Metallic Mining Reclamation Ordinance, the following provisions shall apply: (a) No permits shall be issued until the applicant has furnished a surety bond or a certificate of deposit in an amount sufficient to cover the

cost of any site work specified herein; (b) Such bond or deposit shall be held by the County as a guarantee of performance. It shall be returned to the applicant when he ceases operation of the site and has satisfactorily met all conditions of the original approval; (c) The amount shall be based upon cost estimates prepared by the applicant's engineer. All such bonds or deposits shall be approved by the County Corporation Counsel; (d) With approval of the Planning and Zoning Committee, existing bonds or deposits may be returned if evidence is provided that these portions of the site are covered under the County's Non-Metallic Mining Reclamation Ordinance and that adequate financial assurance has been provided under this ordinance.

**11.027** Duration of Approval. All approvals given and permits issued pursuant to this Section shall be valid for as long as the particular operation remains in compliance with these stated provisions and any additional conditions specified by the Planning and Zoning Committee at the time of original approval. Any future contemplated changes or alterations to an approved site which would cause non-compliance with any provision of Section 11.022 or which would invalidate any of the original application materials submitted under Section 11.023 shall require a re-application for approval, subject to the same requirements as the original applications. Failure to re-apply when necessary shall constitute a violation subject to penalty as specified in Section 14.02 of this Ordinance. All approved mineral extraction sites shall be subject to review by the Planning and Zoning Committee or the County Planning Department once every two years to determine if compliance is being maintained.

**11.028** Pre-Existing Operations. Any mineral extraction site in operation at or prior to the effective date of this ordinance shall be exempt from the requirements of Section 11.022 through 11.027 inclusive. However, the owner of any such pre-existing operations shall, within 90 days after the legal effective date of the ordinance, register with the County Code Administrator and submit to him any data or information which he may request in order to establish a complete file on the operation. Upon satisfactory compliance with this registration provision, the County Code Administrator shall issue a Regular Land Use Permit for such pre-existing operation. A mineral extraction site shall be defined as "pre-existing" only if it has been in active operation at some time within three years prior to the legal effective date of this ordinance. Existing sites that have not been in operation for over three years will be defined as abandoned and shall not renew operation except in compliance with all of the provisions governing new operations. Any pre-existing operation that fails to comply with this registration provision within the specified 90-day period shall be subject to the penalties specified in Section 14.02 of this ordinance.

**Section 11.03 Junk or Salvage Yards:** No junk or salvage yards shall be permitted in Calumet County except in conformance with a plan approved by the County Planning and Zoning Committee.

**11.031** General Provisions.

- a. Junk or salvage material shall not be located closer to a federal, state, county or local road than the setback required for a principle structure in Article VIII of this ordinance, and all establishments of this type shall have a minimum for side and rear yards of 50 feet each.
- b. Junk or salvage materials shall be enclosed by a suitable fence or planting screen so that the materials are not visible from other property in the vicinity of the junkyard, nor from a public right-of-way such as roads, streets, highways and waterways. The fence or planting screen shall be a minimum of eight feet in height and shall be kept in good repair.
- c. Junk or salvage materials shall not be piled higher than the height of the fence.
- d. For fire protection, an unobstructed firebreak shall be maintained, one rod in width and completely surrounding the salvage or junkyard.

**Section 11.04 Shooting Ranges for Firearms:**

**11.041** In granting a Conditional Use Permit for target ranges, the Planning and Zoning Committee shall evaluate:

- a. Potential Hazards to adjacent uses
- b. Topography and ground cover
- c. Noise

**11.042** The firing of rifled arms and shotgun slugs shall not be permitted directly toward or over navigable water; public or private roads or drives; toward any building or structure nor directly toward any population concentration which is located within one and one-half miles.

**11.043** There shall be:

- a. An adequate shotfall or bullet impact area.
- b. A defined firing line or firing direction.
- c. Adequate target backstops for the firing of rifled arms.
- d. No shooting activity between 10:30 p.m. and 6:00 a.m.

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

#### **Section 11.05 Private Aircraft Landing Fields and Facilities:**

**11.051** Such private aircraft landing fields shall be operated only for the convenience of the owner and his personal or business associates and no type of commercial air services shall be conducted.

**11.052** No type of commercial activities shall be conducted on the site of a private landing field.

**11.053** Whenever such a landing field is located within one-half (1/2) mile of an existing, occupied residence, there shall be no take-offs or grounded aircraft in operation between 10:00 p.m. and 6:00 a.m.

**11.054** No portion of any private runway will be located within 400 feet of a public roadway.

**11.055** Any such private landing field shall fully comply with all present or future regulations of the Wisconsin Department of Transportation Division of Aeronautics.

#### **Section 11.06 Small Engine or Motor, and Associated Equipment, Sales or Service.**

(Staff Note: At the time of the reprint of this Ordinance, December 1992, no zoning district would allow this conditional use.)

- a. Only one permanent building shall be permitted for the conduct of such business operation.
- b. The total floor area of said building shall not exceed 1500 square feet.
- c. Said building shall not exceed 15 feet in height.
- d. No more than two non-family members shall be employed at any one time.
- e. The following off-street parking shall be provided: one parking space per 300 square feet of floor area or fraction thereof; plus one space for each non-family employee. Each parking space shall be at least 160 square feet in area.
- f. Said commercial operation or any related activities shall not be conducted before 7:00 a.m. or after 10:00 p.m.
- g. Not more than two non-illuminated signs, whose combined gross area does not exceed 24 square feet, shall be placed on the premises. Any signs so placed shall conform to all other provisions of this ordinance and/or any State-Federal Highway regulations.
- h. There shall be no outside storage associated with said commercial activity, unless such outside storage is fully concealed by a solid eight (8) foot fence.
- i. Any such commercial building, or its associated storage, shall fully comply with the established setback and yard requirements of the Commercial District.
- j. The total ground floor area of any such commercial building, plus any existing buildings, shall not exceed 25% of the total area (square footage) of the property.
- k. The Planning and Zoning Committee shall also take into consideration the expected impact of such commercial usage upon existing nearby land use.

## **Section 11.07 Telecommunication Facilities**

**11.071** Purpose and Intent - The purpose and intent of this section is to provide a uniform and comprehensive set of standards for the development and installation of telecommunication towers, antennas, and related facilities. The regulations are designed to protect and promote public health, safety, community welfare, aesthetic quality of Calumet County, and encourage managed development of telecommunication infrastructure. The section shall:

- a. Provide a process for obtaining necessary permits for telecommunication facilities, while at the same time protecting the interests of Calumet County citizens.
- b. Ensure that a non-discriminatory, competitive, and broad range of telecommunication services and high quality telecommunications are provided to serve the community.
- c. Minimize conflicting uses of the land and adverse visual effects.
- d. Protect environmentally sensitive areas of Calumet County by regulating the location, design, and operation of telecommunication towers, antennas, and related facilities.
- e. Encourage the use of alternative support structures, co-location of new antennas on existing telecommunication towers, camouflaged towers, and construction of towers with the ability to locate three or more providers.

### **11.072** Definitions

**Antenna.** Any device or equipment used for the transmission or reception of electromagnetic waves, which may include omni-directional antenna (rod), directional antenna (panel), or parabolic antenna (disc).

**Co-Location.** The location of more than one antenna or set of antennas on the same tower structure.

**Height.** The distance measured from the original grade at the base of the tower to the highest point of the tower.

**Lattice (Self-Support) Tower.** A telecommunication tower that consists of vertical and horizontal supports and crossed metal braces.

**Monopole.** A telecommunication tower of single pole design.

**Operation.** Means other than nominal use; when a facility is used regularly as an integral part of an active system of telecommunications, it shall be deemed in operation.

**Satellite Dish.** A device incorporating a reflective surface that is solid, open mesh, or bar configured that is shallowish, cone, horn, or cornucopia shaped and is used to transmit and/or receive electromagnetic signals. This definition is meant to include, but is not limited to, what are commonly referred to as satellite earth stations, TVROs and satellite microwave antennas.

**Telecommunication Facility.** A facility, site, or location that contains one or more antennas, telecommunication towers, alternative support structures, satellite dish antennas, other similar communication devices, and support equipment which is used for transmitting, receiving, or relaying telecommunication signals, excluding those facilities exempted under Section 11.073.

**Tower.** Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including guy towers, monopole towers, and self-supporting lattice towers.

**Tower, Camouflaged.** Any telecommunication tower that, due to design or appearance, hides, obscures, or conceals the presence of the tower and antenna.

**Tower, Guyed.** A telecommunication tower that is supported in whole or in part by guy wires and ground anchors or other means of support besides the superstructure of the tower itself.

**Tower Accessory Structure.** Any structure located at the base of a tower for housing, receiving or transmitting equipment.

**11.073** Exempt From Review. This Ordinance shall not govern the installation and or use of:

- a. Television antennas, satellite dishes, and receive-only antennas provided that they are for personal use of the landowner, the primary use of the property is not a "telecommunication facility", and the antenna use is accessory to the primary use of the property.
- b. Amateur radio antenna and their supporting towers, poles, and masts that are owned and/or operated by a federally-licensed amateur radio operator or is used exclusively for receive-only antennas.
- c. Mobile services providing public information coverage of news events of a temporary or emergency nature.
- d. Any other devices not mentioned above that are exempt according to Section 704 of the Telecommunications Act of 1996.

**11.074** General Requirements. These provisions shall apply to all telecommunication facilities located within the County.

- a. All telecommunication facilities shall comply with Federal Communication Commission (FCC), Wisconsin State Bureau of Aeronautics, Occupational Safety and Health Association (OSHA), and Federal Aviation Administration (FAA) rules and regulations.
- b. All telecommunication facilities shall comply with the manufacturer's specifications as it relates to design and installation.
- c. All telecommunication facilities shall comply with all applicable state and local building and electrical codes.
- d. The landowner shall provide written authorization for siting the telecommunication facilities on a leased property.
- e. All towers and antennas must be adequately insured for injury and property damage.
- f. Any required federal, state, or local agency licenses shall be provided prior to the issuance of the building permit for proposals to erect new telecommunication facilities.
- g. No sign, other than warning, permit number, or equipment information, shall be affixed to any telecommunication facilities.
- h. No telecommunication facility shall be artificially illuminated or have strobe lights attached to it unless required by FCC or FAA regulations. Light, if required, shall be shielded from the ground.
- i. Camouflaged telecommunication facilities are encouraged and may be required in historical, environmental or other sensitive areas as determined by the applicable Calumet County Planning and Zoning authority.
- j. All telecommunication towers shall be self-supporting monopoles or lattice towers except where satisfactory evidence is submitted that a guyed tower is required.
- k. Telecommunication facilities shall not interfere with or obstruct existing or proposed public safety or fire protection telecommunication facilities. Any actual interference and/or obstruction shall be corrected by the applicant at no cost to the County.
- l. A bond with a corporate surety, duly licensed in the State of Wisconsin, in the amount of twenty thousand dollars (\$20,000) to assure that the applicant, its representatives, its agents, and its assigns will comply with all the terms, conditions, provisions, requirements, and specifications contained in this ordinance, including abandonment.

**11.075** Prohibited Areas for Telecommunication Facilities

- a. No telecommunication facility may be located in the following areas:
  - 1. Floodplains
  - 2. Wetlands
  - 3. Shorelands
  - 4. Residential-zoned districts
  - 5. Conservancy-zoned districts
  - 6. Recreation-zoned districts
- b. Notwithstanding the above, the Zoning Administrator shall issue a land use (building) permit in all residential, recreational, agricultural, commercial, and industrial zoning districts provided.
  - 1. The applicant requests to attach an antenna to an existing tower, structure, or utility pole, and,
  - 2. The antenna does not extend more than twenty (20) feet above the highest point of an existing tower, structure, or pole.

**11.0751** Zoning Districts Permitting Telecommunication Facilities with Conditional Use Permit Review and Approval:

- a. Telecommunication facilities may be allowed in the following zoning districts, provided they meet the requirements of the district and the requirements of this chapter:
  - 1. All agricultural-zoned districts
  - 2. All commercial-zoned districts
  - 3. All industrial-zoned districts

**11.076 Conditional Use Permit Requirements.** All applications for conditional use permits shall include the following information:

- a. A report from a registered professional engineer and/or other professionals which:
  - 1. Describes the facility's height and design, including a cross-section and elevation.
  - 2. Certifies the facility's compliance with electrical standards and structural standards that allow it to accommodate at least three (3) antennas.
  - 3. Describes the tower's capacity, including the potential number and type of antennas that it can accommodate.
  - 4. Describes the lighting to be placed on the facility if required by the FCC or FAA.
  - 5. Certifies that the facility will not cause destructive interference with previously established public safety communication system.
  - 6. A plat of survey showing the parcel boundaries and a legal description, support facilities, location, access, landscaping and fencing.
  - 7. Federal Communication Commission (FCC) license and registration numbers, if applicable. Also copies of Findings of No Significant Impacts statement from FCC or Environmental Impact Study, if applicable.
  - 8. Proof of liability coverage that is satisfactory to the Planning and Zoning Committee.
  - 9. An alternative analysis shall be prepared by the applicant that identifies all reasonable, technically feasible alternative locations and/or facilities that could provide the proposed telecommunication service. The intention of the alternatives analysis is to present alternative strategies which could minimize the number, size, and adverse environmental impacts of facilities necessary to provide the needed services to the County. The analysis shall address the potential for co-location and the potential to locate facilities as close as possible to the intended service area. It shall also explain the rationale for selection of the proposed site in view of the relative merits of any of the feasible alternatives. The County may require independent verification of this analysis at the applicant's expense.
  - 10. A tabular and map inventory of all the applicant's existing telecommunication towers that are located within Calumet County and includes all of the applicant's towers within fifteen hundred (1,500) feet of the County boundary. The inventory shall specify the location, height, type, and design of each of the applicant's existing telecommunication towers and the ability of the tower or antenna structure to accommodate additional co-location antennas.
- b. Each application shall include a facility plan. The County will maintain an inventory of all existing and proposed telecommunication facility installations. All applicants shall provide the following information in each plan:
  - 1. Written description of the type of consumer services each applicant will provide to its customers (cellular, PCS, SMR, ESMR, paging, or other anticipated telecommunication services), the carrier provider, applicant, landowner, and service provider.
  - 2. Provide a list of the applicant's existing telecommunication sites, existing sites to be upgraded or replaced, and proposed facility sites as they are determined and requested within the County.
  - 3. Provide a map of the County which shows the geographic service areas for the provider of the existing and proposed facility sites as they are determined and requested by the provider.
  - 4. The name, address, and telephone number of the officer, agent, and/or employee responsible for the accuracy of the application.
- c. Written acknowledgement by the landowner of a leased site that he/she will abide by all applicable terms and conditions of the building permit or conditional use permit.
- d. Additional Information and Analysis.

1. The Code Administrator or the Planning and Zoning Committee may, at his/her or its discretion, require visual impact demonstrations, including mock-ups and/or photo montages, screening and painting plans, network maps, alternative site analysis, lists of other nearby wireless telecommunication facilities, or facility design alternatives for the proposed facilities.
2. The Code Administrator or Planning and Zoning Committee may employ, on behalf of the County, an independent technical expert to review technical materials submitted by the applicant or to prepare any technical materials required but not submitted by the applicant. The applicant shall pay the costs of such review and/or independent analysis.

**11.077** Performance Standards

- a. General. Except as provided in this subchapter, all telecommunication facilities shall meet the dimensional standards of the zoning district in which they are located. Where the facilities are the principal use on a separate parcel, the parcel shall meet the minimum lot size requirements of the respective zoning district. On a parcel of land that already has a principal use, the facilities shall be considered an accessory use and a smaller area of land may be leased provided that all requirements of this ordinance can be met.
- b. Setbacks and Separation. In general,
  1. The tower shall be set back from the nearest property line a distance equal to the height of the facility. This setback may be reduced to one-half the height of the facility if the applicant submits an engineering report from a registered professional engineer that certifies that the facility is designed and engineered to collapse upon failure within the distance from the facility to the property line. (This requirement does not apply to the boundary of the leased parcel unless the leased parcel boundary is also a property line.)
  2. The tower shall not be located within five hundred (500) feet of any residence other than the applicant's residence.
  3. Towers shall be set back from the nearest road right-of-way a distance equal to the height of the tower or the setbacks established in Section 8.02 of this Ordinance, whichever is greater.
  4. All guy wire anchors shall be at least twenty-five (25) feet from all property lines except on leased parcels.
- c. Co-Location/Sharing of Facilities.
  1. No new facility shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the governing authority that no existing facility tower or structure can accommodate the applicant's proposed antenna. Supporting evidence may consist of any of the following conditions:
    - A. No existing facility towers or structures are located within the geographic area required to meet the applicant's engineering requirements.
    - B. Existing facility towers or structures are not of sufficient height to meet the applicant's engineering requirements.
    - C. Existing facility towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
    - D. The applicant's proposed system would cause electromagnetic interference with the system on the existing tower or structure, or the system on the existing facility tower or structure would cause interference with the applicant's proposed system.
    - E. The fees, cost, or contractual provisions required by the owner to share an existing facility tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are considered unreasonable.
    - F. The applicant demonstrates that there are other limiting factors that render existing facility towers or structures unsuitable.
  2. New facilities shall be designed structurally and electrically to accommodate the applicant's antennas and comparable antennas for at least two (2) additional users if the tower is one hundred thirty (130) feet or more in height. Towers must also be designed to allow for future rearrangement of antennas on the tower and accept antennas mounted at different heights.
- d. Screening and Landscaping. The tower location shall provide for the maximum amount of screening of the facilities. The site shall be landscaped with a buffer of plant materials that effectively screens the view of all tower accessory structures, equipment, and improvements at ground level from adjacent properties. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the area where tower accessory structures and

equipment are located at ground level. In locations where the visual impact of the tower would be minimal, the landscaping requirements may be reduced or waived by the governing authority. Existing mature vegetation and natural landforms on the site shall be preserved to the maximum extent possible.

- e. Security Fencing and Lighting.
  - 1. All towers shall be reasonably protected against unauthorized access. The bottom of the tower shall be enclosed with a minimum of an 8-foot high fence with a locked gate.
  - 2. Security lighting for on-ground facilities equipment is permitted as long as it is down-shielded to keep light within the boundaries of the site.
- f. Color and Materials.
  - 1. All towers and antennas shall use building materials, colors, textures, screening, and landscaping that blends the facilities with the surrounding natural features to the greatest extent possible. The tower shall be painted light blue or other color that is demonstrated to minimize visibility. Galvanized towers may be permitted.
  - 2. All metal towers shall be constructed or treated with corrosion resistant material.
- g. Parking and Access. Adequate parking spaces shall be provided on each site so that parking on public road right-of-ways will not be necessary. Additional parking may be required by the governing authority if the minimum parking proves to be inadequate. Access must be provided by an all-weather driveway and access must be approved by the applicable highway offices.
- h. Height. The applicant shall identify the height of the proposed tower and provide justification for the height chosen. The Committee can modify the height after review of the application. Satellite dishes and parabolic antennas shall be situated as close to the ground as possible to reduce the visual impact without compromising their function.

#### **11.078 Revocation.**

Revocation. Grounds for revocation of the conditional use permit shall be limited to one of the following findings as determined by the Calumet County Planning and Zoning Committee:

- a. The owner of such site, service provider, and/or tower owner fails to comply with the requirements of this Ordinance, as it existed at the time of the issuance of the conditional use permit.
- b. The permittee has failed to comply with the conditions of approval imposed.
- c. The facility has not been properly maintained.
- d. A permit shall expire twelve (12) months after issuance if the tower and/or supporting facilities have not been erected. An extension of time may be granted by the Planning and Zoning Committee upon request.
- e. Revocation Process:
  - 1. If one of the following findings exists, Planning Department staff shall report to the County Planning and Zoning Committee of the non-compliance and given an opportunity to present their position to the Committee or a minimum of 30 days to comply.
  - 2. If compliance is not received within 30 days, the Committee shall hold a hearing to review the non-compliance. Notice shall be given, testimony received, and a written decision made by the Committee based on substantial evidence.

#### **11.079 Abandonment.**

The owner of a telecommunication facility under this Ordinance shall notify the County Planning and Zoning Department when the facility is no longer in operation. All obsolete, damaged, unused, or abandoned towers and accompanying accessory facilities shall be removed within twelve (12) months of the cessation of operations unless a time extension is approved by the Calumet County Planning and Zoning Department. After the facilities are removed, the site shall be restored to its original or an improved condition, and anchoring elements shall be removed from the ground to within five (5) feet of ground level. If removal and/or restoration are not completed, the Zoning Administrator may order removal utilizing a performance bond, which shall be provided by the telecommunication provider to the amount of \$20,000. Calumet County will be named as obligee in the bond and must approve the bonding company.

**11.0791 Appeals Procedure.** Appeals may be taken by aggrieved party as provided under Section 13.03.

**11.0792** Penalty. Penalties for violations are provided under Section 14.02.

**11.0793** Fees for Permits.

## ARTICLE XII ADMINISTRATION

**Section 12.01 Calumet County Planning and Zoning Committee:** The administration and enforcement of the provisions of this ordinance shall be the responsibility of the Calumet County Planning and Zoning Committee or its designee. A designee other than staff of the Calumet County Planning and Zoning Committee shall only have authority to act upon execution of a written agreement with Calumet County.

**12.011** Duties.

- a. Provide necessary forms and applications for permits.
- b. Issue zoning and sign permits where the provisions of the ordinance have been complied with.
- c. Issue conditional use permits and certificates of compliance.
- d. Upon adoption of this ordinance and, when necessary upon the passage of amendments, identify and record information relative to nonconforming uses and structures.
- e. Maintain files of applications, permits and other relevant information.

**12.012** Powers. Upon reasonable cause to revoke any land use permit and issue cease and desist orders requiring the cessation of any building, moving, alteration or use which is in violation of the provisions of this ordinance.

**Section 12.02 County Code Administration:**

**12.021** There shall be at least one County Code Administrator and who shall be the enforcement officer under this ordinance. The Code Administrator shall interpret and administer this ordinance and shall issue all permits, after inspection, required by this ordinance. The Calumet County Planning and Zoning Committee may appoint additional County Code Administrators upon terms it deems appropriate.

**12.022** The Town Board of any Town under the jurisdiction of this ordinance may appoint a Town Building Inspector.

**12.023** The basic duties of the Town Inspectors shall be: (1) on-site investigation of construction and alteration of building, use of property, and other matters pertaining to the administration of this ordinance; (2) report to the County Code Administrator the results of such investigations if there is reasonable evidence of a Zoning Ordinance violation; (3) properly complete all County Land Use (building) Permit applications and forward the same to the County Code Administrator for action; and (4) otherwise administer, on the local town level, the provisions of this ordinance.

**12.024** The Town Inspectors of each town shall be reimbursed for their services by receiving the amount specified under Section 14.01 for the Land Use Permit fee charged for all permits issued in their respective towns.

**12.025** If any questions or problems arise, the performance of any Town Building Inspector shall be jointly reviewed by the respective Town Board and the County Planning and Zoning Committee.

**Section 12.03 Land Use Permits:**

**12.031** No land use shall be substantially altered and no building or structure or any part thereof, except as herein provided, shall hereafter be erected, enlarged, altered, repaired or moved within the areas subject to the provision of this ordinance until a Land Use Permit shall have been applied for in writing and obtained from the County Code Administrator. Such permit shall be posted in a prominent place on the premises prior to and during the period of construction, alteration, repair or moving.

**12.032** All applications for a Land Use Permit shall be accompanied by a sketch showing the location, actual shape and dimensions of the lot to be built upon, the exact size and location of the building on the lot, the existing and intended use of the building, the number of families to be accommodated, its situation with reference to the highway and the distance between the nearest point on the building and the center line of the highway; and such other information with regard to the proposed building and neighboring lots

or buildings as may be called for on the application or may be necessary to provide for the enforcement of this ordinance.

**12.033** All applications for a Land Use Permit for structures intended for human habitation and/or occupancy on parcels not served by a public sewerage system shall be accompanied by a State Septic Tank Permit (Form SBD-6398).

**12.034** No Land Use Permit shall be required in any of the following cases (however all other provisions of this ordinance shall apply).

- a. For building an accessory building, fences, and decks valued less than \$1,000, value would include both labor and material costs.
- b. For any improvement or alteration to an existing building that does not change the height, area (square footage), setbacks or lot coverage and valued less than \$2,500 which does not effect a change in use. Value would include both labor and material cost.
- c. For any maintenance repairs regardless of the cost.
- d. Farm Ponds. (Providing they meet all highway setback regulations).
- e. For farm buildings and structures not permanently fixed to the ground and readily removable in their entirety.
- f. Provided however, that before any of the above construction or alteration is started, the owner or his authorized agent shall notify the code administrator or Town Building Inspector in writing of such proposed construction or alteration, giving the address and exact nature of the work proposed to be done, by whom it will be done, when it will be started and the estimated cost. The Code Administrator may require that a drawing of the proposed work be submitted to him if he deems it necessary to the proper understanding of the work.

**12.035** The term "Land Use" as used in this section shall include any building structure or use of land that is governed by the requirements of this ordinance; also any material alteration in the heating plant, sanitary facilities or mechanical equipment of any such building which may effect a change in its use.

**12.036 Elevation & Final Grading.** Final grading around any structure shall comply with the grade elevation established on the 'Surface Water Drainage Plan' for that subdivision. When a Drainage Plan is nonexistent for a given area, the final grade and maintained grade shall not be higher than the average of the grade on the adjacent properties. The County Zoning Administrator may require that a grading and drainage plan be prepared and approved prior to the issuance of a building permit for new construction. In areas where drainage is not parallel to lot lines, the site plan for the building permit application shall address the direction and handling of surface water flow.

#### **Section 12.04 Conditional Use Permits:**

**12.041** Approval Required. Any use listed as a Conditional Use in this ordinance may be permitted upon application to and approval by the Calumet County Planning and Zoning Committee and issuance of a Conditional Use Permit. Pre-existing uses, which may become classified as conditional due to subsequent ordinance amendments, shall be considered to be approved Conditional Uses. In the case of the proposed alteration of an existing land use (or building) classified as an approved conditional use, or of the construction or moving of a new structure(s) onto the site of an existing approved Conditional Use, where: (1) the total ground floor area of all structures, additions or alterations, does not exceed 25% of the total area the lot(s) in question; if the lot(s) are served by sanitary sewer, or 20% if not served by sanitary sewer; (2) the primary land usage upon which the original Conditional Use Permit (or status) was based is not changed in character; and (3) all other requirements of this ordinance (i.e. setbacks, design standard, etc.) are complied with, or a variance for the same has first been granted by the Zoning Board of Adjustment, it shall be necessary to obtain a regular land use permit. In all other cases, a separate or additional Conditional Use Permit shall be required for each such change or alteration.

**12.042** Application for Conditional Use Permit. A request for a Conditional Use grant shall be submitted in writing to the County Planning and Zoning Committee. The application shall be accompanied by the appropriate data and any information necessary to properly evaluate the request.

**12.043** Public Hearing. Before passing upon an application for a Conditional Use Permit, the County Planning and Zoning Committee shall hold a public hearing. Notice of such public hearing shall be given in the manner specified in Article XV. The committee shall report its decision in writing and shall include an

accurate description of the use permitted, a description of the property on which it is permitted, and any or all conditions made applicable thereto. The ground or grounds for refusing a Conditional Use Permit shall be stated in writing.

**12.044** Basis for Approval. In passing upon a Conditional Use Permit, the County Planning and Zoning Committee shall evaluate the effect of the proposed use upon:

- a. The maintenance of safe and healthful conditions.
- b. The prevention and control of water pollution including sedimentation.
- c. Existing topography, drainage features and vegetative cover on the site.
- d. The location of the site with respect to floodplains and floodways of rivers or streams.
- e. The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.
- f. The location of the site with respect to existing or future access roads.
- g. The compatibility of the use with other uses on adjacent land.
- h. The amount of liquid waste to be generated and the adequacy of the proposed disposal systems.
- i. Location factors under which:
  1. Domestic uses shall be generally preferred.
  2. Uses not inherently a source of pollution within an area shall be preferred over uses that are or may be a pollution source.
  3. Use locations within an area tending to minimize the possibility of pollution shall be preferred over use locations tending to increase the possibility.

In addition, where required, the Committee may require as a condition that a permit be first obtained from the Division of Environmental Protection.

**12.045** Conditions attached to Conditional Use Permit. Upon consideration of the factors listed above, the County Planning and Zoning Committee may attach such conditions, in addition to those required elsewhere in this ordinance, that it deems necessary in furthering the purpose of this ordinance. Such conditions may include specifications for, without limitation because of specific enumeration; increased setbacks and yards, specified sewage disposal and water supply facilities, docks, parking and signs, type of construction, or any other requirements necessary to fulfill the purpose and intent of this ordinance. In order to secure information upon which to base its determination, the Committee may require the applicant to furnish, in addition to the customary information required for a zoning permit, the following information. Failure on the part of the applicant to do so may result in denial of the permit.

- a. A plan of the area showing contours, soil types, high-water mark, groundwater conditions, bedrock slope and vegetative cover.
- b. Location of buildings, parking areas, traffic access, driveways, walkways, piers, open spaces, and landscaping.
- c. Plans of buildings, sewage disposal facilities, water supply systems, and arrangements of operations.
- d. Specifications for areas of proposed filling and grading.
- e. Other pertinent information necessary to determine if the proposed use meets the requirements of this ordinance.

**12.046** Mapping and Recording. When a Conditional Use is approved, an appropriate record shall be made of the land use and building permits and such grant shall be applicable solely to the structure's use and property so described.

**12.047** Termination. Where a permitted Conditional Use does not continue in conformity with the conditions of the original approval, the conditional grant shall be terminated by action of the County Planning and Zoning Committee.

**12.048** Planning and Zoning Committee Determination. The determination of the Calumet County Planning and Zoning Committee on each Conditional Use Permit shall be based on the effects of the proposed project with regard to the objectives and purposes of this ordinance. The Committee may attach such conditions, as it deems necessary, in furthering the purposes of this section of the ordinance. 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.

**12.049** Appeal of Conditional Use Determination. Any appeal of a Conditional Use Permit Action (grant or denial) by the Calumet County Planning and Zoning Committee shall be appealed to Calumet County Circuit Court, by Writ of Certiorari, by any person aggrieved or by any officer, department, board or bureau of Calumet County or any other municipality affected by such Conditional Use Permit action.

Such appeal shall be taken within thirty (30) days of the date of mailing the Planning and Zoning Committee

decision. The procedure on such appeal shall be that specified for review of decisions of the Board of Adjustment pursuant to Section 59.99 (10), (11), (12), (13) and (14) of Wisconsin Statutes.

**Section 12.05 Certificate of Occupancy:**

**12.051** No vacant land shall be occupied or used and no building or structure hereafter erected, altered or moved shall be occupied or used until a certificate of occupancy shall have been issued by the County Code Administrator. Such certificate shall be applied for coincident with the application for a Land Use Permit and shall be issued within ten days after the erection, alteration, repair or moving of such building. Such building shall have been completed in conformity with the provisions of this ordinance and in conformity with the statements on the application for the Land Use Permit.

**12.052** Under such rules and regulations as may be established by the County Board, the County Code Administrator may issue a temporary Certificate of Occupancy for a part of a building.

**12.053** Upon written request from the owner, the County Code Administrator shall issue a Certificate of Occupancy for any building or premises existing at the time of the adoption of this ordinance, certifying, after inspection, the extent and kind of use made of the building or premises and whether or not such use conforms to the provisions of this ordinance.

**Section 12.06 Time Limitation on Zoning Permits:** Any Land Use, Conditional Use, Variance or Special Exception Permit issued under the provisions of this article and the following article shall lapse and become void if the work described in such permit is not commenced within twelve (12) months from its date of issuance.

**Section 12.07 Reconsideration and Rehearing:** No application, which has been dismissed or denied, shall be reconsidered without alteration of original petition and conditions within one year of the Committee decision except pursuant to Court Order.

No rehearing shall be held except upon the affirmation vote of the Committee upon finding that substantial new evidence is submitted. Requests for rehearing shall be in writing, shall state the reasons for the request and shall be accompanied by necessary data and diagrams. Rehearings shall be subject to the same notice and fee requirements as original hearings.

ARTICLE XIII  
ZONING BOARD OF ADJUSTMENTS

**Section 13.01 Establishment and Composition:** There shall be a Board of Adjustments consisting of five members. The first five members shall be those serving on the effective date of this Ordinance, who shall continue in office until the expiration of the terms for which they were appointed. Successors shall be appointed by the Chairman of the County Board with the approval of the County Board at the expiration of each term and their terms shall be three years in all cases beginning July first in the year in which they are appointed or until their successors are appointed. The members of the Board shall all reside within the county and outside of the limits of incorporated cities and villages; provided, however, that no two members shall reside in the same town. The Board shall choose its own chairman. Vacancies shall be filled for the unexpired term of any member whose term became vacant in the same manner as the original appointment.

**Section 13.02 Rules:**

- a. The Board shall meet at the call of the Chairman, or at such other times as the Board may determine, at a fixed time and place.
- b. All meetings of the Board shall be open to the public.
- c. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact and shall keep records of its

- examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.
- d. Whenever the Board of Adjustments shall have under consideration an appeal, such Board shall give notice to the members of the Town Board of the township affected by such appeal, and the members of such Town Board shall be requested to meet with said Board of Adjustments and have the opportunity of making such recommendations, as they deem proper.
  - e. The Board shall have power to call on any other county departments for assistance in the performance of its duties and it shall be the duty of such other departments to render all such assistance as may be reasonably required.
  - f. Meetings of the Board shall be conducted in accordance with the above rules and such other rules as may be adopted by the County Board pursuant to Section 59.99(3) of the Wisconsin Statutes, or as amended.
  - g. In the case of all appeals, the Board of Adjustments shall call upon the Calumet County Planning and Zoning Committee for all information pertinent to the decision appealed from.
  - h. Such appeals shall be filed with the Planning and Zoning Department within 30 days after the date of written notice of the decision or order of the County Code Administrator, Planning Director, or Planning and Zoning Committee. Any person aggrieved by the decision of the Board of Adjustments may commence an action seeking remedy by certiorari within 30 days after filing of the decision of the Board.

**Section 13.03 Appeals:** Appeals to the Board of Adjustments may be taken by any person aggrieved or by any officer, department, board or bureau of Calumet County affected by any decision of the County Code Administrator. Such appeals shall be taken within a reasonable time as provided by the rules of the Board of Adjustments, by filing with the County Code Administrator and with the Board of Adjustment, a notice of appeal specifying the grounds thereof. The County Code Administrator shall forthwith transmit to the Board of Adjustments all the papers constituting the record upon which the action appealed from was taken.

An appeal shall stay all proceedings in furtherance of the action appealed from unless the County Code Administrator shall certify to the Board of Adjustments, after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would cause imminent peril to life or property. In such case, the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board of Adjustments or by a court of record on application or notice to the County Code Administrator and on due cause shown.

**Section 13.04 Powers of the Board of Adjustments:**

- a. Except as specifically provided, no action of the Board of Adjustments shall have the effect of permitting in any district uses prohibited in such district.
- b. The Board of Adjustments shall have the following powers:
  1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the County Code Administrator.
  2. To hear and decide special exceptions to the terms of this Ordinance upon which the Board of Adjustments is required to pass.
  3. To authorize, upon appeal in specific cases, such variance from the terms of this ordinance, as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done. In every case where a variance from these regulations has been granted by the Board, the minutes of the Board shall affirmatively show that an "unnecessary hardship" or "practical difficulty" is created.
  4. The Board of Adjustments may reverse or affirm wholly or in part or modify any order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the County Code Administrator. The concurring vote of three members of the Board shall be necessary to reverse any order, requirement, decision or determination appealed from or to decide in favor of the applicant on any matter on which it is required to pass or to effect any variation in the requirements of this ordinance.
  5. To grant a permit for a temporary building for a commerce or industry in a residence or Agricultural district, which is incidental to the residential development, but no such permit, shall be granted for a period of more than one year. The Board of Adjustments shall interpret the provisions of this ordinance in such a way as to carry out the intent and

purpose of the plan as shown on the district map accompanying and made a part of this ordinance, where the street layout actually on the ground varies from the street layout shown on the aforesaid map.

- c. In exercising the foregoing powers, the Board of Adjustment may in appropriate cases establish suitable conditions and safeguards in harmony with the general purpose and intent of this ordinance.

**Section 13.05 Reconsideration and Rehearing:** No application which has been dismissed or denied shall be reconsidered without alteration of original petition and conditions within one year of the Board decision except pursuant at Court Order.

No rehearing shall be held except upon the affirmation vote of the Board upon finding that substantial new evidence is submitted. Requests for rehearing shall be in writing, shall state the reasons for the request, and shall be accompanied by necessary data and diagrams. Rehearings shall be subject to the same notice and fee requirements as original hearings.

ARTICLE XIV  
FEES, PENALTIES, AMENDMENTS AND PUBLIC HEARINGS

**Section 14.01 Permit Fees:** All private persons, firms or corporations performing work, which by this ordinance shall require the issuance of a permit or the holding of a Public Hearing, shall pay a fee for such permit or hearing to the Calumet County Planning and Zoning Committee, its administrative staff, or the Town Building Inspector (when appropriate), to defray the cost of administration, investigation, processing and legally required advertising. The schedule of fees shall be as shown below:

Land Use Permit(<\$50,000 value) . . . . .	\$50.00 (\$20.00/local inspector)
Land Use Permit(>\$50,000 value).....	\$100.00(\$30.00/local inspector)
Drainage Surcharge(added to Land Use Permit).....	\$50.00
Sign Use Permit.....	\$50.00 (\$20.00/local inspector)
Conditional Use Permit.....	\$100.00 (\$30.00/local inspector)
Special Exception Permit.....	\$50.00 (\$20.00/local inspector)
Stormwater Review Fee .....	As Billed

Public Hearing for:

(1) Conditional Use. . . . .	\$350.00
(2) Ordinance Amendment. . . . .	\$350.00
(3) Variance, Special Exception or Appeal. . . . .	\$350.00

If a project commences prior to appropriate permit being issued or hearing petitioned, a double fee will be charged.

**Section 14.02 Enforcement and Penalties:**

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

**14.022** The Planning and Zoning Committee may direct the district attorney or Corporation Counsel to bring an action to enjoin, remove or vacate any use, erection, moving, placement, or structural alteration of any building or use in violation of this ordinance.

**14.23** Any person who violates this ordinance shall forfeit not less than \$25.00 nor more than \$200.00 for each violation. Each day of violation shall constitute a separate offense.

**Section 14.03 Amendments:**

**14.031** Authority. The regulations imposed and the zoning districts created under authority of this ordinance may be amended from time to time by Ordinance in accordance with the Wisconsin Statutes Section 59.97 (3) and (4). An amendment shall be granted or denied by the County Board only after a

Public Hearing before the County Planning and Zoning Committee and a report of its findings and recommendation has been submitted to the County Board.

**14.032** Initiation of Amendments.

- a. Amendments may be proposed by the County Board, by the County Planning and Zoning Committee, by a Town Board under the jurisdiction of this ordinance, or by a resident or owner of property.
- b. The petitioner shall submit with the application, a list containing the names and addresses of all property owners who own property within 500 feet of the property or properties proposed to be rezoned. Such list shall be obtained from the approved county tax rolls.

**14.033** Processing. An application for amendment shall be filed with the County Planning Department. Such application shall be forwarded from the Planning Department to the County Planning and Zoning Committee with a request to hold a Public Hearing in accordance with the applicable Statutes of the State of Wisconsin (Section 59.97 (3), and this ordinance (Section 14.04) and thereafter to submit a report of its finding and recommendations to the County Board.

**14.034** Decisions. The County Board, after receiving the report of the County Planning Committee and without further public hearing, may grant or deny any proposed amendment in accordance with applicable Statutes of the State of Wisconsin, or it may refer it back to the Planning Committee for further consideration.

**Section 14.04 Public Hearings.** Notice of any Public Hearing which the Board of Adjustment or the Calumet County Planning and Zoning Committee is required to hold under the terms of this ordinance shall specify the date, time, and place of hearing and the matter to be presented at the hearing. Such notice shall be placed in the official newspaper of the County and, when deemed necessary, at least one other newspaper offering the most appropriate reader coverage in relation to the geographic location of the proposed change. A proposed change in the text of the ordinance, which would effect the entire jurisdiction of the ordinance shall require publication in at least two newspapers in addition to the original newspaper of the County, to insure adequate notice. The town in which the affected land is located shall be notified. Also, a copy of the notice shall be posted in the vicinity of the affected land where practical, and notice of the Public Hearing shall be mailed to the owners of land within 500 feet of any part of the land included in such proposed change or Conditional Use at least ten days before such Public Hearing. The failure of such notice to reach any property owner shall not invalidate any resulting action.

ARTICLE XV  
LEGAL STATUS PROVISIONS

**Section 15.01 Force and Effect:** Following passage and publication by the Calumet County Board of Supervisors, this Comprehensive Revision of the Calumet County Zoning Ordinance shall go into full force and effect in each individual town only after receiving individual Town Board approval, as required in Section 59.97(2)(d), and (3) Wisconsin Statutes.

**Section 15.02 Abrogation and Greater Restrictions:**

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

**15.022** It is not intended by this ordinance to repeal, abrogate, or impair any existing deed restrictions or ordinances other than zoning. However, where this ordinance imposes greater restrictions the provisions of the ordinance shall prevail.

**Section 15.03 Interpretation:** In their interpretation and application, the provisions of this ordinance shall be held to minimum requirements and shall be liberally construed in favor of the county and shall not be deemed a limitation or repeal of any other powers granted by Wisconsin Statutes.

**Section 15.04 Severability:** The provisions of this ordinance are severable. If any provision of this ordinance is invalid, or if the application of any provision to any person or circumstance is invalid, such

invalidity shall not affect the provisions of the application of such, or the remaining provisions, which can be given effect without the invalid provisions or invalid application.

**Section 15.05 Effective Date:** This ordinance shall be in force from and after its passage, approval, publication and recording according to law.

This Ordinance shall be in force from and after its passage, approval and publication according to law.

ADOPTED this 9th day of November, 1976

Effective Date: November 16, 1976

Approved:  
G.J. Hipke, Chairperson  
Calumet County Board of Supervisors

Attest:  
John Keuler, County Clerk  
County of Calumet, Wisconsin

Officially published the 16th day of November, 1976.