

**TITLE 4 – GREEN COUNTY ZONING REGULATIONS  
SANITARY CODE AND SUBDIVISION REGULATIONS**

**CHAPTER 1  
PURPOSE AND STATUTORY AUTHORIZATION**

**4-1-1: PURPOSE AND STATUTORY AUTHORIZATION**

It is the purpose of this Title 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 the highway system; to recognize the needs of agriculture, forestry, industry, and business in future growth; to maintain safe and healthful conditions; to prevent and control water pollution; to protect spawning grounds, fish and aquatic life; to control building sites, placement of structures and land uses in the shoreland area; to reserve shore cover and natural beauty; to protect the storage and discharge capacity of rivers and streams through the control of filling, dumping and other encroachments; and to reduce the hazards to life and property posed by flooding. This Title is adopted pursuant to the authorizations contained in §59.70(1), §59.69, §59.692, §87.30, §281.35 and §236.45, Wis. Stats. (1982 Code, and DNR Order of 10-18-83)

**4-1-1-2: ADOPTION OF GREEN COUNTY COMPREHENSIVE PLAN**

In conformance with §66.1001(4), Wis. Stats., the Green County Board has adopted the Green County Comprehensive Plan, a copy of which is on file with the Green County Zoning Department and as provided in §66.1001(4)(b). (Ord. 06-0401, 4/18/06)

**CHAPTER 2  
GENERAL PROVISIONS**

**4-2-1: JURISDICTION**

The provisions of this Title apply to all of the unincorporated areas of Green County, except those extraterritorial areas specifically exempt or excluded as a result of certain municipalities exercising their extraterritorial zoning powers. Under §59.692(2)(a), Wis. Stats., the shoreland zoning and floodplain zoning regulations, which apply to the areas designated in the jurisdiction sections of Chapters 7 and 8 of this Title, do not require approval, and are not subject to disapproval, by any town or town board. (1982 Code, and DNR Order of 10-18-83)

**4-2-2: COMPLIANCE**

No building, sign, mobile home, private sewage system, or other structure or any part thereof shall hereafter be built, enlarged, altered or moved within the area subject to the provisions of these regulations until a permit has been issued by the Zoning Administrator, unless otherwise provided by this Title.

**4-2-3: ABROGATION AND GREATER RESTRICTION**

- A. Town Ordinance: If an existing town ordinance is more restrictive than this Title or any amendments hereto, the town ordinance continues in all respects to the extent of the greater restriction but not otherwise.

- B. Deed Restrictions: It is not otherwise intended by this Title to repeal, abrogate or impair any existing deed restrictions or ordinances. However, where this Title imposes greater restrictions, the provisions of this Title shall prevail.

**4-2-4: INTERPRETATION**

In their interpretation and application, the provisions of this Title shall be held to be minimum requirements and shall be liberally construed in favor of the County and shall not be deemed a limitation or repeal of any other powers granted by Wisconsin Statutes.

**4-2-5: SEVERABILITY**

If any section, clause, provision or portion of this Title is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Title shall not be affected thereby.

**4-2-6: WHEN EFFECTIVE**

This Title shall be in effect upon passage by the Green County Board of Supervisors, certified thereto and published in the official newspaper as provided by law.

- A. Building and Land Use Regulations: County Board notified of adoption of building and land use regulations as follows:

<u>Municipality</u>	<u>Directory Page</u>	<u>Co. Board's Proceedings Book Page</u>	<u>County Board Advised</u>
Clarno	74	3	October 10, 1967
Washington	74	3	October 10, 1967
Adams	82	11	October 31, 1967
Decatur	82	11	October 31, 1967
Jordan	82	11	October 31, 1967
Monroe	82	11	October 31, 1967
New Glarus	82	11	October 31, 1967
Sylvester	82	11	October 31, 1967
Cadiz	86	15	November 9, 1967
Exeter	86	15	November 9, 1967
Jefferson	98	27	November 16, 1967
York	123	51	November 20, 1967
Brooklyn	130	59	December 12, 1967
Mt. Pleasant	130	59	December 12, 1967
Spring Grove	130	59	December 12, 1967
Albany	141	69	February 13, 1968

Building and Land Use Regulations were adopted by the Green County Board of Supervisors on February 13, 1968.

- B. Sanitary Code and Subdivision Regulations: Sanitary Code and Subdivision Regulations were adopted by the Green County Board of Supervisors on March 10, 1970. (1982 Code).

**CHAPTER 3  
BUILDING AND LAND USE REGULATIONS**

**4-3-1: DISTRICTS AND DISTRICT MAPS**

The unincorporated areas of Green County are hereby divided into six (6) use districts: Residential District, Agricultural District, Conservancy District, Commercial District, Highway Interchange District, and Industrial District. The boundaries of these six (6) districts are shown upon the maps of the towns of Green County, being designated as "Green County Zoning Maps", such maps hereby becoming a part of this Chapter. In unsubdivided property, unless otherwise indicated on the map, the district boundary lines are the center lines of streets, highways, railroads, section lines, quarter-section lines, quarter-quarter lines or such lines extended. Where not otherwise indicated on the map, it is intended that the district boundary line be measured at right angles to the nearest highway right-of-way line and be not less than three hundred feet (300') in depth; provided, however, that wherever a commercial district is indicated on the district map as a strip paralleling the highway, the depth of such strip shall be three hundred feet (300') measured at right angles to the right-of-way line of the street or highway to which it is adjacent unless a different depth is shown on the map. The length of each strip shall be shown on the map. When such commercial district is located at the intersection of streets or highways, the length shall be measured from the intersection of each street or highway right-of-way line included in such district. (Ord. 01-0401, 4/17/01)

**4-3-1-1: RESIDENTIAL DISTRICT**

- A. Use: In the Residential District no building or structure or premises shall hereafter be erected or structurally altered, unless otherwise provided in this Chapter, except for one or more of the following uses:
1. Single-family, two-family and multiple-family residences, except dwellings or single-wide manufactured homes.
  2. Churches, public and parochial schools.
  3. Lodging house, boarding house, or bed-and-breakfast establishments, restricted to not over three (3) boarders or lodgers not members of the resident family. If the boarded population exceeds over three (3) persons, a conditional use permit will be required.
  4. Public buildings, except sewage disposal plants, garbage incinerators and buildings for the repair or storage of road building or maintenance equipment.
  5. Accessory buildings, including, but not limited to, private garages and storage sheds; provided, however, that no such accessory building may be used as a separate dwelling unit.
  6. Private clubs and fraternities, except those whose principal activity is a service customarily carried on as a business.
  7. Private gardening, hobby farming and crop farming.

8. Public parks and playgrounds, including swimming pools, golf courses, tennis courts and picnic grounds. The following regulations shall be mandatory as applied to any park or playground established by any agency within Green County:
  - a. No yard shall be less than twenty five feet (25') wide, except that no such yards need to be provided adjacent to the fairways and greens of golf courses.
  - b. Each such yard shall be increased for the following:
    - (1) For swimming pools larger than forty feet by sixty feet (40' x 60'), one foot (1') of additional yard for each two feet (2') of width or length of the pool, in the direction of such additional width or length.
    - (2) For picnic grounds having seating arrangements for more than forty (40) persons, ten feet (10') of additional width on every yard for each additional ten (10) persons or fraction thereof which such picnic ground is designed for or equipped to accommodate.
  - c. Any such yard which abuts on a public street or highway may be reduced by one-half (2) the width of such street or highway, but in no case to less than fifteen feet (15').
  - d. Each such yard shall be left in its natural condition, and the natural vegetation of the area, including grasses, flowers, shrubs, and trees, except noxious plants, trees and weeds shall be allowed to grow and develop, or other vegetation of equivalent density shall be planted therein, so as to provide a natural screen between the park or playground and neighboring residential areas and so that such yards shall be, so far as possible, unused and unusable for the general purposes of such parks and playgrounds.
  - e. Off-street parking shall be provided, on the premises of each park or playground but not in any yard established under the above suggested regulations, equal to not less than one parking space for each four (4) persons which the park or playground is designed or intended to accommodate.
9. Wired services and utilities, including metal, glass fiber or other conductors, and necessary appurtenant equipment and structures, such as transformers, unit substations and equipment housings relative thereto and provided that there be no service garage or storage yard. This regulation, however, shall not include microwave relay structures unless and until the location thereof shall first have been approved by the Zoning Board of Adjustment subject to the requirements of Chapter 10, *infra*.
10. Home occupation, when such occupation is incidental to the residential use of the premises and does not involve any external alteration that would effect a substantial change in the residential character of the building; provided further, that no article is sold or offered for sale that is not produced by such home occupation, that no stock in trade is kept or sold and that no person other than a member of the resident

family is employed on the premises. Documentation must be provided that the private on-site wastewater treatment system serving the structure is adequate to accommodate any increase in wastewater load that is generated by such use.

11. Professional office, when such office is conducted solely by a member or members of the resident family, entirely within the residence and incidental to the residential use of the premises; provided further, that there shall be no external alterations that would effect a substantial change in the residential character of the building, that no more than fifty percent (50%) of only one floor of the dwelling shall be devoted to such offices.
  12. Signs when meeting the requirements of the sign regulations contained in Section 4-3-4 of this Chapter.
    - a. Directory sign.
    - b. Home occupation.
    - c. Temporary.
    - d. Plaque.
  13. Cabins and hunting shelters, and other buildings or structures intended for human habitation when such structures meet all the provisions of this Title, as well as the requirements for an adequate, safe and potable water supply; and a properly functioning, code-compliant system for treatment and disposal of domestic waste.
  14. Storage of campers, motor homes, recreational vehicles, house cars, camp cars, or any portable or mobile vehicle on wheels, skids, rollers or blocks either self-propelled or propelled by any other means which is used or originally designed to be used for temporary or permanent residential living or sleeping purposes, and other similar types of units shall be allowed to be parked or stored in the open on a lot, provided that an existing residence is in place on the lot; the resident landowner is the owner of the unit; a limit of one such unit is stored on the premises; and the unit is not occupied during the storage period. Units are not allowed to be stored on vacant lots. (Ord. 02-0801; 8/13/02)
- B. Other Requirements: Also see General Provisions and Exceptions in Section 4-3-2 herein.
1. Lot Area: Buildings or parts of buildings hereafter erected or structurally altered for single or two-family residential purposes shall provide a lot area of not less than twenty thousand (20,000) square feet and provided further that no such lot shall be less than one hundred (100) feet wide at the building line, a building line being defined as the shortest line between the side lines bisecting the structure. For multi-family structures, such as triplexes, etc., an additional three thousand (3,000) square feet shall be provided for each additional living unit; and provided further, that when the regulations of the Wisconsin Administrative Code regarding private onsite wastewater treatment systems or an examination of available soils data requires a larger lot area than any of the above, such regulations shall govern. For lots serviced by public sewer, the minimum lot area shall be ten thousand (10,000) square feet and, provided further that no such lot shall be less than eighty (80) feet

wide at the building line, a building line being defined as the shortest line between the side lines bisecting the structure.

2. Floor Area: Buildings used in whole or in part for residential purposes which are hereafter erected, moved or structurally altered shall have a minimum floor area of seven hundred fifty (750) square feet of living area on the main floor(s) for single-family dwellings. For buildings which house multiple-family living units, each unit shall have a minimum floor area of seven hundred fifty (750) square feet of living area on the main floor(s) of the unit.
3. Height: No building shall be more than two and one-half (22) stories or thirty five feet (35') in height.
4. Side Yard: There shall be a side yard on each side of a building. In the Residential District no single side yard for any structure shall be less than ten feet (10') wide; provided further, that the highway setback regulations shall apply to all corner lots.
5. Rear Yard: There shall be a rear yard of not less than twenty five feet (25') in depth for any main building. Accessory buildings shall be provided with a minimum rear yard of not less than three feet (3').
6. Highway or street setback lines. See Section 4-3-5 of this Chapter. For a lot which does not have direct road frontage, in addition to the minimum setbacks provided for the highway or street, if applicable, the minimum front yard setback from any building to the front lot line shall be twenty-five feet (25').
7. Waterfront Setback Lines: See Section 4-7-5 of this Chapter.
8. Creation of Lot Lines on Developed Parcels: The setbacks of this Title shall apply to lot lines and land divisions which are created on parcels on which buildings or structures exist. (Ord. 01-0401, 4/17/01; Ord. 03-0201, 2/11/03)

#### **4-3-1-2: AGRICULTURAL DISTRICT**

- A. Use: In the Agricultural District no building or premises shall be used and no building shall hereafter be erected, moved or structurally altered, unless otherwise provided in this Chapter, except for one or more of the following uses:
  1. a. Any use permitted in the Residential District; manufactured single-wide homes converted into dwellings.
  - b. A camper, motor home, recreational vehicle, house car, camp car, or any portable or mobile vehicle on wheels, skids, rollers or blocks either self-propelled or propelled by any other means which is used or originally designed to be used for temporary or permanent residential living or sleeping purposes, and other similar types of unit which is intended to be parked or stored on a vacant lot or a lot in which the unit's owner is not the resident landowner will be considered a building or structure intended for human habitation or occupancy, which will be required to meet all the provisions of this Title. In addition, a conditional use permit is required for designation as a private campground, as well as the requirements for an

adequate, safe and potable water supply; and a properly functioning, code-compliant system for treatment and disposal of domestic waste. If the owner of the unit signs an affidavit certifying that the unit is not occupied or used at any time on the premises, one unit may be allowed to be parked on a vacant lot owned by the unit's owner, for a period of not more than one (1) year.

2. General farming, including dairying, livestock and poultry raising, animal feedlots, nurseries, greenhouses, (limited to the raising of plants and produce with no retail sales on the premises) vegetable warehouses and other similar enterprises or uses, except fur farms and farms operated for the disposal or reduction of garbage, sewage, rubbish or offal; provided, that no greenhouse or building for the housing of livestock or poultry shall be located within one hundred feet (100') of any boundary of a residential lot other than that of the owner or lessee of such greenhouse or building containing such livestock or poultry. (Ord. 00-0101; Ord. 10-0801, 8/10/10)
3. Practice of forestry and production of forest products.
4. Dams, power plans, flowage areas.
5. Wired services and utilities, including metal, glass fiber or other conductors, poles and lines, including transformers, substations, relay stations, equipment housings and other similar necessary appurtenant facilities; and other such towers structures up to a height of not more than one hundred feet (100'). Structures of heights over one hundred feet (100') shall comply with section 4-3-1-2-A-11-r. (Ord. 19-0101, 1/8/2019)
6. Extraction by or for municipalities, in municipally owned quarries only of sand and gravel and the quarrying of limestone and other rock for aggregate purposes, and the manufacture and processing of such materials incidental to the extraction including the erection of buildings, and the installation of necessary machinery and equipment incidental thereto, but not the storage of cement, asphalt or road oils or the mixing of concrete or blacktop or related materials; provided, that any county, town or municipal government or its agent may store or mix such materials when incidental to the improvement of highways or streets; provided further, that when the use of any excavation or quarry having an area of one-half (1/2) of an acre or more, within the limits of disturbance of the earth from its natural state, is discontinued, all buildings, machinery and equipment constructed or installed incidental to such extraction or processing shall be removed within three (3) months of the date of such discontinuance. If any part of such excavation or quarry is within two hundred feet (200') of a public street, road or thoroughfare, any part of such excavation or quarry in which water collects to a depth of three feet (3') or more for at least thirty (30) consecutive days in the calendar year shall be drained or filled so as to prevent such collection of water; and all banks or cuts not in rock shall be sloped to the bottoms of such banks or cuts at a slope not steeper than one and one-half feet (1/2) horizontal to one foot (1') vertical.
7. Roadside stands.
8. Single-wide manufactured homes, also formerly known as mobile homes and house trailers shall comply with Section 4-3-3 of this Chapter.

9. Signs when meeting the requirements of the sign regulations contained in Section 4-3-4 of this Chapter.
  - a. Directory sign.
  - b. Outdoor advertising sign or billboard.
  - c. On-premise sign.
  - d. Temporary sign.
  - e. Plaque.
10. Sawmills, when located on the same premises for not more than twenty (20) days. (1982 Code)
11. The following types of uses, when the location of each such use shall have been approved in writing by the Board of Adjustment, after public hearing, unless otherwise exempted, and after a view of the proposed site or sites. Listed uses, as well as those non-listed uses determined by the Zoning Administrator to be of substantially the same character, shall be subject to conditional use approval consistent with the general purpose and intent of these regulations and shall be based upon such evidence as may be presented at such public hearing, tending to show the desirability or undesirability of specific proposed locations for a specific proposed use from the standpoint of the public interest because of such factors as (without limitation because of enumeration) smoke, dust, noxious or toxic gases and odors, noise, glare, vibration, operation of heavy machinery, heavy vehicular traffic and increased traffic on the public streets. The Board of Adjustment shall require the applicant to submit such data and information as is required for its determination and may make the granting of a permit conditional upon such expressed conditions as it deems necessary to accomplish the purposes and intent of this Title. These conditions shall include but are not limited to: specific waste disposal and water supply requirements; increased setback and yard requirements; operational controls and limitations; sureties and deed restrictions; landscaping and screening requirements; noise and odor abatement measures; and pollution controls. Violation of any condition shall constitute a violation of this Section. (Upon petition of the landowner, the Board of Adjustment can review and alter any condition of a conditional use permit after holding a public hearing on the proposed change.) Such use shall also be required to meet the specific conditions below: (Ord. 80-320) (Ord. 00-0101)
  - a. Aircraft landing fields, basins and hangars. (Reference to City of Monroe Zoning Ordinance on Municipal Airport)
  - b. Contractors' storage yards, when any such yard shall be so placed, or so screened by a planting equal to that required for mobile home parks in Section 4-3-3 of this Chapter, so as not to be visible from any public highway or any residential building other than that of the owner of such yard, his/her agent or employee.
  - c. Drive-in theaters, subject to the following conditions:

- (1) That there be a clear sight distance of five hundred feet (500') to an entrance to or an exit from such drive-in theater on any public highway.
  - (2) That there be a distance of not less than one-quarter (1/4) mile between the boundary of any Residential District and the nearest point on the boundary of such drive-in theater site, measured in a straight line.
- d. Fur farms, charcoal kilns, pea viners or sawmills when located not less than one thousand feet (1,000') from any residential building other than that of the owner of the premises, his/her agent or employee.
  - e. Kennels, when located not less than one thousand feet (1,000') from any residential building other than that of the owner of such kennels, his/her agent or employee.
  - f. Medical, correctional or charitable institutions, when any building devoted wholly or partly to such uses or accessory thereto shall be distant not less than one hundred feet (100') from any residential building not on the same premises.
  - g. Manufactured home parks, when the location of each such park shall have been approved in writing by the Board of Adjustment, after public hearing. In approving such a location, the Board shall view the proposed site or sites and shall consider such evidence as may be presented at the hearing, bearing upon the general purpose and intent of these ordinances to promote the public health, safety and general welfare and the specific purpose of this paragraph to prevent the overcrowding of land and the development of housing blight in rural areas. Also see Section 4-3-3 of this Chapter.
  - h. Camp grounds and camping resorts, when the location of each such camp shall have been approved in writing by the Board of Adjustment after public hearing. Also see Section 4-3-3 of this Chapter.
  - i. Public dumping ground, when the Board shall clearly define the area of each such dumping ground at the time of issuing the permit for its location; provided, that no such dumping ground shall be located within one-half (1/2) mile of the boundary of any Residence District or any incorporated city or village, nor within one-quarter (1/4) mile of any residence except that of the owner of the property on which such dumping ground is located or his/her agent, nor within seven hundred fifty feet (750') of the right of way of any through public road, nor located in any drainage course or basin or flood plain area; provided further, that no location permit for any such dumping ground shall be issued without consultation with the Town Board. The various boundaries of any public dumping ground may be changed or extended from time to time, but only by the same method by which it was originally established. Such dumping ground shall also comply with the appropriate State of Wisconsin code relating to solid waste disposal.

- j. Shooting ranges, when meeting all normal safety regulations.
- k. Slaughterhouses, when located not less than one thousand feet (1,000') from any residential building other than that of the owner of the premises, his/her agent or employee.  
  
Small scale slaughterhouse, when located not less than four hundred feet (400') from any residential building other than that of the owners of the premises, his/her agent, family member or employee, subject to the prohibition of any method of putting animals down that produce sounds which carry beyond property lines, or in any part of the process. (Ord. 06-1102, 11/14/2006).
- l. Automobile wrecking yards, junk yards; provided, that each such use shall be completely screened by a solid wall, fence, evergreen planting or equivalent opacity, or other equally effective means, built to or maintained at a minimum height of six feet (6'), except for one entrance or exit, nor more than twelve feet (12') wide and not directly facing the public street; provided further, that such yard contents shall not be visible from a public highway.
- m. Establishment of a new or re-opening of an abandoned premises for the mining, storage, processing or transportation of non-metallic materials, including the quarrying, blasting, crushing, or extraction of limestone, gravel, sand, fill or other similar materials or activities, by other than a municipality. In addition to requiring Board of Adjustment approval, such use must also comply with the screening requirements of Section 4-3-1-6, Industrial District, subsection A3d. (1982 Code) A minimum setback of at least 50 feet to all lot lines shall be required for any quarry activities, except the placement of structures which are governed or elsewhere in this Code. A site will be considered an abandoned quarry or non-metallic mining site if activity has not taken place or materials have not been extracted for a period of five (5) years or more.
- n. Placement of a temporary or permanent blacktop, asphalt, cement, or concrete plant, or other like facility.
- o. Lodging house, boarding house, or bed-and-breakfast establishment, exceeding three (3) boarders or lodgers not members of the resident family, and also in which the boarders or lodgers are housed in the main residence on the premises.
- p. Day care centers, whether or not located within a private residential building, in which care and supervision is provided for five (5) or more children or persons, by pre-arrangement for definite periods of time for compensation, who are not full-time residents of the home. State-licensed family daycare centers which are located in the operator's private residence and meet the requirements of Adm. Code 66.304 (Dept. of Health and Family Services) are exempt from zoning requirements for a Conditional Use Permit but must meet the septic system adequacy requirements, similar to that of a home occupation.

- q. Residential care facilities, whether or not located within a private residential building, in which care and supervision is provided for three (3) or more children or persons, other than family members of the residents, who temporarily become full-time residents of the home.
- r. Wired services and utilities, including metal, glass fiber or other conductors, poles and lines, including transformers, substations, relay stations, equipment housings and other similar necessary appurtenant facilities; and other such tower structures of heights over one hundred feet (100'). (Ord. 19-0101, 1/8/2019)
- s. Greenhouses, in which retail sales are conducted on the premises.
- t. Rental storage units or areas of buildings rented for the storage of motor vehicles, recreational units, or any miscellaneous items.
- u. Outdoor recreational facilities including, but not limited to, commercial horseback riding, paint ball, commercial ATV/bike trails, golf courses, driving range, or regularly held outdoor events which involve temporary or permanent modification of the land or erection of temporary or permanent structures. A conditional use permit shall not be needed for activities or uses of the land which are exclusively done by or involve the land owner or their immediate family members. (Ord. 02-0801, 8/13/02; Ord. 10-0801, 8/10/10)

B. Other Requirements: Except as otherwise provided in Section 4-3-2, the other requirements of the Agricultural District for buildings or parts of buildings shall be the same as those required in Section 4-3-1-1.B. (Ord. 01-0401, 4/17/01; Ord. 03-0201, 2/11/03; Ord. 16-0302, 3/8/2016)

C. Any residence existing as of [the date of the amendment] shall be considered a legal confirming permitted use. Notwithstanding any provision of 4-3-2-1.F. regarding nonconforming uses to the contrary, such structure may be added to, altered, restored, repaired, replaced or reconstructed, without limitation, provided the following criteria are met:

- 1. The use of the structure remains residential; and
- 2. The replacement residence, or any alteration of an existing residence, complies with all building height, setback, side yard and rear yard standards of this ordinance. (Ord. 11-1001, 10/18/2011)

**4-3-1-3: CONSERVANCY DISTRICT**

A. Use: In order to protect and preserve the natural character of the lands included within this district, and their value for wildlife, water conservation, flood control, recreation, forestry, and other public purposes, no land shall be used and no buildings shall hereafter be erected or moved except in accordance with the regulations below:

1. Grazing.
  2. The harvesting of wild crops, such as wild hay, ferns, moss, berries, and tree fruits and seeds.
  3. Hunting and fishing, including trapping.
  4. The practice of wildlife, fish and forest management.
  5. Hydro-electric power stations, dams and other structures for the use or control of flowing water.
  6. Telephone, telegraph and power transmission and distribution lines and necessary appurtenant structures.
  7. Nonresidential buildings and structures used solely in conjunction with the raising of wildlife and fish, and the practice of forestry, including buildings and structures used by public or semi-public agencies or groups for research in or the rehabilitation of natural resources and for recreational purposes.
  8. Signs, when meeting the requirements of the sign regulations contained in Section 4-3-4 of this Chapter.
    - a. Directory sign.
    - b. Outdoor advertising sign or billboard.
    - c. On-premise sign.
    - d. Temporary sign.
    - e. Plaque.
- B. Other Requirements: Except as otherwise provided in Section 4-3-2, General Provisions and Exceptions, the other requirements of the Conservancy District shall be the same as those required in the Residence District.

**4-3-1-4: COMMERCIAL DISTRICT**

- A. Use: In the Commercial District no building or premises shall be used and no building shall hereafter be erected, moved or structurally altered, unless otherwise provided in this Chapter, except for one or more of the following uses:
1. Residential uses only when a necessary requirement to the operation of the commercial business conducted on the premises.
  2. Art shop, antique shop.
  3. Bakery employing not over five (5) persons on the premises.
  4. Bank, savings and loan or other financial institution.

5. Barber shop, beauty parlor.
6. Book and stationery store, newsstand.
7. Bowling alleys.
8. Bus depot.
9. Business and professional offices.
10. Clothing store, department store, shoe store, shoe repair shop.
11. Clubs and lodges.
12. Drug store, soda fountain, soft drink stand.
13. Filling station, tire and battery service.
14. Florist shop, greenhouse.
15. Food products (retail), fruit and vegetable store, grocery store, meat and fish market, supermarket.
16. Funeral home.
17. Furniture store, appliances, office equipment, upholstery.
18. Hardware, household appliances, plumbing, heating and electrical supplies, sporting goods.
19. Hotel, motel.
20. Jewelry store.
21. Laundry, cleaning and dyeing establishment.
22. Music, radio and television store, record shop.
23. Paint store, interior decorator.
24. Parking lot.
25. Photographer, photography supply store.
26. Printing and duplicating.
27. Private vocational schools, conducted for profit.
28. Public utility office or substation, telephone exchanges.

29. Radio and television broadcasting studio, tower, mast or aerial, microwave radio relay structures, subject to the requirements of Chapter 10, *infra*.
30. Restaurant, café, tavern.
31. Signs, when meeting the requirements of the sign regulations contained in Section 4-3-4 of this Chapter.
  - a. Directory sign.
  - b. Outdoor advertising sign or billboard.
  - c. On-premise sign.
  - d. Temporary sign.
  - e. Plaque.
32. Sign painting shop.
33. Theater, except drive-in theater.
34. Other retail uses similar in character to the above.
35. Manufacturing or storage in connection with any of the above uses, when clearly incidental to the conduct of a retail business on the premises.
36. The following types of uses, when the location thereof shall have been approved in writing by the Board of Adjustment as a conditional use permit, following a public hearing and after a view of the proposed site or sites. Listed uses, as well as those non-listed uses determined by the Zoning Department to be of substantially the same character, shall be subject to conditional use approval consistent with the general purpose and intent of these regulations and shall be based upon such evidence as may be presented at such public hearing, tending to show the desirability or undesirability of specific proposed locations for a specific proposed use from the standpoint of the public interest, because of such factors as (without limitation because of enumeration) dust, noise, glare, odor, vibration, heavy vehicular traffic, and increased traffic on the public streets. The Board of Adjustment shall require the applicant to submit such data and information as is required for its determination and may make the granting of a permit conditional upon such expressed conditions as it deems necessary to accomplish the purposes and intent of this Title. These conditions shall include, but are not limited to: specific waste disposal and water supply requirements; increased setback and yard requirements; operational controls and limitations; sureties and deed restrictions; landscaping and screening requirements; noise and odor abatement measures; and pollution controls. Violation of any condition shall constitute a violation of this Section. Upon petition of the landowner, the Board of Adjustment can review and alter any condition of a conditional use permit after holding a public hearing on the proposed change.
  - a. Animal hospital, pet shop, veterinary.

- b. Dance halls, skating rinks.
  - c. Feed and seed stores.
  - d. Go-kart and other similar race tracks.
  - e. Lumber yards.
  - f. Automobile and implement sales and service.
- B. Other Requirements: Also see General Provisions and Exceptions, Section 4-3-2 of this Chapter.
- 1. Lot Area: Buildings used in whole or in part for residential purposes shall comply with the lot area regulations of the Residence District; otherwise there shall be no minimum lot area for this district.
  - 2. Floor Area: Buildings used in whole or in part for dwelling purposes, as opposed to accommodations for transients, shall have a floor area as required by the other requirements of the Residence District.
  - 3. Height: Except as otherwise provided in Section 4-3-2, General Provisions and Exceptions, no building shall exceed a height of thirty five feet (35').
  - 4. Side Yards:
    - a. If a side yard be provided, the same shall be not less than six feet (6') wide.
    - b. There shall be a side yard not less than ten feet (10') wide along the side of any lot in the Commercial District, which abuts the side lot line of a lot in a Residence District and is not separated therefrom by a street or alley.
  - 5. Rear Yard: There shall be a rear yard of not less than twenty feet (20') in depth.
  - 6. Highway or Street Setback Lines: See Section 4-3-5 of this Chapter.
  - 7. Waterfront Setback Lines: See Section 4-7-5 of this Chapter.
  - 8. Off-Street Parking: See Section 4-3-2-5 of this Chapter.
  - 9. Creation of Lot Lines on Developed Parcels: The setbacks of this Title shall apply to lot lines and land divisions which are created on parcels on which buildings or structures exist. (Ord. 01-0401, 4/17/01; Ord. 02-0801, 8/13/02)

**4-3-1-5: HIGHWAY INTERCHANGE DISTRICT**

- A. Use: In the Highway Interchange District no building, land or premises shall be used and no building shall hereafter be erected, moved or structurally altered, unless otherwise provided in this Chapter, except for one or more of the following specified uses:

1. General farming, including dairying, livestock and poultry raising, nurseries and greenhouses (limited to the raising of plants and produce with no retail sales on the premises), the practice of forestry and similar agricultural and horticultural enterprises and uses, except fur farms and farms operated for the disposal or reduction of garbage, sewage, rubbish or offal; provided, that no greenhouse or building for the housing of livestock or poultry shall be located within one hundred feet (100') of any boundary of a lot or premises used for other than agricultural purposes, or by a residential lot.
2. Wired services and utilities, including metal, glass fiber or other conductors, poles and lines, including transformers, substations, relay stations, equipment housings and other similar necessary appurtenant facilities; and other such tower structures up to a height of not more than one hundred feet (100'). Structures of heights over one hundred feet (100') shall comply with Section 4-3-1-5-A-5-j. (Ord. 19-0101, 1/8/2019)
3. Any other use permitted in the Conservancy District, where wetland area exists within the Highway Interchange District.
4. Signs, when meeting the requirements of the sign regulations contained in Section 4-3-4 of this Chapter.
  - a. Directory sign.
  - b. Outdoor advertising sign or billboard.
  - c. On-premise sign
  - d. Temporary sign.
  - e. Plaque.
5. The following types of listed and non-listed uses determined by the Zoning Department to be substantially the same character, when the location of each such use shall have been approved in writing by the Board of Adjustment, after a view of the proposed site or sites. The Board of Adjustment may order a public hearing before consideration, after which they may deny the request or approve the request, with conditions:
  - a. Any use permitted in the Residential District, except that there may be a dwelling for a watch person or caretaker employed on the premises and members of his/her family.
  - b. Filling stations and automotive repair garages.
  - c. Restaurants, taverns and dinner clubs.
  - d. Hotels and motels.

- e. Mobile home parks for transient visitors only, under the conditions specified for mobile home parks in the Agricultural District, subsection 4-3-1-2-A-11-g of this Chapter.
- f. Camping areas for transient visitors only, under the conditions specified for camp grounds and camping resorts in the Agricultural District, subsection 4-3-1-2-A of this Chapter.
- g. The following uses; provided, that all such uses which are to be located in any one quadrant of an interchange, bounded more or less on two (2) sides by the two (2) intersecting highways, shall be housed in a building or group of contiguous buildings:
  - (1) Barber shop, beauty parlor.
  - (2) Book and stationery store, newsstand.
  - (3) Drive-in food and drink service.
  - (4) Drug store, soda fountain.
  - (5) Food products store (retail).
  - (6) Gift, notion or variety shop.
  - (7) Launderettes, either self-service or attendant-operated.
- h. Industrial uses, except those prohibited in subsection 5-1 below, which meet the following standards; provided, that in order to secure evidence upon which to base the determinations required below, the Board of Adjustment may require the submission of plans of buildings, arrangement of manufacturing operations, plat of grounds showing location of buildings, stockpiles, equipment storage, fences or screens, specifications of operations and other necessary information:
  - (1) All manufacturing operations shall be carried on in enclosed buildings.
  - (2) All storage of equipment or materials in the open shall be completely screened from all points along the exterior boundaries of the premises by a solid wall or fence or evergreen planting of equivalent opacity to such solid wall or fence, built to or maintained at a minimum height of eight feet (8'). No equipment or material shall be piled against such screen, or project above it, and such equipment or material storage shall, in addition, be so located and screened as not to be visible from any part of the intersecting highways.
  - (3) The prime power source shall be electricity, gas, oil or oil derivatives.
  - (4) Continuous or routine manufacturing operations which produce flash or glare, such as grinding or welding, shall be so located in a building

as not to be visible from any point along the exterior boundaries of the premises.

- (5) All manufacturing operations, and other operations incidental thereto, shall be so conducted as to minimize, as far as is practicable, the emission of noise or vibration or the production of dust or noxious or toxic gases, at the boundaries of the premises, which is or are injurious or substantially annoying to persons, animals or property.

I. Prohibited Industrial Uses: Any use listed in the Industrial District, Section 4-3-1-6-A-3 of this Chapter. Before issuing the written approval required by subsection A-5 of this Section, the Board shall view the proposed site or sites and take the following steps:

- (1) The Board of Adjustment shall meet with the County Zoning Committee and with representatives designated by the State Highway Commission. At such meeting either the specific location or locations and the use thereof for which the Board's approval is sought or a development plan for the general area of such location or locations or both shall be discussed, and the Board of Adjustment shall make a preliminary finding on the question before the Board, giving due consideration to the advice of the County Zoning Committee and the representatives of the State Highway Commission attending the meeting.

- (2) The Board of Adjustment shall then hold a public hearing in compliance with the Statutes and according to the rules of the Board, at which a report shall be given of such preliminary finding and opportunity shall be given to any interested person to be heard. If in the opinion of the Board of Adjustment there are no substantial objections to such preliminary finding, it shall be entered as final. If in the opinion of the Board of Adjustment there are substantial objections to such preliminary finding, the Board of Adjustment shall adjourn the public hearing, and call a second meeting with the County Zoning Committee and representatives of the State Highway Commission, at which the same procedure shall be followed as in subsection (1) above, except that the finding reached by the Board of Adjustment at such second meeting shall be final.

j. Wired services and utilities, including metal, glass fiber or other conductors, poles and lines, including transformers, substations, relay stations, equipment housings and other similar necessary appurtenant facilities; and other such tower structures of heights over one hundred feet (100'). (Ord. 19-0101, 1/8/2019)

k. Greenhouses, in which retail sales are conducted on the premises.

B. Other Requirements: Also see General Provisions and Exceptions in Section 4-3-2 of this Chapter.

1. Lot Area: Buildings used in whole or in part for residential purposes shall comply with the lot area regulations of the Residence District; otherwise there shall be no minimum lot area for this district.
2. Lot Coverage: No building or structure, including equipment and material storage, parking lots, loading berths and driveways, shall cover more than seventy five percent (75%) of the area of any lot.
3. Floor Area: Buildings used in whole or in part for residential purposes shall comply with the floor area regulations of the Residence District; otherwise there shall be no minimum floor area for this district.
4. Height: Except as otherwise provided in Section 4-3-2 of this Chapter, no building shall exceed a height of eighty feet (80').
5. Side Yards: Buildings used in whole or in part for residential purposes shall comply with the side yard regulations of the Residence District. There shall be a side yard not less than eight feet (8') wide on each side of any lot developed for commercial or industrial use and such side yard shall be permanently maintained in grass, shrubs or trees and shall not be used for parking, storage or driveways.
6. Rear Yard: Buildings used in whole or in part for residential purposes shall comply with the rear yard regulations of the Residence District. There shall be a rear yard of not less than twenty feet (20') in depth on any lot developed for commercial or industrial use and such yard shall be permanently maintained in grass, shrubs or trees and shall not be used for parking, storage or driveways.
7. Highway or Street Setback Lines: There shall be setback lines along abutting highways as required by Section 4-3-5 of this Chapter, and the following special regulations shall also apply:
  - a. Highway setback lines are hereby established along all intersecting highways. Such setback lines shall be one hundred ten feet (110') from the center line of the highway, or forty two feet (42') from the highway right-of-way line, or thirty feet (30') from the right-of-way line of any mapped frontage road, whichever is greater; any other setback provision of this Title notwithstanding. In case of unusual changes in alignment of the intersecting highway right-of-way line or unusual topographic conditions, a variance in the terms of this district may be granted by the Board of Adjustment conditioned on the prior written approval of the agency having authority over the intersecting highway. (Ord. 10-0801, 8/10/10)
8. Waterfront Setback Lines: See Section 4-7-5 of this Chapter.
9. Off-Street Parking: See Section 4-3-2 of this Chapter.
10. Creation of Lot Lines on Developed Parcels: The setbacks of this Title shall apply to lot lines and land divisions which are created on parcels on which buildings or structures exist. (Ord. 01-0401, 4/17/01; Ord. 02-0801, 8/13/02)

**4-3-1-6: INDUSTRIAL DISTRICT**

- A. Use: In the Industrial District buildings and land may be used for any purpose except the following:
1. Religious, educational, charitable and medical institutions, and places of dwelling or lodging, whether on a permanent or transient basis, except that there may be a dwelling for a watch person or caretaker employed on the premises and members of his/her family.
  2. Uses contrary to laws of the State of Wisconsin or ordinances adopted by the County Board of Green County.
  3. Any of the following types of uses unless the location thereof shall have been approved in writing by the Board of Adjustment as a conditional use permit, following a public hearing and after a view of the proposed site or sites. Listed uses, as well as those non-listed uses determined by the Zoning Department to be of substantially the same character, shall be subject to conditional use approval consistent with the general purpose and intent of these regulations and shall be based upon such evidence as may be presented at such public hearing, tending to show the desirability or undesirability of specific proposed locations for a specific proposed use from the standpoint of the public interest because of such factors as (without limitation because of enumeration) smoke dust, noxious or toxic gases and odors, noise, glare, vibration, heavy vehicular traffic and increased traffic on the public streets. The Board of Adjustment shall require the applicant to submit such data and information as is required for its determination and may make the granting of a permit conditional upon such expressed conditions as it deems necessary to accomplish the purposes and intent of this Title. These conditions shall include, but are not limited to: specific waste disposal and water supply requirements; increased setback and yard requirements; operational controls and limitations; sureties and deed restrictions; landscaping and screening requirements; noise and odor abatement measures; and pollution controls. Violation of any condition shall constitute a violation of this Section. Upon petition of the landowner, the Board of Adjustment can review and alter any condition of a conditional use permit after holding a public hearing on the proposed change.
    - a. Acid, ammonia, bleach, chlorine or soap manufacture.
    - b. Ammunition manufacture; explosives or fireworks manufacture or storage.
    - c. Asphalt, coal and coal tar or coke manufacture; asphalt and asphalt cement mixing plants.
    - d. Automobile wrecking yards, junk yards; provided, that each such use shall be completely screened by a solid wall, fence, evergreen planting or equivalent opacity, or other equally effective means, built to or maintained at a minimum height of eight feet (8'), except for one entrance or exit, not more than thirty feet (30').
    - e. Bones, distillation of.
    - f. Cannery.

- g. Charcoal distillation plants.
  - h. Cement, lime, gypsum or plaster of paris manufacture; cement or concrete mixing plants.
  - i. Fat rendering.
  - j. Fertilizer manufacture.
  - k. Forge plant.
  - l. Garbage, rubbish, offal or dead animal reduction or dumping.
  - m. Gelatin, glue or size manufacture.
  - n. Inflammable gases or liquids, refining or manufacture of; over-ground tank farms.
  - o. Slaughterhouse, stockyard.
  - p. Smelting.
  - q. Timber preservation treating plants.
4. Signs, unless meeting the requirements of the sign regulations contained in Section 4-3-4 of this Chapter.
- a. Directory sign.
  - b. Outdoor advertising sign or billboard.
  - c. On-premise sign.
  - d. Temporary sign.
  - e. Plaque.
- B. Other Requirements: Also see General Provisions and Exceptions in Section 4-3-2 of this Chapter.
- 1. Lot Area: For buildings or parts of buildings erected, moved or structurally altered for residential use, the lot area regulations of the Residence District shall apply; otherwise no minimum lot area shall be required.
  - 2. Floor Area: For buildings or parts of buildings erected, moved or structurally altered for residential use, the floor area regulations of the Residence District shall apply; otherwise no minimum floor area shall be required.
  - 3. Height: Except as otherwise provided in this Title, no building shall exceed a height of fifty feet (50').

4. Side Yards: For buildings or parts of buildings erected, moved or structurally altered for residential use, the side yard regulations of the Residence District shall apply. There shall be a side yard not less than six feet (6') wide on each side of a building hereafter erected, moved or structurally altered for any other use, and no automobile parking lot, stock pile, waste or salvage pile, equipment storage yard or other accumulation of material or equipment in the open shall be stored or placed in such yard; provided further, that any such side yard which abuts a boundary of a Residence District shall not be less than twenty five feet (25') wide, unless such Residence District boundary lies within a street or alley.
5. Rear Yard: There shall be a rear yard of not less than twelve feet (12') in depth, except that:
  - a. Such rear yard shall be increased in depth by three feet (3') for each additional five feet (5') by which the principal building on the lot exceeds thirty five feet (35') in height.
  - b. Any such rear yard which abuts a boundary of a Residence District shall be not less than twenty five feet (25') in depth, unless such Residence District boundary line lies within a street, alley or railroad right of way; provided, that no automobile parking lot, stock pile, waste or salvage pile, equipment storage yard or other accumulation of material or equipment in the open shall be stored or placed in such rear yard, except that loading platforms may be established in a rear yard if it abuts on a railroad.
6. Highway or Street Setback Lines: See Section 4-3-5 of this Chapter.
7. Waterfront Setback Lines: See Section 4-7-5 of this Chapter.
8. Off-Street Parking: See Section 4-3-2 of this Chapter. (1982 Code)
9. Creation of Lot Lines on Developed Parcels: The setbacks of this Title shall apply to lot lines and land divisions which are created on parcels on which buildings or structures exist. (Ord. 01-0401, 4/17/01)

**4-3-1-7: GREEN COUNTY MUNICIPAL LANDFILL**

- A. Description: Pursuant to §59.69, Wis. Stats., the Green County Board of Supervisors has rezoned the following County-owned land for the use and purposes as set forth in subsection B hereof:

The southwest one-quarter of the southwest one-quarter (SW1/4 - SW1/4) of Section twenty, and also, the south 350 feet of the northwest one-quarter of the southwest one-quarter (NW1/4 - SW1/4 ) of Section twenty, except cemetery lot, described as: Commencing at a point 16 chains south of the west quarter port in Section 20, thence, east 3 chains, thence, south 4 chains, thence, west 3 chains, thence, north 4 chains to the place of beginning, containing one acre and 32 rods of ground, all being in Town two north, Range nine east, Green County, Wisconsin. Said parcel contains 47 acres more or less.

- B. Use: All uses currently permitted by the Green County Land Use and Zoning Ordinance in the Agricultural District shall continue to be permitted, and in addition thereto, the following uses shall also be deemed permitted uses:

Development, preparation, and operation of a municipal sanitary landfill, provided said development, preparation, and operation is authorized and approved by the State Department of Natural Resources, pursuant to applicable Wisconsin Statutes and Administrative Code regulations. In addition, uses directly connected with the operation of the approved landfill shall also be permitted, including but not limited to such things as clay and sand excavation, borrow, and storage; refuse storage, separation, and reduction; incineration and/or burning, provided the same is undertaken with the approval of the Department of Natural Resources, with approved equipment and methods; leachate collection, storage, and transportation; ground water monitoring and testing; and such other uses and purposes which may be necessary to the primary use of landfill operation. (Ord. 82-210)

#### **4-3-2: GENERAL PROVISIONS AND EXCEPTIONS**

##### **4-3-2-1: BUILDINGS AND USES**

- A. No provisions of this Chapter shall be construed to bar an action to enjoin or abate the use or occupancy of any land or structure as a nuisance under the appropriate laws of the State of Wisconsin.
- B. No provisions of this Title shall be construed to prohibit the customary and necessary construction, reconstruction or maintenance of underground public utility, neighborhood service lines and mechanical appurtenances thereto, where reasonably necessary for the preservation of the public health, safety, convenience and welfare.
- C. The construction and use of buildings hereafter erected, converted, enlarged or structurally altered and the use of any land shall be in compliance with the regulations established herein for the district in which such land or buildings are located; whether or not the proposed construction, structure or use is of a temporary or permanent nature; and regardless of a building's foundation or structural construction which may be considered to be portable or temporary.

For the purposes of this Code, motor vehicles or attachments to motor vehicles converted to use as permanent or semi-permanent residences, storage structures, or animal barns is prohibited. However, tractor/trailer boxes which have been removed from their wheels may be permitted as storage structures only. In no case shall any other motor vehicle, including mobile homes or buses, be permitted to be converted to other uses. Further, mobile homes shall be permitted as a temporary office/home for a period of no more than twelve (12) months in cases when the primary office or home has been destroyed and is being reconstructed.

- D. 1. Every building hereafter erected, converted, enlarged or structurally altered shall be located on a lot and in no case shall there be more than one residential building per equivalent lot size area on the parcel.
2. Each parcel or lot shall be adjacent to a public right of way. However, up to eight adjacent lots may share a common drive or easement access. Adjacent lots in this

subsection are lots which abut the common drive or easement access. (Ord. 06-0601, 6-13-06; Ord. 17-1203, 12/12/2017)

- E. Nothing herein contained shall require any change in the plans, construction, size or designated use of any building or part thereof for which a building permit has been issued before the effective date of this Chapter and the construction of which shall have been started within six (6) months from the date of such permit.
- F. Nonconforming Uses:
1. The existing lawful use of a building or premises at the time of the enactment of these land use regulations or any amendment thereto may be continued although such use does not conform with the provisions of this Title for the district in which it is located, but no building or premises containing a nonconforming use shall be enlarged or extended, or its use changed, unless otherwise approved in writing by the Board of Adjustment after a public hearing.
  2. Whenever a nonconforming use has been changed to a more restricted nonconforming use or a conforming use, such use shall not thereafter be changed to a less restricted use. The Board of Adjustment, after investigation and public hearing, may authorize the change of a nonconforming use to another of the same classification; provided, that the Board shall find that the proposed change of use will be no more harmful to the character of the neighborhood than the existing nonconforming use.
  3. If the nonconforming use of a building or premises is discontinued for a period of twelve (12) months, any future use of the building or premises shall conform to the regulations for the district in which it is located.
  4. When a building containing a nonconforming use is damaged by fire, explosion, act of God or the public enemy to the extent of more than seventy five percent (75%) of its current market value as determined by the local assessor, it shall not be restored except in conformity with the regulations of the district in which it is located.
  5. The total structural repairs or alterations in any nonconforming use shall not, during its life, exceed fifty percent (50%) of the market value of the building at the time of its becoming a nonconforming use unless permanently changed to a conforming use, or unless otherwise approved in writing by the Board of Adjustment after a public hearing. This section shall not apply to any building additions, alterations or structural repairs in the nonconforming use which do not in and of themselves violate any portion of this Code, State Statutes, or the Wisconsin Administrative Code.
  6. Lots which do not conform to the requirements of §4-3-2-1.D.2., which have previously been approved and which are adjacent to and serviced by private road access which has already been constructed prior to the effective date of this ordinance are exempt, provided they comply with the other provisions of this title for the district in which the lot is located. This exemption applies only to those lots adjacent to a private road access which has been constructed to the applicable township or municipal standards in force at the time of its construction, if any. Exemption is not conferred to those lots unless construction of the private road

access has been extended fully to said lot. Those lots not so serviced must comply with all provisions of this title. Evidence of construction of an acceptable private road access must be demonstrated by the applicant. (Ord. 06-0601, 6-13-06)

- G. Accessory buildings which are not a part of the main building shall not occupy more than thirty percent (30%) of the area of the required rear yard. Where a private garage has an entrance facing on an alley, such entrance shall be located not less than ten feet (10') from the nearest alley line. Where an accessory building is a part of the main building or is substantially attached thereto, or is located partly or wholly in front of the rear wall of the main building, the side yard and rear yard requirements for the main building shall be applied to the accessory building.
  
- H. The Board of Adjustment, after investigation and public hearing, may authorize the location of any of the following buildings or uses in any district from which they are excluded by these regulations; provided, that the Board shall find that the proposed location is necessary in order to serve the public health, safety, convenience and welfare, and provided further, that each such building or use shall comply with all other regulations for the district in which it is proposed to be located. To protect the value of neighboring buildings or uses, the Board may attach reasonable conditions and safeguards, in line with the general purpose and intent of this Title:
  - 1. Cemeteries.
  - 2. Fire and police stations
  - 3. Hospitals and clinics, but not veterinary hospitals or clinics.
  - 4. Institutions, public or private, of an educational, philanthropic or charitable nature.
  - 5. Private clubs or lodges, excepting those the chief activity of which is a service customarily carried on as a business.
  - 6. Public utility buildings, structures and lines, including power transmission lines and microwave radio relay structures and their appurtenances, for such purposes as are reasonably necessary for the public convenience and welfare.
  - 7. Railroad siding and structures.
  - 8. Sewage disposal plants.  
(Ord. 01-0401, 4/17/01; Ord. 03-0201, 2/11/03)

**4-3-2-2: AREA REGULATIONS**

- A. No lot area shall be so reduced that the yards and open spaces shall be smaller than is required by this Title, nor shall the density of population be increased in any manner except in conformity with the area regulations hereby established for the district in which a building or premises is located.
  
- B. Any lot or parcel shown on a recorded subdivision, plat or assessor's plat, or conveyance and recorded in the office of the Register of Deeds for Green County prior to the adoption of this Chapter may be used as a building site, or for any purpose permitted by this Title, even

though such lot or parcel does not conform to the minimum frontage or area requirements of the district in which it is located; provided, however, that no multiple-family dwelling, or residential unit in combination with some other use, shall be erected, structurally altered or converted in use on any lot having a width of less than fifty feet (50'), except by special permit from the Board of Adjustment and also by meeting the requirements of Wisconsin Administrative Code, Section Comm 85, or according to available soils information unless served by public sewer.

**4-3-2-3: HEIGHT REGULATIONS**

- A. Except as otherwise provided in this Chapter, the height of any building hereafter erected, converted, enlarged or structurally altered shall be in compliance with the regulations established herein for the district in which such building is located.
- B. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five feet (5').
- C. Churches, schools, hospitals, sanatoriums, and other public and quasi-public buildings may be erected to a height not exceeding fifty feet (50'), 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 (1') for each foot of additional building height above the height limit otherwise established for the district in which such building is to be located.
- D. Farm buildings not for human habitation, ornamental structures, radio and television broadcasting and receiving towers, telephone, telegraph and power transmission poles, towers and lines, microwave radio relay structures and necessary mechanical appurtenances, and accessory structures essential to the use or protection of a building or to a manufacturing process carried on therein, are hereby exempted from the height regulations of this Chapter and may be erected in accordance with other regulations or ordinances of Green County; provided, that any such structure which is necessary to a building in a Residence District, or to a building on a residential lot in the Agricultural District, shall be located not less than twenty five feet (25') from any lot line; and provided further, that any such structure on farm property shall be located not less than twenty five feet (25') from the nearest lot line of any adjoining residential lot.
- E. Residences may be increased in height by not more than ten feet (10') when all yards and other required open spaces are increased by one foot (1') for each foot by which such buildings exceed the height limit of the district in which it is located.
- F. Where a lot abuts on two (2) or more streets or alleys having different average established grades, the higher of such grades shall control only for a depth of one hundred twenty feet (120') from the line of the higher average established grade.
- G. On through lots which extend from street to street, the height of the main building may be measured from the average elevation of the finished grade along the end of the building facing either street.

**4-3-2-4: FRONT, SIDE AND REAR YARD REGULATIONS**

- A. No part of a yard or other open space provided about any building for the purpose of complying with the provisions of this Chapter shall be included as part of a yard or other open space required for another building.
- B. Except as otherwise provided in this Chapter, any side yard, rear yard or court abutting a district boundary line shall have a minimum width and depth in the less restricted district equal to the average of the required minimum widths and depths for such yards and courts in the two (2) districts which abut the district boundary line.
- C. No part of any building which has a setback less than is required by this Chapter shall be enlarged or structurally altered within the front yard established by the setback required by this Chapter for the district in which such building is located.
- D. Buildings on through lots and extending from street to street may waive the requirements for a rear yard by furnishing an equivalent open space on the same lot in lieu of the required rear yard; provided, that the setback requirements on both streets be complied with.
- E. When the side line of an interior lot coincides wholly or partly with the rear line of an abutting corner lot and the setback for the main building on the corner lot is less than the setback required by this Chapter on such interior lot, the setback for the building on such interior lot may be modified so as to be midway between the setback for the building on the corner lot and the setback otherwise required by this Chapter. In the case of interior lots having a frontage on two (2) streets, no accessory building shall extend in the setback area of either street.
- F. Every part of a required yard shall be open and unoccupied by any structure from the ground upward, except as follows:
  - 1. Sills, belt courses, cornices, canopies, eaves and ornamental architectural features may project into a required yard not more than thirty inches (30"); provided, that no such feature shall project over a street line.
  - 2. Bay windows, balconies and chimneys may project into a required yard not more than three feet (3') in any case, but no more than twenty percent (20%) of the width of any side yard which does not abut on a street; provided, that the total length of such projections is not more than one-third (1/3) of the length of the building wall on which they are located.
  - 3. Fire escapes may project into a required yard not more than five feet (5') in any case, but not more than twenty percent (20%) of the width of any side yard which does not abut on a street; provided, that no such fire escape need be less than three feet (3') in width.
  - 4. Uncovered steps and landings may project into a required yard not more than six feet (6') in any case, but not more than twenty percent (20%) of the width of any side yard which does not abut on a street; provided, that no such steps or landings shall extend above the main or entrance floor, except for a railing not more than three feet (3') in height.
  - 5. Platforms, walks and drives extending not more than six inches (6") above the average ground level at their margins, and retaining walls when the top of such walls

is not more than six inches (6") above the average level of abutting ground on one side, may be located in any yard.

6. Fences, decorative posts, walls and hedges, except for those screening requirements attached to conditional use permits may be located as follows:
  - a. Fences and walls more than six feet (6') in height shall be considered as buildings, and the appropriate requirements of this Chapter shall be applied accordingly.
  - b. Fences, walls and hedges shall not exceed two and one-half feet (2-1/2') in height when located within a vision clearance triangle, except for retaining walls used to hold ground at or below its natural level, and fences so designed and constructed as not to constitute a substantial obstruction to the view of motorists and pedestrians across the vision clearance opening from one street to another.
  - c. Decorative wood or masonry posts or entrance gate posts shall not exceed forty-eight inches (48") in height, or twenty-four inches (24") diameter in round or square width. No post may be located within the right-of-way of any roadway. No post shall be so placed as to interfere with the visibility or effectiveness of any official traffic sign or signal or with driver vision at the intersection access with the roadway and the driveway, or placed as an obstruction to the view of motorists and pedestrians across the vision clearance opening. No zoning permit required for such posts. (Ord. 01-0401, 4/17/01; Ord. 03-0201, 2/11/03)

#### **4-3-2-5: MOTOR VEHICLES AND PARKING**

- A. In the Residence District, no commercial motor vehicle exceeding five (5) tons rated capacity shall be stored in any private garage.
- B. In the Commercial or Industrial Districts, wherever a lot abuts upon a public or private alley, sufficient loading space shall be provided on the lot or adjacent thereto in connection with any business or industrial use so that the alley shall at all times be free and unobstructed to the passage of traffic.
- C. One off-street parking space shall be two hundred sixteen (216) square feet of area, exclusive of adequate ingress and egress driveways to connect with a public thoroughfare. A single stall garage, or one stall in a multiple stall garage, may replace any single required parking space.
- D. No building for which off-street parking space is required may be added to, structurally altered or converted in use so as to encroach upon or reduce the parking space below the required minimum.
- E. No parking spaces required under this Chapter may be used for any other purpose; provided, however, that open spaces required by this Chapter for setback and side yards may be used for such parking spaces or approaches thereto, except where otherwise provided in this Chapter, provided, that on corner lots there shall be no parking in a vision clearance triangle.

- F. All parking spaces shall be graded and drained so as to prevent the accumulation of surface waters.
- G. Parking lots containing ten (10) or more parking spaces which are located in the Residence District or adjoin residential lots shall be screened along the side or aides of such lots which abut the lot lines of residential lots by a solid wall, fence, evergreen planting of equivalent opacity or other equally effective means, built or maintained at a minimum height of four feet (4'). If parking lots so located are lighted, the lights shall be so shielded as to prevent undesirable glare or illumination of adjoining residential property.
- H. Parking Spaces Required:
1. **Multiple-family dwellings:** 1 off-street parking space for each family for which accommodations are provided in the building, plus 1.
  2. **Roadside stands:** not less than 5 parking spaces at the place of business off the right of way of the highway.
  3. **Establishments offering curb service to customers who remain in their vehicles:** at least 5 off-street parking spaces for each person employed to serve such customers.
  4. **Retail or local business places:** at least 1 off-street parking space for each 300 square feet of ground floor area plus at least 1 additional parking space for each 500 square feet of upper floor area.
  5. **Buildings combining business and residential uses:** at least 1 off-street parking space for each 300 square feet of area devoted to business use plus at least 1 parking space for each family for which accommodations are provided on the premises.
  6. **Theaters, churches, auditoriums, lodges or fraternity halls and similar places of public assemblage:** at least 1 parking space for each 7 seats.
  7. **Lodging houses and dormitories:** at least 1 parking space for each 2 guest rooms.
  8. **Medical, correctional or charitable institutions:** at least 1 parking space for each 2 rooms for patients, clients, guests or persons detained on the premises plus at least 1 additional parking space for each 3 persons employed on the premises.
  9. **Restaurants, taverns and similar places for eating and refreshments, except curb service establishments:** at least 1 parking space for 50 square feet of floor space devoted to the use of patrons.
  10. **Funeral homes and mortuaries:** at least 1 parking space for each 50 square feet of floor space devoted to parlors.
  11. **Bowling alleys:** at least 5 parking spaces for each alley.

12. **Garages and service stations:** adequate off-street parking space to prevent the parking of vehicles waiting to be serviced or repaired on the public street or highway.
13. **Industrial uses, warehouses, laboratories, and research institutions:** at least 1 parking space for each 4 employees on the premises at any time plus at least one additional space for each vehicle operated in connection with such use for which parking on the premises is required.
14. **Parks and playgrounds, recreation camps, and mobile home parks:** parking space as required by the regulations governing each of these uses.
15. Any use not specifically named herein shall be assigned by the Zoning Administrator to the most appropriate of the above classifications when application is made for a building permit. If such determination is not acceptable to the applicant, appeal may be made to the Board of Adjustment. (Ord. 03-0201, 2/11/03)

**4-3-2-6: CHANGE IN OWNERSHIP; FAILURE TO USE**

If there is a change in ownership of a parcel of land subject to a conditional use permit which the new owner intends to exercise rights under, such change in ownership shall be brought to the attention of the Zoning Administrator within sixty (60) days of said change in ownership so that a new permit may be issued.

Unless a longer period is granted elsewhere in this Code, if a permit holder or his/her successor fails to exercise rights under a conditional use permit for a period of 12 consecutive months, said permit shall become void. The permit holder may petition the Board of Adjustment for a single extension of up to 12 months of a conditional use permit. Said request for extension must be made in writing to the Zoning Administrator's office prior to the expiration of the permit. If the Board of Adjustment does not meet after the request was made, prior to its expiration, said permit will continue through the time of the next meeting of the Board of Adjustment.

If a conditional use permit becomes void through failure to use, its permit holder, or their successor in interest, may be denied the right to petition for a new permit by the Board of Adjustment for up to 36 months. (Ord. 01-0401, 4/17/01)

**4-3-3: MANUFACTURED HOME AND TRAILER REGULATIONS**  
(Ord. 01-0401, 4/17/01)

**4-3-3-1: MANUFACTURED HOME STRUCTURES; GENERAL PROVISIONS**

- A. No manufactured home structure, originally designed to be used for residential living or sleeping purposes, shall be allowed to be abandoned, placed or parked on any premises other than in a proper, legal, permitted capacity, intended for use as a residential or business/office structure, with a code-compliant water supply and sewage disposal system.
- B. No manufactured home structure, originally designed to be used for residential living or sleeping purposes, may be used for storage, animal housing, or any purpose other than for residential or business/office use.

- C. No manufactured home, trailer, house car, camp car, or any portable or mobile vehicle on wheels, skids, rollers or blocks either self-propelled or propelled by any other means shall be used on a lot as a temporary residence prior to or during the construction of a permanent residence, except as provided below in §4-3-3-2-H. Single-wide manufactured homes which have been converted to dwellings may be placed on a lot prior to or during the construction of a permanent residence only if meeting the requirements of this Title, after obtaining the necessary permits, and with a code-compliant water supply and sewage disposal system.
- D. Double-wide manufactured homes which are greater than twenty feet (20') in width shall not be subject to the regulations of this Title for single-wide manufactured homes, but rather are classified as residences which are subject to the Wisconsin Uniform Dwelling Code and the regulations of this Title for residences. (Ord. 01-0401, 4/17/01)

**4-3-3-2: SINGLE-WIDE MANUFACTURED HOMES/OFFICE STRUCTURES**

A single-wide manufactured home is any unit formerly known as a house trailer or mobile home, or a vehicle, house car, camp car, or any portable or mobile vehicle on wheels, skids, rollers or blocks either self-propelled or propelled by any other means which is used or originally designed to be used for residential living or sleeping purposes. A single-wide manufactured home shall be considered a dwelling or office structure if it meets the following requirements prior to occupancy:

- A. Has seven hundred fifty (750) square feet of floor area.
- B. Wheels and axles must be removed.
- C. Lot must be owned by owner of the single-wide manufactured home and shall be of a size and area as stated in this Title.
- D. The unit shall be classified as real property and taxable by the town as such, if the town so desires.
- E. Structure to be placed over a full basement or a foundation which consists of a minimum construction of a solid perimeter wall of the same dimensions and shape of the outside perimeter of the dwelling and which shall be constructed of solid poured concrete or mortared concrete block. A poured concrete footing shall be installed at the base of the excavated trench, upon which the sidewall is to be constructed. The wall shall be a minimum thickness of 8" in width, and shall be a minimum height of 42" from the footing to the top of the sidewall. The height of the foundation wall shall be permanently backfilled with an earthen material to a minimum underground depth of 36" with the remainder of the wall rising above ground level to serve as the base for which the bottom of the dwelling walls will rest. Additional support for the weight load of the dwelling may require the installation of additional posts or columns under the dwelling. No more than two access door openings and a reasonable amount of window openings may be formed into the foundation sidewalls, but in no case shall there be rows of posts or columns serving as the required sidewalls. The landowner/applicant is required to contact the Zoning Department for an inspection of the wall prior to backfill.
- F. All utilities shall comply with State of Wisconsin requirements of a dwelling.
- G. The single-wide manufactured homes may not be located in a Residential Zoning District.

- H. A temporary mobile/manufactured home shall be exempt from the requirements of subsections A and B above for a period of up to twelve (12) months in cases where an original code-compliant structure has been destroyed by fire, explosion or other such natural disaster. In such cases, the temporary mobile/manufactured home may be used without being placed upon a foundation; however, at all times, it must be connected to a code-compliant well and sewage disposal system. Further, at the end of twelve (12) months time, said temporary mobile/manufactured home shall be removed from the premises. (Ord. 01-0401, 4/17/01; Ord 03-0201, 2/11/03)

**4-3-3-3: NONCONFORMING SINGLE-WIDE MANUFACTURED HOME**

A single-wide manufactured home that was placed on a parcel of land before the effective date hereof may be replaced on the same parcel of land by a single-wide manufactured home of equal or greater value as determined by the Zoning Department, if it meets the requirements of §4-3-3-2, after issuance of the necessary permits required by this Title, and verification of the existence of a properly functioning, Code-compliant system for the treatment and disposal of domestic waste. (Ord. 01-0401, 4/17/01; Ord. 03-0201, 2/11/03)

**4-3-3-4: OPERATING FARMS**

No more than one single-wide manufactured home shall be permitted on any operating farm unless otherwise approved in writing by the Board of Adjustment after a public hearing and single-wide mobile homes shall conform to all Code requirements. Any such single-wide manufactured home shall comply with the setback requirements and meet the requirements of §4-3-3-2. Under no circumstances shall such single-wide manufactured home serve as a primary residence of any operating farm, except for cases of emergency due to fire, explosion, act of God, and then only as a temporary residence for a period not to exceed one year. (Ord. 01-0401, 4/17/01; Ord. 03-0201, 2/11/03)

**4-3-3-5: MOBILE HOME AND MANUFACTURED HOME PARKS**

- A. This Section incorporates by reference the applicable rules and laws as set forth in Wisconsin Administrative Code, Adm. 65 entitled "Mobile Home Parks". This Code shall apply until amended, and then shall apply as amended, except where the provisions of this Section and other Green County regulations are more restrictive.
- B. In addition to subsection A above, mobile home parks shall meet the following requirements:
1. There shall be one parking space for each trailer in such parks, and such parking space shall be graveled or paved with concrete or bituminous material.
  2. There shall be additional parking spaces for automotive vehicles within such park, surfaced as required above equal to not less than one and one-fourth (1-1/4) parking spaces for each trailer space.
  3. Each trailer parking space shall be not less than ten feet (10') wide nor of less length than the length of the trailer to be parked therein, plus five feet (5'). Each automobile parking space shall be not less than nine feet (9') wide and one hundred eighty (180) square feet in area, exclusive of maneuvering and access space.

4. There shall be a system of driveways, surfaced as required by subsection B-1 above, providing access from each and every trailer and automobile parking space within such mobile home park to the public street or highway; provided, that there shall not be more than two (2) entrances from or exits to such street or highway from any one such park.
5. Each trailer space shall be separated from all other trailer spaces, automobile parking spaces or service buildings or structures within such park by open spaces, permanently planted to grass, flowers, shrubs or trees, which shall be not less than fifteen feet (15') wide, except that there need not be more than a five foot (5') setback from an access driveway; provided, however, that such five foot (5') setback shall apply to the longest trailer to be accommodated within such park.
6. Each mobile home park shall be completely surrounded, except for permitted entrances and exits, by a yard, in addition to all other required yards and open spaces, which shall not be less than twenty five feet (25') wide. Within such yard there shall be established, within six (6) months after the issuance of the permit for the location of such park, the following plantings:
  - a. A temporary planting of fast-growing material, capable of reaching a height of fifteen feet (15') or more, such as Lombardy poplar.
  - b. A permanent evergreen planting, such as white or Norway pine, the individual trees to be of such number and so arranged that within ten (10) years they will have formed a screen equivalent in opacity to a solid fence or wall, Such permanent planting shall be grown or maintained to a height of not less than fifteen feet (15').
7. It shall be a condition of the granting of a permit for the establishment of any such mobile home park, and a continuing condition for the operation of the same, that:
  - a. All parking spaces, walks and driveways be constructed and maintained so as to prevent the accumulation of surface water and the formation of substantial muddy areas.
  - b. That the planting screen required by subsection B-6 be established and maintained.
  - c. That sanitary facilities at least equal to the requirements of the State Board of Health be established and maintained. (Ord. 01-0401, 4/17/01)

**4-3-3-6: CAMP GROUNDS AND CAMPING RESORTS**

- A. This Section incorporates by reference the applicable rules and laws as set forth in Wisconsin Administrative Code HFS 178 entitled "Campgrounds". This Code shall apply until amended, and then shall apply as amended, except where the provisions of this Section and other Green County regulations are more restrictive.
- B. In addition to subsection A above, camp grounds and camping resorts shall meet the following requirements:

1. There shall be a yard on each side of any such camp ground, except that no such yard shall be required along that part of a camp ground which fronts on a lake or stream; provided, that the highway and water line setbacks established by the regulations of Section 4-3-5 in this Chapter shall be observed by all buildings and structures to which such setbacks apply. Each such yard shall be not less than fifty feet (50') wide; provided, that all yards shall be increased not less than ten feet (10') in width for each ten (10) camping units or fraction thereof by which such camp ground exceeds a total of forty (40) camping units; and provided further, that any such yard may be reduced by one-half (1/2) the width of any street upon which such yard abuts, but in no case to less than twenty five feet (25'). It shall be a condition of the granting of the permit for any such camp ground, and a continuing condition for the operation of the same, that the natural vegetation of the area, including grasses, flowers, shrubs and trees, but not including noxious plants, weeds and trees, be allowed to grow and develop in all required yards, or that vegetation of equivalent density be planted therein; so as to provide a natural screen between such camp ground and neighboring residential areas and so that required yards shall be unused and unusable for the general purposes of such camp grounds.
2. Off-street parking shall be provided on the premises of each such campground, but not in any required yard, equal to not less than one parking space for each camping unit, plus one additional parking space for each motor vehicle operated in connection with such campground. (Ord. 01-0401, 4/17/01)

**4-3-4: SIGNS**

**4-3-4-1: STATE JURISDICTION**

State Trunk Highway 11 and State Trunk Highway 69 shall be controlled by the State Department of Transportation under the Wisconsin Administrative Code, Section TRANS 200.02.

**4-3-4-2: COUNTY SIGN REGULATIONS**

In the unincorporated areas of Green County not controlled by Section 4-3-4-1 of this Chapter, the following regulations shall apply:

- A. Except where this Title is more restrictive, all signs adjacent to highways hereafter erected, moved, altered or reconstructed shall comply with all applicable regulations of the Wisconsin Statutes and the Department of Transportation, Division of Highway's rules including, specifically, those dealing with location of signs and with signs that simulate traffic control devices. No sign shall be placed on the inside of a curve on a roadway unless placed as a traffic control sign by the governing body. Unless otherwise provided by this Title or by the Wisconsin Statutes, signs shall be located in the following manner.
- B. Permitted Locations of Signs:
  1. Residential District:
    - a. Directory.
    - b. Home occupation.

- c. Temporary.
    - d. Plaque.
  - 2. Agricultural, Conservancy, Commercial, Highway Interchange and Industrial Districts:
    - a. Directory.
    - b. Outdoor advertising.
    - c. On-premise.
    - d. Temporary.
    - e. Plaque.
- C. Type of signs, maximum size, number and location:
  - 1. Directory.
    - a. Sign advertising a business or activity conducted, an area of interest, or a service available at a specific location. Such sign shall be not more than fifty (50) square feet in gross area.
    - b. There shall be not more than two (2) such signs relating to any one such use in the approaching direction along any one highway. Such sign may be placed at the right-of-way line of the highway.
    - c. A larger number of signs may be permitted by the Board of Adjustment if the Board shall find it necessary for directing the traveling public.
    - d. Permit required.
  - 2. Outdoor advertising sign or billboard.
    - a. Any structure of unlimited size advertising a place of business, brand of product, service or business conducted or rendered, or giving information to the public in any form or manner.
    - b. Such sign shall be placed thirty feet (30') or more from the right-of-way line of a highway.
    - c. Permit required.
  - 3. On-premise.
    - a. A sign used exclusively to advertise a product for sale or an activity on the premises.

- b. Such sign shall not be more than fifty (50) square feet in gross area nor less than four (4) square feet in gross area.
  - c. There shall not be more than two (2) such signs in either direction along any one highway or any one premise.
  - d. No such sign shall be placed more than one-half (1/2) mile away from the point of sale of the product advertised.
  - e. Such sign may be placed at the right-of-way line of the highway.
  - f. An on-premise sign of unlimited size shall be located fifteen feet (15') or more from the right-of-way line of the highway.
  - g. Permit required on items (a) through (f) above.
  - h. Any sign four (4) square feet or less in gross area may be placed at the right-of-way line of the highway. No permit required.
  - l. Any sign ten (10) square feet or less in gross area may be placed on a building or below the roof line of a building. No permit required.
4. Home occupation.
- a. To advertise a customary home occupation or professional office.
  - b. Such sign shall be attached to the building.
  - c. Such sign shall not exceed fifty (50) square feet in gross area.
  - d. Such sign shall be illuminated only if the source of illumination is placed between the sign and the building.
  - e. Permit required.
5. Temporary.
- a. A sign that is placed at a location where the purpose and intent of said sign shall be of such a nature that the need for said sign at the specific location will be less than one year, as determined by the Zoning Administrator.
  - b. A temporary sign of less than fifty (50) square feet in gross area can be placed at the highway right-of-way line.
  - c. A temporary sign of unlimited size shall be placed thirty feet (30') or more from the highway right-of-way line.
  - d. Permit required.
6. Plaque.

- a. Tablet, inscription, emblem or bulletin board for churches, schools, clubs, hospitals, religious or charitable organizations.
- b. A plaque shall not be over fifty (50) square feet in area.
- c. A plaque can be placed at the highway right-of-way line.
- d. No permit required.

D. General provisions for signing:

1. No sign may project more than six feet (6') beyond a building when attached thereto.
2. No sign shall be erected or hung so as to project into the vision clearance triangle established by the regulations of Section 4-3-5 of this Chapter, setback lines, except that a sign may be attached to a building which is standing within such triangle on the effective date hereof, when such sign is so attached or hung as not to constitute an additional projection into such vision clearance triangle.
3. Provided also, that when a building is located within fifty feet (50') of the right-of-way line of the highway and signs are permitted in connection with such building, such signs may be placed on or behind the setback line established by such building, but may not in any case project over the right-of-way line of the highway.
4. No sign shall be so placed as to interfere with the visibility or effectiveness of any official traffic sign or signal or with driver vision at any access point or intersection.
5. No sign shall contain, include or be illuminated by a flashing light or contain, include or be composed of any animated or moving part unless it is thirty feet (30') from the highway right-of-way line and is not a driving hazard to the traveling public. (1982 Code)
6. No sign shall hereafter be located, erected, moved, constructed, extended, enlarged, converted or structurally altered without a building permit, excepting those signs included through other provisions of this Title. The fee for said permit shall be specified in §4-6-1-4.A.4. (Ord. 04-0101, 01/13/04)
7. All signs located between the highway right-of-way line and thirty feet (30') from the right-of-way line shall be located a minimum of one hundred feet (100') from each other. All signs located thirty feet (30') or more from the highway right-of-way line shall be located a minimum of five hundred feet (500') from each other, excluding on-premises type signs.
8. When placing signs near a Residence District boundary line, the boundary line shall be considered as another sign. The new sign shall be placed according to such distance requirements.
9. Signs which no longer serve the purpose for which they were intended or are not maintained or which have been abandoned shall be removed by the latest permit holder or landowner, or by the County at the expense of such permit holder or

landowner, after a thirty (30) day written notice has been given to such permit holder or landowner.

**4-3-5: SETBACK LINES**

**4-3-5-1: STREETS AND HIGHWAYS**

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

A. Class I Highways:

1. All State and Federal highways are hereby designated as Class I highways; provided, that this classification shall not include the entire frontage of all those highways which lie within the Highway Interchange District and which intersect at an interchange. Refer to subsection 4-3-1-5-B-7 of this Chapter regarding the Highway Interchange District.
2. The setback line for Class I highways shall be one hundred ten feet (110') from the center line of the highway or fifty feet (50') from the right-of-way line, whichever is greater; the center line shall be as shown on the highway plans.

B. Class II Highways:

1. All County trunks are hereby designated as Class II highways. For the purpose of this Title any road will be considered as a County trunk after it has been placed on the County trunk system by the County Board and approved by the State Highway Commission.
2. The setback for Class II highways shall be seventy five feet (75') from the center line of such highway or forty two feet (42') from the right-of-way line, whichever is greater.

C. Class III Highways:

1. All town roads, streets and highways not otherwise classified are hereby designated as Class III highways. (Ord. 10-0801, 8/10/10)
2. For all Class III highways, setback lines are hereby established, parallel to and distant sixty three feet (63') from the center line or thirty feet (30') from the right-of-way line, whichever is greater.

D. The following shall apply on any street or highway for vacant lots in partially occupied blocks that do not abut on a lake or stream.

1. When the setback for an existing main building or buildings is greater than the setback otherwise required by this Section, and a building site fronting on the main street is located within two hundred fifty feet (250') of such main building or buildings, as measured along the shortest straight line between the nearest points on such building site and such main building or buildings, the setback on such

building site shall be the average of the setback for such main buildings; or if there be only one such main building, the average of the setback for such main building and the setback otherwise required by this Section; provided, that no existing setback greater than twice the setback required by subsections A, B and C of this Section shall not be considered in applying the above rules.

2. A setback less than the setback required by subsections A, B and C of this Section shall not be permitted on any building site, except by order of the Board of Adjustment, unless there are at least five (5) existing main buildings built to less than such required setback, within five hundred feet (500') of such building site. In such cases, the setback to be applied to each building site shall be the average of the setbacks of the nearest existing main building on each side of such building site; or, if there be no main building on one side, the average of the setback for the main building on one side and the setback required by subsections A, B and C of this Section.
3. When the nearest main building is more than two hundred fifty feet (250') from a building site, measured as specified in subsection D-1 above, the setback requirements of subsections A, B and C of this Section shall apply. (Ord. 01-0401, 4/17/01)

#### **4-3-5-2: LAKE AND STREAM FRONT PROPERTIES**

For the purpose of determining the distance, buildings and other structures shall be set back from lake and stream front properties, setbacks shall meet requirements of Section 4-7-5 of the Green County Code, which incorporates by reference the applicable rules and laws as set forth in Wisconsin Administrative Code NR116 entitled "Wisconsin's Flood Plain Management Program". This Code shall apply until amended and then shall apply as amended, except where the provisions of this Section and other Green County regulations are more restrictive.

- A. In addition to all other provisions of this Title, lake and stream front properties shall meet the following requirements:
  1. There shall be setbacks from both the street line and the water line of such lake or stream front properties, as required by Section 4-7-5.
  2. When the highway or lot line setback and water line or wetlands setback regulations conflict, the greater distance of the highway, lot line, water line or wetlands setback regulations shall apply.
  3. The Zoning Administrator shall determine the high-water mark and the water line or wetlands setback in each particular case. In the event of an appeal from his/her decision, the Board of Adjustment shall view the premises and hear the parties. If unable to reach a decision from the available evidence, the Board of Adjustment may, before continuing the proceedings, request the appellant to furnish a map of the property in question indicating the ordinary high-water mark, the data from which it was established, the water line or wetlands as defined in this Title and such other information as may be pertinent to the question. A copy of such map shall be filed in the records of the Board of Adjustment and the original shall be recorded in the office of the Register of Deeds as are subdivision plats or certified survey maps under Chapter 236, Wis. Stats. (Ord. 01-0401, 4/17/01)

#### **4-3-5-3: VISION CLEARANCE**

There shall be a vision clearance triangle in each quadrant of all intersections of highways or streets with other highways or streets or railroads rights of way. Such vision clearance triangle shall be bounded by the highway, street or railroad right-of-way lines and a vision clearance setback line connecting points on each right-of-way line, which are located a distance back from the intersection of the right-of-way lines equal to the setback required on the intersecting highway or street. In the case of railroads, the setback for the purpose of this Section, shall be considered to be one hundred feet (100') from the center line of the right of way. In addition, the following rules shall apply:

- A. At highway intersections with transitional widening, such transitional widening shall be considered as additional width and the setback line on the side of the highway which is widened shall be increased by an amount equal to the width of such transitional widening.
- B. At highway intersections with curve connections, the pavement or surfacing on the curbs shall be classified as provided in subsections 4-3-5-1-A, B and C of this Chapter and the setback along the curve determined accordingly. The vision clearance triangle required by this Section shall be computed as if the highways intersected without the curve connection, and whichever line requires the greater vision clearance opening shall prevail.
- C. Within a vision clearance triangle, no structure or object of natural growth shall be constructed, maintained or permitted to grow between a height of two and one-half feet (2-1/2') and ten feet (10') above the elevation of the street or highway grade at the center line, or top of the curb if there be a curb. This regulation shall not apply to the trunks of trees, posts not over six inches (6") square in diameter, retaining walls used to support ground at or below its natural level, or wire fences none of which shall be planted or placed so as to constitute a substantial obstruction to the view of motorists and pedestrians across the vision clearance opening from one highway or street to another.

#### **4-3-5-4: STRUCTURES PERMITTED WITHIN SETBACK LINES**

This Section shall not be interpreted so as to prohibit the planting and harvesting of field crops, shrubbery or trees, except as these may be restricted within a vision clearance triangle by the provisions of Section 4-3-5-3 of this Chapter.

- A. Open fences.
- B. Telephone, telegraph and power transmission and distribution towers, poles and lines, transformers and similar necessary appurtenances and portable equipment housings that are readily removable in their entirety. Additions to and replacements of all such structures may be made, provided the owner will file, with the County Clerk of Green County, an agreement in writing to the effect that the owner will move or remove all new construction, additions and replacements erected after the adoption of this Title at his/her expense, when necessary for the improvement of the highway.
- C. Underground structures not capable of being used as foundations for future prohibited overground structures.
- D. Access or frontage roads constructed by the public to plans approved by the County Highway Committee.

E. Permitted signs and signs placed by the public authorities for the guidance or warning of traffic.

**4-3-5-5: REPEALED AND RESERVED FOR FUTURE USE PURSUANT TO ORD. 07-0801**

**4-3-5-6: REPEALED AND RESERVED FOR FUTURE USE PURSUANT TO ORD. 07-0801**

**4-3-5-7: STRUCTURES PROHIBITED WITHIN SETBACK LINES**

No new building, new sign or other new structure or part thereof or debris, such as stumps or rocks, shall be placed between the setback lines established by this Title and the highway except as otherwise provided by this Title, and no building, sign or structure or part thereof existing within such setback lines on the effective date hereof shall be altered or enlarged in any way that increases or prolongs the permanency thereof, or be reconstructed in its original existing location after having been destroyed by fire, storm or other catastrophe to the extent of seventy five percent (75%) or more of its current market value as determined by the local assessor, unless such alterations, enlargement or reconstruction shall have been approved in writing by the Board of Adjustment after a public hearing and a view of the premises. (1982 Code) (Ord. 00-0101)

**4-3-5-8: REPEALED AND RESERVED FOR FUTURE USE PURSUANT TO ORD. 03-0201**

**4-3-5-9: PROPERTY LINE SETBACKS**

For the purposes of determining property line setbacks of property adjacent to a street, highway or private roadway, all such dimensional determinations shall be made from the right of way line.

When making any measurement required by this Code, unless otherwise specified, all measurements shall be from the nearest edge of the structure to the nearest point on the line to be set back from, as measured along an imaginary level horizontal line strung between the two said points. (Ord. 01-0401, 4/17/01)

## **CHAPTER 4 SANITARY CODE**

**4-4-1: WATER SUPPLY**

**4-4-1-1: PUBLIC WATER SUPPLY**

All plumbing fixtures shall be served by a public water supply system where available. Where such public water system is not available, a private water supply system may be used.

**4-4-1-2: PRIVATE WATER SUPPLY**

Construction, materials, location and permits for private water supply shall be controlled by the State Department of Natural Resources under Administrative Code NR 812 entitled "Well Construction and Pump Installation".

**4-4-2: WASTE DISPOSAL**

No person shall permit the discharge of liquid wastes into any surface waters which would constitute a nuisance or be in violation of the Wisconsin Statutes or this Title.

**4-4-2-1: REPEALED AND RESERVED FOR FUTURE USE**  
(Ord. 01-0401, 4/17/01)

**4-4-2-2: RUBBISH IN NAVIGABLE WATERS**

It shall be unlawful to throw, discard or discharge into any navigable water any can, bottle or rubbish.

**4-4-2-3: SOLID WASTE DISPOSAL**

Solid waste disposal sites are prohibited unless the Department of Natural Resources authorizes a permit pursuant to §289.35, Wis. Stats., for such sites and facilities and a special exception permit is granted by the County in conformance with the applicable requirements of the zoning provisions of this Title and State law.

**4-4-3: REPEALED AND RESERVED FOR FUTURE USE**  
(Ord. 01-0401, 4/17/01)

**4-4-4: HEALTH NUISANCE**

- A. No condition shall be established, maintained, or allowed to be maintained which is a source of filth, infection or infestation, a cause or threatened cause of sickness, or is otherwise noxious or seriously offensive to the health, safety or general welfare of the public.
- B. Whenever it is determined by appropriate law enforcement and civil ordinance enforcement officials of Green County that a condition exists which is a source of filth, infection or infestation or threatens to cause or is otherwise noxious or seriously offensive to the health, safety or general welfare of the public, said officials may order emergency or permanent abatement of conditions or activities that constitute violations of this Section. Civil remedies may be pursued by the legal officers of Green County for violations. Injunctive relief may also be pursued to prevent or abate violations.
- C. A forfeiture of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) may be imposed for violations of this Section. Each day of a violation shall be a separate offense. The cash deposit for citations for violations of this Section shall be fifty dollars (\$50.00) plus penalty assessment, suit tax and costs. (Ord. 86-1030)

**CHAPTER 5  
SUBDIVISION REGULATIONS**

**4-5-1: REFERENCE TO STATE CODE**

This Section incorporates by reference the applicable rules and laws as set forth in Wisconsin Administrative Code Comm 85, entitled "Subdivisions Not Served by Public Sewers". This Code shall apply until amended and then shall apply as amended, except where the provisions of this Chapter and other Green County regulations are more restrictive.

**4-5-2: COUNTY SUBDIVISION REGULATIONS**

**4-5-2-1: GENERAL PROVISIONS**

A. Compliance:

1. Land Division. No person, firm or corporation shall divide any land located within the unincorporated areas of Green County which shall result in a land division as defined by §4-6-4 of this Code without first filing for approval by the Green County Zoning Administrator, and subsequently filing with the Green County Register of Deeds, a certified survey map which complies fully with §236.34, Wis. Stats., and all applicable requirements contained within this ordinance. All remnant parcels of ten (10) acres or less shall also require a certified survey map in conformance with all requirements stated above.

A certified survey map is not required when a land division is proposed that will involve the subsequent lot or lots being acquired by an adjacent property owner, provided the subsequent lot or lots are added into the adjacent property owner's existing property by deed and do not result in a substandard or unbuildable lot and result in a total of more than ten (10) contiguous acres.

2. Approval Process. The subdivider shall provide the following in writing to the Zoning Administrator for review.
  - a. Application;
  - b. Certified survey map;
  - c. All applicable township and state approvals and signatures;
  - d. Approval and signature of the Green County Treasurer certifying that there are no unpaid taxes and special assessments; and
  - e. Appropriate fee.

After receiving a certified survey map for approval, the Zoning Administrator, or his designee, shall, within 45 calendar days, approve, approve conditionally or reject the certified survey map, based on a determination of conformance with the provisions of this ordinance and all other pertinent ordinances, including shoreline zoning and floodplain zoning ordinances. The Zoning Administrator shall review all comments made by the township, state or Treasurer within said 45 days period. A denial by the Zoning Administrator shall be in writing and cite any options that may reverse said denial. A denied certified survey map shall not be recorded with the Green County Register of Deeds, nor shall the proposed land division be so recorded. The decision of

the Zoning Administrator may be appealed to the Board of Adjustment, in which case the 45 calendar days approval shall be extended.

The certified survey map shall be prepared by a registered land surveyor. The certified survey map shall comply with the requirements of Wis. Stats., §236.34, and shall include:

- a. The area of the lots described in square feet and acres, including the acreage of each tax parcel which is affected;
- b. All existing buildings, wells, sewer vents and other man-made structures pertinent to property division;
- c. Additional building setback lines which are more restrictive than the regulations of the Zoning district and which are proposed by the subdivider and which are to be included in the recorded protective covenants.
- d. Surrounding land uses, structures and building lines within 25 feet of the land division being proposed.
- e. Where the Zoning Administrator finds that additional information relative to a particular problem presented by a proposed development or land division to review the certified survey map is required, the Zoning Administrator shall have the authority to request, in writing, such information from the subdivider.

Where the land division requires a new highway or road access, and where after reviewing the proposed land division, the Zoning Administrator has approved the division for land suitability, final approval shall be held for a period of 90 days pending receipt of approved highway or road access permits from the governing municipality. Failure to supply the necessary permits will result in disapproval of the proposed land division. Once necessary permits have been filed with the Zoning Administrator's office, the Zoning Administrator shall approve the proposed certified survey map provided all other aspects of the ordinance have been complied with.

An approved certified survey map shall be recorded within 90 days of final approval. (Ord. 07-1201, 12/11/2007; Ord. 16-0301, 3/8/2016)

2. Any division of land which results in a subdivision as herein defined shall be in compliance with all the provisions of this Title and those sections of Chapter 236, Wis. Stats., including review procedures by State agencies having authority to object to plats.
3. When a replat of a recorded subdivision or part thereof is proposed, the subdivision shall be vacated or altered according to the provisions of §236.40 through §236.445, Wis. Stats.
4. Combining Parcels: The combining of two or more parcels of land into a single parcel shall comply with the requirements of §4-5-2-7 of this ordinance.
5. All platted lots shall be surveyed to the center line of the adjacent road access, whether public or private, if the access is shared by more than one (1) lot. No roads will be surveyed out as outlots, nor given separate tax parcel identification numbers.

- B. Exclusions: In no instance shall the provisions of this Chapter relating to subdivisions apply to:
1. Transfers of interest in land by will or pursuant to court order.
  2. Leases for a term not to exceed ten (10) years, mortgages or easements.
  3. The sale or exchange of parcels of land between owners of adjoining property, if additional lots or parcels are not thereby created and the lots or parcels resulting are not reduced below the minimum sizes required by this title or other applicable laws or ordinances provided that the subsequent lot, lots or parcels are added into the adjacent property owner's existing property by deed and result in a total of more than ten (10) contiguous acres. (Ord. 07-1201, 12/11/2007)
  4. Divisions of land done for the sole purpose of creating outlots not capable of being constructed upon or for the sole purposes of correcting a legal description either by agreement or pursuant to order of the Court. (Ord. 01-0401, 4/17/01)
  5. The creation or realignment of a public right of way by public agency shall be exempt from the provisions of this ordinance. (Ord. 07-1201, 12/11/2007)

**4-5-2-2: LAND SUITABILITY**

No land divisions or subdivisions shall be permitted if such land division or subdivision which would result in a violation of this Title or which is deemed to be unsuitable for the proposed use by the County Planning Agency for reason of flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities, emergency vehicle access or any other feature or condition reasonably likely to be harmful to the health, safety or welfare of the future residents of the proposed subdivision or of the community. The County Planning Agency may request that the subdivider submit the proposed land division or subdivision for review by an approved engineer. Any costs associated with the land division or subdivision review shall be borne by the applicant. The County Planning Agency in applying the provisions of this Chapter shall, in writing, recite the particular facts upon which it bases its conclusion that the land is not suitable for the proposed use and afford the subdivider an opportunity to present evidence regarding such suitability at a public hearing as provided in Chapter VI, Administrative Provisions. Thereafter the County Planning Agency may affirm, modify or withdraw its determination of unsuitability. (Ord. 06-0601, 6-13-06)

**4-5-2-3: DEDICATION**

- A. All land divisions and subdivisions shall be developed in proper relation to existing and proposed streets, the topography, surface water, vegetative cover, other natural features, and the most advantageous development of adjoining areas. The County Planning Agency may require that suitable sites not to exceed five percent (5%) of the total area of the subdivision be dedicated or reserved for future public use such as parks, playgrounds, public access and open spaces as needed by the subdivision, subject to acceptance thereof by the County or Town. Any part of a public street, drainage way or other public way which is indicated on a comprehensive plan or plan component shall conform to the arrangement, width and location indicated, and acceptance of dedication to the public by the County or Town shall be indicated on the CSM or plat, and official acceptance forms shall be filed with the County Planning Agency. (Ord. 06-0601, 6-13-06)

- B. Subdivisions abutting on a navigable lake or stream shall, according to the provisions of §236.16 (3), Wis. Stats., provide access at least sixty feet (60') wide to the high-water mark so that there will be public access, which is connected to existing public roads at least at one-half (2) mile intervals as measured along the lake or stream shore except where greater intervals and wider access is agreed upon by the Department of Natural Resources and the Director of Local and Regional Planning of the Department of Local Affairs and Development, and excluding shore areas where public parks or open spaces, street or roads on either side of a stream are provided. The County Planning Agency may require dedications of access points of greater width or at more frequent intervals at points designated by them.
- C. The lands lying between the meander line, established in accordance with §236.20 (2) (g), Wis. Stats., and the water's edge, and any otherwise unplattable lands which lie between a proposed subdivision and the water's edge shall be included as part of lots, outlots or public dedications in any plat abutting a lake or stream. This requirement applies not only to lands proposed to be subdivided, but also to all lands under option to the subdivider or in which he/she holds any interest and which are contiguous to the lands proposed to be subdivided and which abut a lake or stream as provided in §236.16 (4), Wis. Stats.

**4-5-2-4: RESERVATIONS**

Reservation of land for public acquisition shall be for a period not to exceed three (3) years. Land so dedicated or reserved must be shown on the final plat.

**4-5-2-5: IMPROVEMENTS**

Before final approval of any plat or CSM the subdivider may install required street and utility improvements or if such improvements are not installed at the time that the final plat or CSM is submitted for approval, the subdivider shall, before recording the plat or CSM, enter into a contract with the County agreeing to install the required improvements and shall file with said contract a surety bond meeting the approval of the Corporation Counsel as a guarantee that such improvements will be completed by the subdivider or his/her subcontractors not later than one year from the date of recording of the plat or CSM or later if specified. One week prior to the time each improvement is to be installed and upon its completion, the subdivider must notify the County Planning Agency so that adequate inspections can be made. (Ord. 04-0101, 01/13/04; Ord. 06-0601, 6-13-06)

**A. Public Streets:**

- 1. The subdivider shall be required to dedicate land for and improve public streets. Public streets shall be designed and located to take into account:
  - a. Existing and planned streets.
  - b. Topographic conditions including the bearing capacity and erosion potential of the soil.
  - c. Public convenience and safety including facilitating fire protection, snow plowing and pedestrian traffic.

- d. The proposed uses of land to be served.
  - e. Anticipated traffic volumes.
  - f. Further re-subdivision possibilities.
2. Except as otherwise specified, construction standards for public streets shall be to local road standards or the State of Wisconsin's Facility Development Manual, whichever is more restrictive. The subdivider shall grade the roadbeds in the roadway width to subgrade and shall surface all roadways to the width prescribed by these regulations. All stages of the improvements shall be supervised and approved by the township or municipality in which they are located. (Ord. 06-0601, 6-13-06)
  3. Sales of Lands Abutting on Private Way: No person shall sell any parcel of land located outside the corporate limits of a municipality, if it abuts on a road which has not been accepted as a public road unless the seller informs the purchaser in writing of the fact that the road is not a public road and is not required to be maintained by the Town or County. (Ord. 04-0101, 01/13/04)
  4. Private Road. Where a subdivider is not required to install or improve a public street, but may use a shared private road, common drive or access easement, such shared private road, common drive or access easement shall be constructed to a minimum of eighteen (18) feet of surface roadway and three (3) feet of drivable shoulder and the local township road standards or the State of Wisconsin's Facility Development Manual, whichever is more restrictive. However, these design standards shall not apply to individual private drives accessing off of public roads or shared private roads, common drives, or access easements.

For those land divisions comprised of more than three (3) lots on a shared private road, common drive, or shared access easement, the subdivider shall install a pull-out of sufficient size and design to ensure safe mail delivery and school bus access. (Ord. 06-0601, 6-13-06; Ord. 10-0801, 8/10/10)

- B. Water Supply Facilities: Where there is an existing public water supply system on or near the subdivision, the local municipality furnishing such service and the County Planning Agency shall determine the feasibility of service and the requirements to be followed by the subdivider in connecting to the system. Where there is no existing public water supply, individual water supply systems will be permitted in accordance with the minimum standards and regulations of the Division of Resource Development.
- C. Survey Monuments: The subdivider shall install survey monuments in accordance with the requirements of §236.15, Wis. Stats.
- D. Storm Drainage: Storm drainage facilities, where needed, shall be designed to permit the unimpeded flow of natural watercourses; insure the drainage of all points along the line of streets; and provide positive drainage away from on-site sewage disposal facilities. In designing storm drainage facilities, special consideration shall be given to protection against shoreland erosion and siltation of surface waters and preventing excess run-off on adjacent property. The County Planning Agency may require that easements or drainage ways of widths sufficient to accommodate anticipated storm water run-off be provided.

E. Sanitary Sewerage:

1. General Provisions:

- a. In areas that have a sanitary sewer system on or near the proposed subdivision, the local municipality furnishing such service and the County Planning Agency shall determine the feasibility of service and the procedures to be followed by the subdivider in joining the system.
- b. The County Planning Agency may prohibit the installation of sewage disposal facilities requiring soil absorption systems where such systems would impair water quality, and the Agency may, with approval of the Department of Natural Resources, allow alternative methods of waste treatment and disposal including, but not limited to package treatment plants, or incinerator or chemical toilets.
- c. Plans for private sewage disposal systems not utilizing soil absorption fields shall be approved in writing by the Division of Health and the County Planning Agency. The subdivider shall clearly indicate on the face of the plat and in any deed of conveyance that soil absorption fields are not to be used.
- d. In areas that are not to be served by sewer systems, on-site sewage disposal systems utilizing soil absorption fields will be permitted only where soil tests indicate the systems will function adequately. Disposal systems shall be constructed to meet the requirements of Comm. 83, Wisconsin Administrative Code, the standards set out in Section 4-4-3 of this Title, and other State and local requirements.

2. Lot Area, width and area free of limiting conditions based on percolation characteristics:

- a. The shape of individual lots may render portions unusable for installing private sewage disposal systems or providing adequate separating distances between them and watercourses or water wells. Therefore, any part of a lot less than thirty feet (30') wide shall not be used in computing the minimum lot area.
- b. The subdivider shall carry out soil tests in the manner required by Chapter Comm 85, Wisconsin Administrative Code.

3. Fill: Percolation tests and soil borings in fill shall be conducted as required by Section Chapter Comm. 85 of the Wisconsin Administrative Code.

4. Option of Detailed Soil Absorption Tests: If a subdivider chooses, he/she may carry out detailed soil absorption field tests on a proposed lot as provided in Chapter Comm. 85 of the Wisconsin Administrative Code. The location of at least three (3) required percolation tests over the site of the proposed absorption field shall be accurately recorded on the subdivision plat. An absorption field may be located on site of the proposed field without further tests, unless further tests are deemed

necessary by the Zoning Administrator or County Planning Agency and if installation is within five (5) years of the initial tests.

**4-5-2-6: PROCEDURES FOR SUBMITTING A PLAT**

A. Prior to the filing of an application for the approval of a preliminary plat, the subdivider shall consult with the County Planning Agency to present his/her proposed plat for review. As a part of this consultation, the subdivider shall submit a sketch of sufficient scale and reasonable accuracy indicating the following information:

1. The boundaries of the property being considered for sale.
2. Uses of land adjacent to the proposed subdivisions; proposed roads, easements, public access to navigable water, dedications, community facilities, and utilities.
3. General lot layout showing proposed lot widths and depths.
4. General soil conditions, seasonally wet areas, rock outcrops, and areas with slopes over twelve percent (12%).
5. Proposed filling, grading, lagooning, dredging.
6. Delineation of any areas periodically flooded, shorelines and high-water lines.
7. A description of all property owned or controlled by the subdivider contiguous to the proposed plat even though only a part of the area is proposed for immediate development.

At this review or within forty-five (45) days thereafter, the subdivider will be informed of any additions, changes or corrections to this proposed plat necessary to expedite the preliminary plat and final plat procedures. (Ord. 10-0801, 8/10/10)

B. Preliminary Plat: The subdivider shall submit sufficient copies of the preliminary plat to the County Planning Agency so that two (2) copies can be submitted by the Planning Agency to the agencies having authority to approve and review plats under the provisions of §236.10 and §236.12, Wis. Stats. The preliminary plat based upon an exterior boundary survey by a registered land surveyor shall include:

1. Lot widths and depths.
2. Existing and proposed streets, parks, public access, community facilities, utilities and easements.
3. Land characteristics including seasonally wet areas, and slopes over twelve percent (12%).
4. Proposed filling, grading, lagooning and dredging.
5. Delineation of any areas periodically flooded, shorelines and high-water lines.

The proposed layout shall be shown on a map at a scale of one inch equals one hundred feet (1" = 100') and shall identify the improvements; grading, paving, installation of facilities including, if applicable, pre-planned sites for waste disposal facilities and dedications or reservation of land which the subdivider proposes to make and shall indicate when the improvements will be provided.

Any proposed restrictive covenants for the land involved shall be stated. The County Planning Agency shall approve, approve conditionally, reject, or table the preliminary plat within forty-five (45) days, as provided by §236.11, Wis. Stats. Failure of the County Planning Agency to act within forty-five (45) days shall constitute an approval. (Ord. 10-0801, 8/10/10)

- C. Final Plat: Sufficient copies shall be submitted to the County Planning Agency within six (6) months of preliminary plat approval unless this requirement is waived by the County Planning Agency. The final plat shall conform to the preliminary plat as approved and to the requirements of all applicable ordinances and State laws and shall be submitted for certification of those agencies having the authority to object to the plat as provided in §236.12, Wis. Stats. The final plat shall be accompanied by detailed construction plans of all improvements to be provided by the subdivider. Final plats shall be presented to the County Planning Agency at least ten (10) work days prior to the meeting at which they are to be considered and shall be accepted or rejected by the County Planning Agency within sixty (60) days of their submission. Approved final plats shall be recorded in accordance with the requirements of §236.25, Wis. Stats., before lots are sold.
- D. Replat: When it is proposed to replat a recorded subdivision, or part thereof, so as to change the boundaries of a recorded subdivision, or part thereof, the subdivider or person wishing to replat shall vacate or alter the recorded plat as provided in §236.40 through §236.44, Wis. Stats. The subdivider, or person wishing to replat shall then proceed as specified in subsections B and C of this Section. The secretary of the County Planning Agency shall schedule a public hearing before the County Planning Agency when a preliminary plat of a replat of lands within the County is filed, and shall cause notices of the proposed replat and public hearing to be mailed to the owners of all properties within the limits of the exterior boundaries of the proposed replat and to the owners of all properties within two hundred feet (200') of the exterior boundaries of the proposed replat.
- E. Modifications: The County Planning Agency may permit modifications from the subdivision provisions of this Title, after holding a public hearing as provided in Chapter 6, Administrative Provisions, of this Title under the following conditions:
  - 1. Because of the unique topographic or other conditions of the land involved, literal application of the provisions of this Title would impose undue hardship.
  - 2. Conditions are attached to plat approval that assure compliance with the requirements of this Title insofar as practical.
  - 3. There is compliance with the provisions of Chapter 236, Wis. Stats., and other relevant State laws.
  - 4. The purpose and intent of this Chapter are observed. (1982 Code) (Ord. 01-0401, 4/17/01)

**4-5-2-7: COMBINING PARCELS.**

A certified survey map shall be required for the combining of all or a portion of two or more existing lots, parcels, or tax parcel i.d.'s, or other existing parcels of record into a single lot unless such combining is exempted under §4-5-2-1.A.1., or is required by the local assessor and is necessary for valuation purposes under §70.23(2), Wis. Stats. Certified survey maps used to combine existing tax parcels or existing parcels of record must meet the following requirements: (Ord. 07-1201, 12/11/2007)

1. The map shall be clearly headed "CERTIFIED SURVEY MAP" and subheaded "COMBINING OF PARCELS DESCRIBED IN [*list recorded documents*]."
2. The surveyor's certificate shall include the statement that "this certified survey map is not a division of property but a combining of parcels into a single parcel and description."
3. The parcels must be contiguous; under identical ownership; and with in the same municipality and taxing jurisdiction.

Parcels, which have been combined under this section, shall not be subsequently reestablished or separately conveyed unless a new certified survey map or plat is submitted and approved in accordance with this ordinance. (Ord. 06-0601, 6-13-06)

**4-5-2-8: SUBMISSION OF LAND DIVISION INSTRUMENT**

A land division instrument drafted by a computer aided drafting system shall be submitted to the Land Information Office in accordance with the requirements as established by the Land Information Council upon recording with the Register of Deeds. A land division instrument is any document filed with the Register of Deeds which divides and maps a parcel of land including but not limited to certified survey maps, subdivision plats, condominium plats, plats of survey, annexations and easements. Any required fees shall be established by the Land Information Office. (Ord. 16-0301, 3/8/2016)

**CHAPTER 6  
ADMINISTRATIVE PROVISIONS**

**4-6-1: ADMINISTRATION**

**4-6-1-1: ZONING ADMINISTRATOR**

There is herewith created the office of Zoning Administrator, which office may be a full-time or part-time position, as the County Board in its discretion shall determine. The person appointed to this position may be an elective County officer. The Zoning Administrator shall be appointed by the County Board and shall hold office until replaced by the County Board. His/her compensation shall be determined by the County Board. The Zoning Administrator may exercise the following duties and powers:

- A. Any use not specifically named in this Title shall be assigned by the Zoning Administrator to the most appropriate classification when application is made for a building, land use or occupancy permit. If such determination is not acceptable to the applicant, appeal may be made to the Board of Adjustment, which shall decide the matter at a public hearing.

- B. Advise applicants as to the provisions of this Title and assist them in preparing applications.
- C. Issue permits and inspect properties for compliance with this Title.
- D. Keep records of all permits issued, inspections made, work approved, and other official actions.
- E. Enforce the provisions of this Title.
- F. Inspect new and existing sewage systems.
- G. Have access to any structure or premises between eight o'clock (8:00) A.M. and six o'clock (6:00) P.M. for the purpose of performing his/her duties.
- H. Make on-site investigations required for subdivision administration.
- I. Report violations of this Title and other applicable regulations to the Zoning Committee and Corporation Counsel. (Ord. 17-1201, 12/12/2017)

**4-6-1-2: PERMITS**

A. Zoning or Land Use Permit:

1. No building, sign or other structure or any part thereof shall hereafter be built, enlarged, altered or moved within the area subject to the provisions of the building and land use regulations until a zoning permit has been applied for in writing and obtained from the Zoning Department. Any construction which is attached or adjacent to an existing building which is near enough to be used together or in conjunction with the original structure shall be considered as a building addition for the purposes of this ordinance. Temporary structures and buildings are allowed, provided such building conforms to the setbacks and requirements of this Title, and shall require the issuance of a zoning permit. Such permits shall be posted on the premises in plain view visible from the road fronting the lot prior to and during the period of construction, alteration or moving. Forms for application for permits shall be supplied by the Zoning Department and a record of all permits issued shall be kept in the office of the Zoning Department.
2. All applications for a zoning permit shall be accompanied by a location sketch drawn to scale or showing actual dimensions; and the location, actual shape and dimensions of the lot, the existing or intended use of the building, the number of families to be accommodated, the distances 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 including their use as may be called for on the application or as may be necessary to provide for the enforcement of the building and land use regulations. Dimensions for proposed construction are to be measured and calculated from the outside edges of the structure.
3. The term "building" as used in this Section shall include any building, structure or use of land which is governed by the requirements of Chapter 3 of this Title, and any substantial alteration of any such building which would effect a change in its use.

4. No zoning permit shall be required in any of the following cases:
  - a. For any improvement or alterations to an existing building which does not effect a change in use nor encroach upon any yard or open space or which does not increase the square footage or affect a structural change.
  - b. For any maintenance repairs regardless of cost. For the purposes of this Section, any repair which affects a structural change or increases the square footage of the building shall not be considered maintenance and shall require the appropriate permit approval.
  - c. For new landowner(s) and/or business owner(s) who have purchased property which has been issued a valid conditional use permit by the Board of Adjustment, providing that the new owner(s) conduct the same business in the same building(s) on the premises as the previous owner, without a break in business operation of more than six (6) months. The new permit holder must notify the Zoning Department within thirty (30) days of assuming ownership and operation of the business, to record the transfer of the conditional use permit in the Zoning Department's records.
  - d. For swimming pools which are entirely above ground and not permanent in nature; however, applicable setbacks are required to be observed; and a zoning permit is required for any deck structure which may be constructed near or around said pool.
5. A zoning permit shall lapse and become void unless the operation described in the permit is commenced to the point that the length, width and height of the structure is physically defined, within one year from the date of issue of such permit. A new zoning permit must be obtained to commence or continue construction if the permit becomes void; and shall be subject to the zoning rules and regulations in effect at the time of application of the new permit.
6. Except as provided in §4-3-2-1.F.6, no zoning permit for any residence or for the first building on a lot shall be issued unless said lot is serviced by direct access to a public right of way or via easement access servicing no more than eight lots on a public right of way as provided in §4-3-2-1.D.2. (Ord. 17-1203, 12/12/2017)

The intent of this section is to discourage shared private roads. Any lot or parcel legally created and recorded in the Register of Deeds office prior to the adoption of this ordinance may be increased in size by the addition of all or part of adjoining lots or parcels and such resulting lots or parcels may be used for any purpose permitted in the district in which they are located provided that the resultant lots or parcels shall not be reduced below the minimum requirements of the district. Further, where the terms of this section cannot be met, a variance under §4-6-1-5 may be requested. (Ord. 06-0601, 6-13-06)

7. Any construction which is in violation of this ordinance shall cease upon written orders from the Zoning Administrator or his/her designee, or upon the placement of a notification of violation at the site. All construction shall remain stopped until the order is

released by the Zoning Administrator or his/her designee. A violation of this ordinance shall be prosecuted by the Office of Corporation Counsel.

8. Issuance of a zoning or building permit may be refused if incomplete or incorrect application data is submitted, and may be delayed until corrected and/or completed applications are received. A permit may be denied to any person who has not yet complied with any enforcement orders issued under this Ordinance even if said failure to comply relates to a separate/different parcel.
- B. Sanitary Permit: An application for a sanitary permit shall be made to the Zoning Department upon forms furnished by the State of Wisconsin Department of Commerce. Such forms are available in the office of the Zoning Department.
- C. Subdivision Applications: Subdivision applications shall be made to the Zoning Department upon forms furnished by the Zoning Department. (1982 Code) (Ord. 01-0401, 4/17/01; Ord. 03-0201, 2/11/03)

**4-6-1-3: CERTIFICATE OF COMPLIANCE**

- A. No land shall be occupied or used and no building hereafter erected, altered or moved shall be occupied unless the building or premises conforms to the provisions of the Green County Zoning Code. Upon written request of the landowner, the Zoning Department shall issue a certificate of compliance, pursuant to the following:
1. The certificate of compliance shall state that the building or premises or part thereof and the proposed use thereof conforms to the provisions of this Title.
  2. Application for such certificate shall be concurrent with the application for a zoning permit.
  3. The certificate of compliance shall be issued within ten (10) days after the completion of the work specified in the zoning permit if the building or premises or proposed use thereof conforms with all the provisions of this Title and any other applicable regulations.
- B. Upon written request from the owner, the Zoning Department shall issue a certificate of compliance for any building or premises existing at the time of the adoption of this Title, certifying, after inspection, the extent and type of use made of the building or premises and whether or not such use conforms to the provisions of this Title. (1982 Code) (Ord. 01-0401, 4/17/01)

**4-6-1-4: FEES**

A fee shall be paid to the Zoning Department by each applicant at the time of the issuance of a permit and shall be remitted to the County Treasurer. Any fees which are remitted to the Zoning Department are not refundable for any reason.

- A. Zoning Permits shall be required for the following with the fees to be established by the Green County Land Use and Zoning Committee:
1. Structure for residential use:

- a. One story level (i.e. one story house or manufactured home without basement)  
(Front entry port or stoop included with above fees)
  - b. One and one-half to two stories or levels (i.e. one story with basement or one story with loft without basement)  
(Front entry porch or stoop included with above fees)
  - c. Two and one-half or more stories or levels (i.e. two story with basement, tri-level)  
(Front entry porch or stoop included with above fees)
  - d. Attached or basement garage, when built with new residence
  - e. Open deck or second porch, when built with new residence  
(Ord. 08-1002, 11/12/08)
2. Additions of at least 100 square feet or more of enclosed area to existing residential structures of all types, including but not limited to construction such as additional living space, garage, sunroom, enclosed or open porch or deck shall require a Zoning Permit as established by the Green County Land Use and Zoning Committee. Additions of less than 100 square feet or additions of open porches or decks of any size shall also be subject to a Zoning Permit as established by the Green County Land Use and Zoning Committee. Each separate component to be constructed requires a separate permit.  
(Ord. 04-0101, 01/13/04; Ord. 08-1002, 11/12/08)
3. Each non-residential accessory or farm structures of any types, including but not limited to detached garage, storage shed, commercial building, barn, greenhouse, feed storage, manure storage, in-ground pool, above-ground tank, additions to this type structure, and any similar type construction measurable by square feet shall require a Zoning Permit as determined by the Green County Land Use and Zoning Committee. The amount of the permit fees shall be determined based on square footage as detailed below:
- a. 99 square feet or less - No permit required, provided such structure conforms to all setback, yard and open space requirements.
  - b. 100 - 499 square feet
  - c. 500 - 999 square feet
  - d. 1000 - 2999 square feet
  - e. 3000 - 4999 square feet
  - f. 5000 - 9999 square feet
  - g. 10,000 - 14,999 square feet
  - h. 15,000 - 19,999 square feet
  - i. 20,000 square feet or over
- (Ord. 08-1002, 11/12/08; Ord. 10-0801, 8/10/10)
4. Land use zoning permits shall also be required for land uses and structures, including, but not limited to: structures or construction not measurable by square feet; structural alterations to existing buildings which do not add square feet; floodplain or shoreland permits; fences which require permits; signs; towers, including wireless communication towers, radio towers, etc.; communication

equipment, including a separate permit for wireless communications facility applications, review and analysis; conditional use permits (i.e. land use, not included in a construction permit); change of use permits; and new and replacement fire sign numbers. Permit fees shall be established and determined by the Green County Land Use and Zoning Committee. (Ord. 08-1002, 11/12/08; Ord. 19-0101, 1/8/2019)

5. The above fees will be doubled whenever the project has been started prior to the issuance of the building and land use permit. The above fees will be tripled if the building and land use permit is not obtained within thirty (30) days of notification. (Ord. 08-1002, 11/12/08)
- B. Plat, Land Divisions, or Subdivision Review permit fees shall be as established by the Green County Land Use and Zoning Committee. (Ord. 08-1002, 11/12/08)
- C. Hearing Fee:
1. A fee, to be established by the Green County Land Use and Zoning Committee, shall be paid by all applicants seeking a zoning change, conditional use permit, variance, or Board of Adjustment action whether or not a public hearing is required. This fee shall be waived if the applicant or petitioner is the Town Board of any township within the County, a member of the County Board of Supervisors acting in his/her official capacity, or a Committee of the County Board, or in cases of an appeal to the Board of Adjustment of an administrative decision. (Ord. 08-1002, 11/12/08)
  2. The required fee shall be submitted to the Zoning Department at the time of the application or petition requiring a public hearing. All fees shall be remitted to the County Treasurer.
- D. Photocopies: Photocopies of all department records will be made at a rate of twenty-six cents (26¢) per page. (Ord. 98-0304, eff. 4/1/98; Ord. 01-0401, 4/17/01; Ord. 02-0801, 8/13/02; Ord. 03-0201, 2/11/03; Ord. 06-1101, 11/14/2006)

#### **4-6-1-5: BOARD OF ADJUSTMENT**

There shall be a Board of Adjustment comprised in accordance with section 1-7-22 of the Green County Code. The Board of Adjustment shall choose its own chairman. Vacancies shall be filled for the unexpired terms of any members whose terms become vacant in the same manner as the original appointment. The members of the Board of Adjustment shall be compensated at the same per diem and mileage rates as paid the County Board supervisors.

- A. Rules:
1. The Board of Adjustment will meet at a fixed time and place as may be determined by the Chairperson to review at a public hearing appeals referred to it.
  2. All meetings of the Board of Adjustment shall be open to the public.
  3. Any public hearing which the Board of Adjustment is required to hold under subsection C of this Section shall be held in Green County Government building or meeting room, or other place as convenient as may be to the location or locations to

be considered at such public hearing, and a full description of the location of such place of hearing by name, address or other commonly known means of identification, shall be included in the notice given of such hearing. Other matters upon which the Board of Adjustment is required to act may also be heard at any such hearing; provided, that no undue hardship is created for any appellant by reason of the location of such hearing, and provided further, that such matters are included in the notice given of such hearing.

4. Notice of any public hearing which the Board of Adjustment is required to hold under the terms of this Title shall specify the date, time and place of hearing and the matters to come before the Board of Adjustment at such hearing, and such notice shall be given in each of the following ways: (1982 Code)
    - a. By publication in the official newspaper of the County at least twice, not less than ten (10) days prior to the date of such hearing. (Ord. 88-410)
    - b. By posting, not less than ten (10) days prior to the date of such hearing, in each of the public places in which official notices are usually published, in each town affected by the matter to come before the Board of Adjustment at each hearing.
    - c. By certified mail to the parties having a legal interest in any of the matters to come before the Board of Adjustment at such hearing.
  5. The Board of Adjustment 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 a public record.
  6. The Board of Adjustment 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.
  7. The Board of Adjustment may adopt such rules as are necessary to carry into effect the regulations of the County Board.
  8. In the case of all appeals, the Board of Adjustment shall call upon the County Zoning Committee for all information pertinent to the decision appealed. (1982 Code)
- B. Appeals: Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, Board or bureau of Green County affected by any decision of the Zoning Administrator. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board of Adjustment, by filing with the Zoning Administrator and the Board of Adjustment a notice of appeal specifying the ground thereof. The Zoning Administrator shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator shall certify to the Board of Adjustment after notice of appeal shall have been filed with them 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 Adjustment, or by a court of record on application on notice to the Zoning Administrator and on due cause shown. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent.

- C. Powers and Duties: The Board of Adjustment shall have the following powers:
1. To hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made by the Zoning Administrator.
  2. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Title, the Board of Adjustment shall have the power, in passing upon appeals, to authorize such variance from the terms of this Title as will not be contrary to the public interest and so that the spirit of this Title shall be observed and substantial justice done; provided, however, that no such variance shall have the effect of allowing, in any district, uses prohibited in that district. (Ord. 01-0401, 4/17/01; Ord. 03-0201, 2/11/03)

**4-6-1-6: UNIFORM DWELLING CODE**

- A. Authority:

These regulations are adopted under the authority granted in §101.651, Wis. Stats.

This Ordinance shall be applied in any municipality under 2,500 population within this county that has not adopted an ordinance for enforcement of the Uniform Dwelling Code and has requested that the county administrate the issuance of building permits which are required pursuant to §101.651(4), Wis. Stats.

- B. Purpose:

1. To comply with §101.65 and §101.651, Wis. Stats., for the issuance of an administrative building permit application for new one- and two-family dwellings.
2. To better monitor construction in the various municipalities.
3. To assist in gathering Statewide construction statistics.

- C. Building Permit Application Required:

No person shall build or cause to be built any one- or two-family dwelling without first submitting an administrative building permit to the Green County Zoning Administrator.

- D. Building Permit Application Fee:

All such applications shall be accompanied with the fee designated in Section 4-6-1-4-A of the Green County Code.

- E. Penalties:

Failure to submit an application shall subject the party responsible to penalties as outlined in Section 4-6-1-4 of the Green County Code.

#### **4-6-2: CHANGES AND AMENDMENTS**

The Board of Supervisors of Green County may from time to time amend, supplement or change by ordinance the boundaries of districts or regulations herein established, a petition for such amendment, supplement or change shall first be filed with the County Clerk, (1) by any property owner in the area to be affected by the matter of such petition, (2) by the Town Board of any town wherein the ordinance is in effect, (3) by any member of the County Board or (4) by the County Land Use and Zoning Committee.

The County Clerk shall present such petition to the County Land Use and Zoning Committee for its consideration, recommendation and report. The County Land Use and Zoning Committee shall hold a public hearing on such petition for amendment, supplement or change of the County Zoning Ordinance, giving notice of the time and place of such hearing by publication thereof once each week for two (2) successive weeks in the official newspaper of the County and in addition, if the Committee deems it essential under the circumstances, by similar publication in other newspapers of the Committee's choice, by posting or by mailing of notices to certain parties affected. A copy of such notice shall be mailed by registered mail to the town clerk of each town affected by the proposed amendment, supplement or change at least ten (10) days prior to the date of the hearing. (1982 Code)

Such hearing shall be held in a public building in the City of Monroe or in the town hall or other convenient place in the town affected by the proposed change, or, if more than one town is so affected, in a town hall or other convenient place as centrally located as possible to the area affected by such proposed change, the Land Use and Zoning Committee may, at its option, hold more than one public hearing in regard to any proposed change if it appears to the Land Use and Zoning Committee that the number of towns affected by such change is too large or too widely distributed throughout the County to be reasonably accommodated at one place of meeting. (1982 Code; amd. Ord. 87-210)

The Land Use and Zoning Committee shall act upon the petition as soon as possible after the public hearing, and if such action is favorable to granting the change requested by such petition, the Land Use and Zoning Committee shall cause an ordinance to be drafted effectuating such change. Such ordinance shall be submitted directly to the County Board with the recommendations of the Land Use and Zoning Committee. If the Land Use and Zoning Committee, after its public hearing, acts to deny the petition, it shall submit a recommendation to the County Board including the reasons for such denial. Proof of publication of the notice of the public hearing held by the Land Use and Zoning Committee and proof of the giving of notice to the town clerk of each town affected by the matter of the petition shall be attached to the report of the Land Use and Zoning Committee.

Upon receipt of such Committee report the County Board may adopt the ordinance as drafted by the Land Use and Zoning Committee or with amendments, or it may deny the petition for amendment, or it may refuse to deny the petition as recommended by the Land Use and Zoning Committee in which case it shall re-refer the petition to the Committee with directions to draft an ordinance to effectuate the petition and report the same back to the County Board which may then adopt or reject such ordinance.

In case a protest against a proposed amendment be filed with the County Clerk at least twenty four (24) hours prior to the date of the meeting of the County Board at which the report of the Land Use

and Zoning Committee is to be considered, duly signed and acknowledged by the owners of fifty percent (50%) or more of the area proposed to be altered, or by the owners of at least fifty percent (50%) of the frontage immediately in the rear or along the side boundaries thereof within three hundred feet (300') of the area proposed to be changed, or by the owners of at least fifty percent (50%) of the frontage directly opposite and across a public street, highway or alley from the area proposed to be altered, action on such ordinance may be deferred until the Land Use and Zoning Committee shall have had a reasonable opportunity to ascertain and report to the County Board as to authenticity of such ownership statements. Each signer shall state the amount of area or frontage owned by him and shall include a description of the lands owned by him. If such statements are found to be true, such ordinance shall not be adopted except by the affirmative vote of three-fourths (3/4) of the members of the County Board present and voting. If such statements are found to be untrue to the extent that the required frontage or area ownership is not present, such protest may be disregarded.

Within seven (7) days after its adoption, the County Clerk shall send duplicate copies of such amendatory ordinance by registered mail to the town clerk of each town affected by such ordinance. If the amendatory ordinance relates only to the location of the boundaries of districts, duplicate copies thereof shall be sent as provided above only to the clerk or clerks of that town or those towns in which such ordinance causes a change in district boundaries.

The amendatory ordinance shall be in full force and effect in all the towns affected by it after forty (40) days from the date of its adoption by the County Board unless, within such forty (40) days, a majority of the towns receiving copies of the ordinance have filed, with the County Clerk, certified copies of resolutions disapproving the ordinance.

The amendatory ordinance shall be in full force and effect within a shorter time, if, within such shorter time, a majority of such towns have filed, with the County Clerk, certified copies of resolutions approving the ordinance. (1982 Code)

#### **4-6-3: ENFORCEMENT AND PENALTIES**

The provisions of this Title shall be enforced under the direction of the County Board of Supervisors, through the County Land Use and Zoning Committee, the Zoning Administrator and the County law enforcement officers. Any person who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Title shall be subject to a forfeiture of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00), together with the costs of action, and in default of payment thereof to imprisonment in the County jail for a period of not less than one day nor more than thirty (30) days, or until such forfeiture and costs be paid, and each day of violation shall be deemed a separate offense. Compliance therewith may be enforced by injunctive order at the suit of the County or the owner or owners of land within the district affected by the regulations of this Title. (Ord. 80-330; amd. Ord. 83-1110)

#### **4-6-4: DEFINITIONS**

For the purposes of this Title, certain terms or words used herein shall be interpreted as follows: words used in the present tense include the future; words in the singular number include the plural number, and words in the plural number include the singular number. The word "shall" is mandatory and not directory. All distances, unless otherwise specified, shall be measured horizontally. The word "building" includes the word "structure".

**ABANDONMENT:** Any animal waste storage facility not used for that purpose for two (2) consecutive years and which is determined to be a significant threat or danger to the groundwater or surface water by the Green County Land and Conservation shall be abandoned following the procedure as stated in standard 313 of Section IV of the Technical Guide. (See also Title 7 of this Code.) (Ord. 00-0101)

**ACCESSORY BUILDING:** A subordinate building or portion of the main building, the use of which is incidental to the permitted use of the main building.

**ACCESSORY USE:** A use incidental to the principal use of a building. In buildings restricted to residential use, the office of a professional person, customary family occupation, and workshops not conducted for compensation shall be deemed accessory uses.

**AIRPORT, PUBLIC:** Any airport which complies with the definition contained in §114.002(7), Wis. Stats., or any airport which serves or offers to serve any common carriers engaged in air transport.

**ALLEY:** A public or private way offering only secondary means of access to the abutting property.

**ANIMAL FEEDLOT:** An animal-raising or holding facility, including a drylot other than a pasture, where animals have been or will be fed, confined, maintained or stabled for a total of thirty (30) consecutive days or more or such other period of time which is equivalent to the shortest growth cycle for the type of animal so fed, confined, maintained or stabled in any twelve month period. (Ord. 80-032) (Ord. 00-0101) (Amd. Ord. 01-0401)

**ANIMAL UNIT:** An animal unit means a unit of measure used to determine the total number of single animal types or combination of animal types which are fed, confined, maintained or stabled in an animal feedlot. For the purposes of this Code, animal units shall be as specified in Section NR 243.11, Table 2, Wisconsin Administrative Code. For animals not listed in said Table, the number of animal units shall be defined as the average weight of the animal divided by one thousand (1,000) pounds. (Ord. 00-0101)

**AUTOMOBILE WRECKING YARD:** Any premises on which more than one self propelled vehicle, not in running or operating condition, or not licensed for legal operation on the public roadway, is stored in the open.

**BASEMENT:** A story partly or wholly underground.

**BEDROOM:** A room designated or intended to provide a space for sleeping, or a room designated as a study or den that contains or is adjacent to a closet.

**BILLBOARD:** A large advertising sign without size limitations.

**BLOCK:** That property abutting on one side of a street between the two (2) nearest intersecting streets, railroad rights of way, or natural barriers; provided, however, that where a street curves so that any two (2) chords thereof form an angle of one hundred twenty degrees (120°) or less, measured on the lot side, such curve shall be considered as an intersecting street.

**BOARDING HOUSE:** A building or premises where meals are served by prearrangement for definite periods of time for compensation, not open to transients, in contradistinction to hotels and restaurants open to transients.

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

**BOAT LIVERIES:** Establishments offering the rental of boats and repairs and fishing equipment.

**BUILDING:** A structure having a roof supported by columns or walls. Each portion of a building separated by division walls from the ground up, without openings in those walls, is a separate building for the purposes of this Title. Buildings which are connected only by a narrow partially or fully enclosed walkway or breezeway shall be considered to be two separate buildings.

**BUILDING, FRONT OF:** That side of a building which faces toward the principal road, street, highway or way serving the same.

**BUILDING, HEIGHT:** The vertical distance from the average elevation of the finished grade at the building line to the highest point of a flat roof, or the deck line of a mansard roof, or to the average height of the highest gable, gambrel, hip or pitch roof.

**BUILDING SITE:** The space or area of ground upon which a building is to be erected.

**CAMP GROUNDS:** Any premises established for overnight habitation by persons using equipment designed for the purpose of temporary camping whether or not a fee is charged. (Ord. 04-0101, 01/13/04)

**CAMPING UNIT:** For the purposes of this Title, a camping unit shall be considered to consist of four (4) persons in a sleeping unit or part thereof, regardless of the manner in which they are housed.

**CENTERLINE:** For the purposes of determining setbacks, the centerline shall be the physical center of the total roadway in that portion of the roadway nearest to the structure. The centerline shall be one-half of the total paved roadway on a perpendicular line closest to the structure.

For the purposes of this definition, a gravel road shall be measured in the same way as a paved road. The middle shall be determined by measuring the gravel at the greatest extent at a point located nearest to the subject property.

In those cases where the subject property borders a multi-lane roadway, the centerline shall be determined by measuring to the physical center of the traveled portion of the two lanes nearest the subject property. (Ord. 03-0201, 2/11/03)

Where setback violations to roads are documented, it shall be unlawful to physically alter the road width or location of the road edges as a means to bring the property into compliance. (Ord. 04-0101, 01/13/04)

**CLUB:** An association of persons for some common purpose but not including groups organized primarily to render a service which is customarily carried on as a business.

**CONTIGUOUS:** For the purposes of this ordinance, this shall refer to property that is adjoined by a minimum of fifty (50) feet of shared boundary. (Ord. 07-1201, 12/11/2007)

**DISCONTINUANCE OF USE:** A farming operation that has removed the livestock units that were principally using the animal waste storage facility must empty that animal waste storage facility

within one hundred twenty (120) days or when the land becomes fit based on weather conditions and at such times as the animal waste may be utilized following an acceptable nutrient management plan. (Ord. 00-0101)

**DISTRICT:** A section or sections of Green County for which the regulations governing the use of land and buildings are uniform.

**DRAINAGE DITCH:** Drainage Ditch means a surface channel including the ditch bed, ditch banks, and any related structure such as culverts, bridges and inlets not constructed as part of a feedlot. (Ord. 00-0101)

**DRY LOT:** An enclosure usually bare of vegetation and used for the feeding and holding of livestock. (Ord. 00-0101)

**EXCEPTION:** The use of property, including the use and location of buildings, the size of lots and the dimensions of required yards, otherwise not allowable under the terms of this Title which is permissible by reason of special provisions of this Title, or for which a special permit may be issued by the Board of Adjustment, under conditions specified in this Title.

**FAMILY:** Any number of individuals related by blood, adoption, marriage, or not to exceed five (5) persons not so related, living together on the premises as a single housekeeping unit, including any domestic servants.

**FARM:** An area of land devoted to the production of field or truck crops, livestock or livestock products, which constitute the major use of such property. This includes fur farms in which the animals are housed and fed under artificial conditions. (1982 Code)

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

**FLOOR AREA:** The sum of the gross horizontal areas of the main floors of the building, measured from the outer lines of the exterior walls of the building; provided, that the floor area of a dwelling shall not include space not useable for living quarters, such as attics, unfinished basement rooms, garages, breezeways, and unenclosed porches or terraces.

**FURFARM:** Any property comprising land or buildings or both, used for the purpose of raising or harboring fur bearing animals including those defined in §29.001(30), Wis. Stats., and also including chinchillas and other fur bearing animals, if any, whether the animals are kept for breeding or slaughtering or pelting purposes.

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

**GARAGE, PUBLIC:** A building or portion thereof used for the housing or care of motor vehicles for the general public or where any such vehicles are equipped or repaired for remuneration or kept for hire or sale.

**HIGHWAY:** A public or private thoroughfare which affords a primary means of access to abutting property. A driveway to a farm building shall not be considered a street for the purpose of

determining setback, even though such driveway may have been designated a town road for the purpose of maintenance. Also a public way for the purposes of vehicular travel including the entire area within the right of way. As modifiers, "arterial" denotes a highway primarily for through traffic on a continuous route, "road" denotes a highway in a rural area, and "street" denotes a highway in an urban area.

**HIGHWAY, INTERSECTING:** A highway of any political jurisdiction which forms one or more legs of an interchange with another highway and to which access is only partially controlled.

**HOBBY FARMING:** Any private farming, so long as such farming does not result in more than one head of livestock per acre or 20 fowl per acre or result in the cultivation and/or planting of more than 10% of each individual lot. Nurseries and greenhouses for the private and exclusive use of the dwelling occupant are also permitted.

**HOME OCCUPATION:** A gainful occupation conducted by members of the family only, within their place of residence, such as handicrafts, dressmaking, millinery, laundering, preserving and home cooking.

**JUNK YARD or SALVAGE YARD:** Any premises on which there is an accumulation of scrap metal, paper, rags, glass, lumber or other materials stored or customarily stored for salvage or sale.

**KENNELS:** The use of land, with related buildings or structures, for the commercial breeding, rearing or boarding of dogs.

**LAND DIVISION:** A division of a parcel of land where the act of division creates a new parcel of thirty-five (35) or less contiguous acres. (Ord. 07-1201, 12/11/2007)

**LESS RESTRICTED:** The use of land or buildings first permitted in a certain district is less restricted than other uses first permitted in districts appearing earlier in the numerical order in which such districts are numbered in this Title.

**LIVESTOCK FACILITY:** "Livestock facility" means a feedlot, dairy farm or other operation where livestock are, or will be, fed, confined, maintained or stabled for a total of 45 days or more in any 12-month period. A livestock facility includes all of the tax parcels of land on which the facility is located, but does not include a pasture or winter grazing area. Related livestock facilities are collectively treated as a single "livestock facility" for the purposes of this Code, except that an operator may elect to treat a separate species facility as a separate "livestock facility." (Ord. 06-1103, 11/14/2006)

**LIVESTOCK STRUCTURE:** "Livestock structure" means a building or other structure used to house or feed livestock, to confine livestock for milking, to confine livestock for feeding other than grazing, to store livestock feed, or to collect or store waste generated at a livestock facility. Livestock structure includes a barn, milking parlor, feed storage facility, feeding facility, animal lot or waste storage facility. "Livestock structure" does not include a pasture or winter grazing area, a fence surrounding a pasture or winter grazing area, a livestock watering or feeding facility in a pasture for winter grazing or a winter grazing area, or a machine shed or like facility that is not used for livestock. (Ord. 06-1103, 11/14/2006)

**LODGING HOUSE:** A building other than a hotel, where lodging is provided for compensation, for persons not members of a family.

**LOT:** A parcel of land occupied or designed to be occupied by one building and its accessory buildings or uses, including the open spaces required by this Title, and abutting on a public street or other officially approved means of access. A lot may be a parcel designated in a plat or described in a conveyance recorded in the office of the Register of Deeds, or any part of a larger parcel when such part complies with the requirements of this Title as to width and area for the district in which it is located. No land included in any street, highway, road right-of-way, shared private access road, access easement or railroad right-of-way shall be included in computing lot area.

**LOT, CORNER:** A lot located at the intersection of two (2) streets, any two (2) corners of which have an angle of one hundred twenty degrees (120°) or less.

**LOT, INTERIOR:** A lot which is not a corner lot.

**LOT LINES:** The lines bounding a lot as defined herein.

**LOT WIDTH:** For the purposes of this Title, the width of a lot shall be the shortest distance between the side lines at the setback line.

**MAINTENANCE:** Maintenance for purposes of financial assurance required as part of feedlot performance standards, shall mean those costs necessary to keep a manure storage facility in a condition of normal repair so as to avoid deterioration and so as to avoid, inasmuch as possible, the potential for a hazardous condition. Such items of maintenance shall include, but not be limited to maintenance of slopes, fencing, posting, drainage to prevent overflow, and periodic inspections. (Ord. 00-0101)

**MANURE STORAGE FACILITY:** Manure storage facility means a permanent site used in conjunction with an animal feedlot on which animal manure or runoff containing animal manure is stored until it is utilized as domestic fertilizer or is removed to a permitted animal manure disposal site and is intended to store such waste for a period of thirty (30) or more days or that has the capacity to store 5,000 cubic feet or more of animal waste. (Ord. 00-0101)

**MOBILE HOME OR MANUFACTURED HOME PARK:** Any plot or plots of ground upon which two (2) or more units, occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodation. (§66.0435, Wis. Stats.).

**MORE RESTRICTED:** The use of land or buildings first permitted in a certain district is more restricted than other uses first permitted in districts appearing later in the numerical order in which such districts are numbered in Chapter 3 of this Title.

**MOTEL:** A building or group of buildings containing rooms which are offered for compensation for the temporary accommodation of transients, and where there is no permanent occupancy of any unit except by the owner, his/her agent or his/her employees.

**NAVIGABLE WATER:** Navigable Water means all natural inland lakes, streams, ponds, sloughs, flowages or other waters which are navigable under the laws of the State of Wisconsin. However, this does not include farm drainage ditches if such lands are not adjacent to a natural navigable stream or river; part of such drainage ditch adjacent to such lands which were non-navigable streams before ditching or had no previous stream history and which lands are maintained in non-structural agricultural use. (Ord. 00-0101)

**NONCONFORMING USE:** A building or premises occupied by a use that does not conform with the regulations of the district in which it is situated.

**NORMAL HIGH-WATER ELEVATION:** The line where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

**PARCEL:** A contiguous quantity of land in the possession of an identical owner, single or common interest. No street, highway, easement, railroad right of way, river, stream or water body shall constitute a break in contiguity. (Ord. 07-1201, 12/11/2007)

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

**PARK, PUBLIC:** An area owned by the County or municipality within the County, operated for the convenience and recreation of the public, and containing such facilities as the owning municipality shall see fit.

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

**PASTURE:** Land with a permanent, uniform cover of grasses or legumes used for providing forage to livestock. (Ord. 00-0101)

**PERSON:** Except when otherwise indicated by the context, the word "person" shall include the plural, or a company, firm, corporation or partnership.

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

**PUBLIC LANDS:** Public lands shall include but shall not be limited to public road right of ways, public parks, and other public recreational areas. However, such public lands shall not include space which is not owned by a municipality or public recreational trails. Further, such public lands shall not include public hunting lands. (Ord. 00-0101)

**QUARRYING:** The removal of mineral aggregates, topsoil or other natural materials from the earth by excavating, stripping or any other mining process.

**REMNANT:** Remnant means the remainder of a formerly contiguous parcel or tract of real estate under single ownership, which would be unaffected by the proposed land division. (Ord. 07-1201, 12/11/2007)

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

**REPLAT:** The changing of the boundaries of a recorded subdivision plat or part thereof.

**RESIDENCE, MULTIPLE-FAMILY:** A building, or portion thereof used or intended to be used by three (3) or more families living independently of each other. (Ord. 06-0601, 6-13-06)

**RESIDENCE, TWO-FAMILY:** A detached building designed for and occupied by no more than two family units. Commonly known as a duplex. (Ord. 06-0601, 6-13-06)

**RESIDENCE, SINGLE-FAMILY:** A detached building designed for, and occupied exclusively by, one family.

**RESIDENTIAL LOT:** A residential lot is one which is located within a residential district as defined by Section 4-3-1 and 4-3-1-1, irrespective of whether or not said lot contains a residential structure; or a lot which is less than six acres in size and which contains a structure whose primary use and purpose is residential in nature. (Ord. 00-0101)

**RIDING STABLE:** A building or premises used for the rent or lease of horses or animals for riding.

**ROADSIDE STANDS:** A structure having a ground area of not more than three hundred (300) square feet, not permanently fixed to the ground, readily removable in its entirety, not fully enclosed and to be used solely for the sale of farm products produced on the premises (or adjoining premises). There shall not be more than one such roadside stand on any single premises. Roadside stands shall be limited to the seasonal retail sale of garden produce grown on premises.

**SERVICE STATION:** See Filling Station.

**SETBACK:** The minimum horizontal distance from any line of the lot or from the center line of the highway to the nearest part of the building, exclusive of permitted projection, measured at right angles to the highway or the lot line, regardless of whether or not the building or structure has a foundation or if it is considered to be temporary or permanent in nature.

**SETBACK LINES:** Lines established adjacent to highways or lot lines for the purpose of defining limits within which no building or structure or any part thereof shall be erected or permanently maintained, except as shown herein. "Within a setback line" means between the setback line and the highway right of way or lot line.

**SIGN:** See Section 4-3-4 of this Title.

**SINGLE WIDE MANUFACTURED HOME:** A detached single-family dwelling unit designed for long-term occupancy; and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities; with plumbing and electrical connections provided for attachment to outside systems; which is designed to be transported on its own wheels. Any vehicle, house car, camp car, or any portable or mobile vehicle on wheels, skids, rollers, or blocks either self-propelled or propelled by any other means which is used or originally designed to be used for residential living or sleeping purposes. See Chapter 3 of this Title.

**SLAUGHTERHOUSE:** Any building or premises used for the killing or dressing of cattle, sheep, swine, goats or horses, and the storage, freezing and curing of meat and preparation of meat products.

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

**STORY, HALF:** A story under any roof except a flat roof, the wall plates of which on at least two (2) opposite exterior walls are not more than four feet (4') above the floor of such story.

**STRUCTURAL ALTERATIONS:** Any change in the supporting members of a structure, such as bearing walls, columns, beams or girders, footings and piles.

**STRUCTURE:** Anything constructed or erected, the location of which is on or in the ground, and which is intended to remain in place for a period of thirty (30) days or more.

**SUBDIVIDER:** A person, firm, corporation and/or their designated agent initiating the creation of a land division or subdivision. (Ord. 06-0601, 6-13-06)

**SUBDIVISION:** Any land division where:

- 1) The act of division creates 7 or more parcels or building sites, inclusive of the original remnant parcel, of 10 acres each or less in area, or
- 2) Seven or more parcels or building sites, inclusive of the original remnant parcel, of 10 acres each or less in area, created by successive division within a period of 5 years.
- 3) A land division defined as a subdivision and requiring approval from the State under Chapter 236, Wis. Stats. (Ord. 06-0601, 6-13-06; Ord. 07-1201, 12/11/2007)

**SUBSTANDARD LOT:** A substandard lot is a lot that does not conform to the dimensional requirements of this Title.

**TEMPORARY STRUCTURE:** A movable structure not designed for human occupancy which may be used for the protection of goods or chattels.

**TRAILER:** Any vehicle, house car, camp car, or any portable or mobile vehicle on wheels, skids, rollers or blocks, either self-propelled or propelled by any other means, which is used or originally designed to be used for residential, living or sleeping purposes.

**UNNECESSARY HARDSHIP:** An unusual or extreme decrease in the adaptability of the property to the uses permitted by the Zoning District which is caused by facts, such as rough terrain or good soil conditions, uniquely applicable to the particular piece of property as distinguished from those applicable to most or all property in the same Zoning District.

**VARIANCE:** A departure from the terms of Chapter 3 of this Title, as applied to a specific building, structure or parcel of land, which the Board of Adjustment may permit, contrary to the regulations of Chapter 3, for the district in which such building, structure or parcel of land is located, when the Board finds that a literal application of such regulation will effect a limitation on the use of the property which does not generally apply to other properties in the same district, and for which there is no compensating gain to the public health, safety or welfare.

**VISION CLEARANCE:** An unoccupied triangular space at the intersection of highways or streets with other highways, streets or roads, or at the intersection of highways or streets with railroads. Such vision clearance triangle shall be bounded by the intersecting highway, street, road or railroad right-of-way lines and a setback line connecting points located on such right-of-way lines by measurement from their intersection as specified in this Title.

**WATER LINES:** The shortest straight line at the waterfront end of a lot abutting a lake or stream that lies wholly within the lot; providing, that not less than seventy five percent (75%) of the length of such water line shall be on the landward side of the normal high-water elevation.

**WETLAND:** Wetland means any area where the water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which have soils indicative of wet conditions as shown on the official wetland inventory map maintained in the Zoning Office. (Ord. 00-0101)

**YARD:** An open space on a lot, on which a building is situated, unoccupied except as otherwise provided in this Title, open and unobstructed from the ground to the sky by structures.

**YARD, FRONT:** A yard extending across the full width of the lot and measured between the front line of the lot and the front line of the building. The front yard and front side of a building or structure is that direction facing toward the public road serving as the main access to the property.

**YARD, REAR:** A yard extending from the rear line of the main building to the rear lot line for the entire width of the lot, excluding such projections as are permitted hereinafter. The rear yard and rear side of a building or structure is that direction facing the opposite of the public road serving as the main access to the property.

**YARD, SIDE:** A yard on each side of the main building extending from the side wall of the building to the side lot line, and from the front yard to the rear yard. When an accessory building is constructed as part of the main building or constructed on one side of the main building, the side yard requirements shall be the same for the accessory building as required for the main building. (1982 Code) The side yards and sides of a building or structure are those directions perpendicular to the front and rear yards; and perpendicular to the lot line closest to the public road serving as the main access to the property.  
(Ord. 01-0401, 4/17/01)

## **CHAPTER 7 SHORELAND PROTECTION**

### **4-7-1: STATUTORY AUTHORIZATION**

This ordinance is adopted pursuant to the authorization in § 59.692 Wis. Stats to implement §§ 59.692 and 281.31 Wis. Stats.

### **4-7-2: FINDING OF FACT**

Uncontrolled use of the shorelands and pollution of the navigable waters of Green County will adversely affect the public health, safety, convenience, and general welfare and impair the tax base. The legislature of Wisconsin has delegated responsibility to the counties to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; and to preserve shore cover and natural beauty. This responsibility is hereby recognized by Green County, Wisconsin.

### **4-7-3: PURPOSE AND INTENT**

For the purpose of promoting the public health, safety, convenience and welfare, and promote and protect the public trust in navigable waters this ordinance has been established to:

- A. Further the maintenance of safe and healthful conditions and prevent and control water pollution through:
  - 1. Limiting structures to those areas where soil and geological conditions will provide a safe foundation.
  - 2. Establishing minimum lot sizes to provide adequate area for private on-site waste treatment systems.
  - 3. Controlling filling and grading to prevent soil erosion problems.
  - 4. Limiting impervious surfaces to control runoff which carries pollutants.
- B. Protect spawning grounds, fish and aquatic life through:
  - 1. Preserving wetlands and other fish and aquatic habitat.
  - 2. Regulating pollution sources.
  - 3. Controlling shoreline alterations, dredging and lagooning.
- C. Control building sites, placement of structures and land uses through:
  - 1. Prohibiting certain uses detrimental to the shoreland-wetlands.
  - 2. Setting minimum lot sizes and widths.
  - 3. Setting minimum building setbacks from waterways.
  - 4. Setting the maximum height of near shore structures.
- D. Preserve and restore shoreland vegetation and natural scenic beauty through:
  - 1. Restricting the removal of natural shoreland cover.
  - 2. Preventing shoreline encroachment by structures.
  - 3. Controlling shoreland excavation and other earth moving activities.
  - 4. Regulating the use and placement of boathouses and other structures.

**4-7-4: TITLE**

Shoreland Protection Ordinance for Green County, Wisconsin.

**4-7-5: GENERAL PROVISIONS**

Areas regulated by this ordinance shall include all the lands (referred to herein as shorelands) in the unincorporated areas of Green County which are:

- A. Within 1,000 feet of the ordinary high-water mark of navigable lakes, ponds or flowages.

- B. Within 300 feet of the ordinary high-water mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater.
- C. The provisions of this Chapter apply to regulation of the use and development of unincorporated shoreland areas. Unless specifically exempted by law, all cities, villages, towns, counties and, when § 13.48(13), Wis. Stats., applies, state agencies are required to comply with, and obtain all necessary permits under, local shoreland ordinances. The construction, reconstruction, maintenance or repair of state highways and bridges carried out under the direction and supervision of the Wisconsin Department of Transportation is not subject to local shoreland zoning ordinances if § 30.2022(1), Wis. Stats., applies. Shoreland zoning requirements in annexed or incorporated areas are provided in §§ 61.353 and 62.233 Wis. Stats.
- D. Determinations of navigability and ordinary high-water mark location shall initially be made by the Zoning Administrator. When questions arise, the Zoning Administrator shall contact the appropriate office of the Department for a final determination of navigability or ordinary high-water mark. The county may work with surveyors with regard to § 59.692(1h) Wis. Stats.
- E. Under § 281.31(2m) Wis. Stats., notwithstanding any other provision of law or administrative rule promulgated thereunder, this shoreland zoning ordinance does not apply to:
  - 1. Lands adjacent to farm drainage ditches if:
    - a. Such lands are not adjacent to a natural navigable stream or river; and
    - b. Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching
  - 2. Lands adjacent to artificially constructed drainage ditches, ponds or stormwater retention basins that are not hydrologically connected to a natural navigable water body.

**4-7-6: SHORELAND-WETLAND MAPS**

The most recent version of the Wisconsin Wetland Inventory as depicted on the Department of Natural Resources Surface Water Data Viewer is made part of this ordinance. The maps can be viewed at <http://dnrmaps.wi.gov/SL/Viewer.html?Viewer=SWDV&runWorkflow=Wetland>

**4-7-7: COMPLIANCE**

The use of any land, the size, shape and placement of lots, the use, size, type and location of structures on lots, the installation and maintenance of water supply and waste disposal facilities, the filling, grading, lagooning, dredging of any lands, the cutting of shoreland vegetation, the subdivision of lots, shall be in full compliance with the terms of this ordinance and other applicable local, state or federal regulations. Buildings and other structures shall require a permit unless otherwise expressly excluded by a provision of this ordinance. Property owners, builders and contractors are responsible for compliance with the terms of this ordinance.

**4-7-8: MUNICIPALITIES AND STATE AGENCIES REGULATED**

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply when § 13.48(13), Wis. Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when § 30.2022(1) Wis. Stats., applies.

**4-7-9: ABROGATION AND GREATER RESTRICTIONS**

The provisions of this ordinance supersede any provisions in a county zoning ordinance that solely relate to shorelands. In other words if a zoning standard only applies to lands that lie within the shoreland and applies because the lands are in shoreland, then this ordinance supersedes those provisions. However, where an ordinance adopted under a statute other than §59.692 Wis. Stats., does not solely relate to shorelands and is more restrictive than this ordinance, for example a floodplain ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions.

- A. This ordinance shall not require approval or be subject to disapproval by any town or town board.
- B. If an existing town ordinance relating to shorelands is more restrictive than this ordinance or any amendments thereto, the town ordinance continues in all respects to the extent of the greater restrictions but not otherwise.
- C. This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.
- D. This ordinance may establish standards to regulate matters that are not regulated in Chapter NR 115 Wis. Adm. Code, but that further the purposes of shoreland zoning as described in Section 4-7-3 of this ordinance.
- E. Counties may not establish shoreland zoning standards in a shoreland zoning ordinance that requires approval to install or maintain outdoor lighting in shorelands, impose any fee or mitigation requirement to install or maintain outdoor lighting in shorelands, or otherwise prohibits or regulates outdoor lighting in shorelands if the lighting is designed or intended for residential use, or requires any inspection or upgrade of a structure before the sale or other transfer of the structure may be made.
- F. The construction and maintenance of a facility is considered to satisfy the requirements of a shoreland zoning ordinance if:
  - 1. The department has issued all required permits or approvals authorizing the construction or maintenance under Chapters 30, 31, 281, or 283 Wis. Stats.
  - 2. A "facility" means any property or equipment of a public utility, as defined in s. 196.01 (5), or a cooperative association organized under ch. 185 for the purpose of producing or furnishing heat, light, or power to its members only, that is used for the transmission, delivery, or furnishing of natural gas, heat, light, or power.

**4-7-10: INTERPRETATION**

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the County and shall not be deemed a limitation or repeal of any other powers granted by Wisconsin Statutes. Where a provision of this ordinance is required by statute and a standard in Chapter NR 115, Wis. Adm. Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the statute and Chapter NR 115 standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.

**4-7-11: SEVERABILITY**

If any portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

**4-7-12: SHORELAND-WETLAND DISTRICT**

- A. Designation: This district shall include all shorelands within the jurisdiction of this ordinance which are designated as wetlands on the most recent version of the Wisconsin Wetland Inventory as depicted on the Department of Natural Resources Surface Water Data Viewer.
- B. Locating Shoreland-Wetland Boundaries: Where an apparent discrepancy exists between the shoreland-wetland district boundary shown on the Wisconsin Wetland Inventory and actual field conditions, the County shall contact the Department to determine if the map is in error. If the Department determines that a particular area was incorrectly mapped as wetland or meets the wetland definition but was not shown as wetland on the map, the County shall have the authority to immediately grant or deny a shoreland zoning permit in accordance with the applicable regulations based on the Department determination as to whether the area is wetland. In order to correct wetland mapping errors on the official zoning map, an official zoning map amendment must be initiated within a reasonable period of time.
- C. Purpose: This district is created to maintain safe and healthful conditions, to prevent water pollution, to protect fish spawning grounds and wildlife habitat, to preserve shore cover and natural beauty and to control building and development in wetlands whenever possible. When development is permitted in a wetland, the development should occur in a manner that minimizes adverse impacts upon the wetland.
- D. Permitted Uses: The following uses shall be allowed, subject to general shoreland zoning regulations contained in this ordinance, the provisions of Chapters 30, 31, 281.36 and 281.37, Wis. Stats. and the provisions of other applicable local, state and federal laws:
  - 1. Activities and uses which do not require the issuance of a zoning permit, but which must be carried out without any filling, flooding, draining, dredging, ditching, tiling or excavating except as allowed in Sections 4-7-12.D.1.-2..
    - a. Hiking, fishing, trapping, hunting, swimming, and boating;

- b. The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;
  - c. The pasturing of livestock;
  - d. The cultivation of agricultural crops;
  - e. The practice of silviculture, including the planting, thinning, and harvesting of timber; and
  - f. The construction or maintenance of duck blinds.
2. Uses which do not require the issuance of a zoning permit and which may include limited filling, flooding, draining, dredging, ditching, tiling, or excavating but only to the extent specifically provided below:
- a. Temporary water level stabilization measures necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on silvicultural activities if not corrected;
  - b. The cultivation of cranberries including flooding, dike and dam construction or ditching necessary for the growing and harvesting of cranberries,
  - c. The maintenance and repair of existing agricultural drainage systems including ditching, tiling, dredging, excavating and filling necessary to maintain the level of drainage required to continue the existing agricultural use. This includes the minimum filling necessary for disposal of dredged spoil adjacent to the drainage system provided that dredged spoil is placed on existing spoil banks where possible;
  - d. The construction or maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance;
  - e. The construction or maintenance of piers, docks or walkways built on pilings, including limited excavating and filling necessary for such construction and maintenance; and
  - f. The maintenance, repair, replacement or reconstruction of existing town and county highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.
3. Uses which require the issuance of a zoning permit and which may include limited filling, flooding, draining, dredging, ditching, tiling or excavating, but only to the extent specifically provided below:

- a. The construction and maintenance of roads which are necessary to conduct silvicultural activities or agricultural cultivation, provided that:
  - (1) The road cannot, as a practical matter, be located outside the wetland;
  - (2) The road is designed and constructed to minimize adverse impact upon the natural functions of the wetland enumerated in Section 4-7-14.B.;
  - (3) The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use;
  - (4) Road construction activities are carried out in the immediate area of the roadbed only.
  
- b. The construction or maintenance of nonresidential buildings, provided that:
  - (1) The building is essential for and used solely in conjunction with the raising of waterfowl, minnows or other wetland or aquatic animals; or some other use permitted in the shoreland-wetland district;
  - (2) The building cannot, as a practical matter, be located outside the wetland;
  - (3) Such building is not designed for human habitation and does not exceed 500 square feet in floor area; and
  - (4) Only limited filling or excavating necessary to provide structural support for the building is authorized.
  
- c. The establishment of public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, fish hatcheries, and public boat launching ramps and attendant access roads, provided that:
  - (1) Any private development is used exclusively for the permitted use and the applicant has received a permit or license under Chapter 29, Wis. Stats., where applicable;
  - (2) Filling or excavating necessary for the construction or maintenance of public boat launching ramps or attendant access roads is allowed only where such construction or maintenance meets the criteria in Section 4-7-12.D.3.a. and;

- (3) Ditching, excavating, dredging, or dike and dam construction in public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, and fish hatcheries is allowed only for the purpose of improving wildlife habitat and to otherwise enhance wetland values.
- d. The construction or maintenance of electric, gas, telephone, water and sewer transmission and distribution facilities, by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power or water to their members and the construction or maintenance of railroad lines provided that:
- (1) The transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland;
  - (2) Such construction or maintenance is done in a manner designed to minimize adverse impact upon the natural functions of the wetland enumerated in Section 4-7-14.B..

**4-7-13: PROHIBITED USES**

Any use not listed in Section 4-7-12.D. is prohibited, unless the wetland or portion of the wetland has been rezoned by amendment of this ordinance in accordance with Section 4-7-14 and § 59.69(5)(e), Wis. Stats..

**4-7-14: REZONING OF LANDS IN THE SHORELAND-WETLAND DISTRICT**

- A. For all proposed text and map amendments to the shoreland-wetland provisions of this ordinance, the appropriate office with the Department shall be provided with the following:
- 1. A copy of every petition for a text or map amendment to the shoreland-wetland provisions of this ordinance, within 5 days of the filing of such petition with the County Clerk. Such petition shall include a copy of the Wisconsin Wetland Inventory map adopted as part of this ordinance describing any proposed rezoning of a shoreland-wetland;
  - 2. Written notice of the public hearing to be held on a proposed amendment at least 10 days prior to such hearing;
  - 3. A copy of the Zoning Department's findings and recommendations on each proposed amendment within 10 days after the submission of those findings and recommendations to the County Board; and
  - 4. Written notice of the County Board's decision on the proposed amendment within 10 days after it is issued.

- B. A wetland, or a portion thereof, in the shoreland-wetland district shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:
1. Storm and flood water storage capacity;
  2. Maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland;
  3. Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
  4. Shoreline protection against soil erosion;
  5. Fish spawning, breeding, nursery or feeding grounds;
  6. Wildlife habitat; or
  7. Wetlands both within the boundary of designated areas of special natural resource interest and those wetlands which are in proximity to or have a direct hydrologic connection to such designated areas as defined in NR 103.04 which can be accessed at the following web site:  
<http://www.legis.state.wi.us/rsb/code/nr/nr103.pdf>
- C. If the Department notifies the Zoning Department that a proposed text or map amendment to the shoreland-wetland provisions of this ordinance may have a significant adverse impact upon any of the criteria listed in Section 4-7-14:B. of this ordinance, that amendment, if approved by the County Board, shall contain the following provision:

"This amendment shall not take effect until more than 30 days have elapsed after written notice of the County Board's approval of this amendment is mailed to the Department of Natural Resources. During that 30-day period the Department of Natural Resources may notify the County Board that it will adopt a superseding shoreland ordinance for the County under § 59.692(6), Wis. Stats. If the Department does so notify the County Board, the effect of this amendment shall be stayed until the § 59.692(6) adoption procedure is completed or otherwise terminated."

#### **4-7-15: LAND DIVISION REVIEW AND SANITARY REGULATIONS**

- A. Land Division Review: The County shall review, pursuant to § 236.45, Wis. Stats., all land divisions in shoreland areas which create 3 or more parcels or building sites of 5 acres each or less within a 5-year period. In such review all of the following factors shall be considered:
1. Hazards to the health, safety or welfare of future residents.
  2. Proper relationship to adjoining areas.
  3. Public access to navigable waters, as required by law.

4. Adequate stormwater drainage facilities.
5. Conformity to state law and administrative code provisions.

B. Planned Residential Unit Development (PUD):

1. Purpose: The Planned Residential Unit Development is intended to permit smaller non-riparian lots where the physical layout of the lots is so arranged as to better assure the control of pollution and preservation of ground cover than would be expected if the lots were developed with the normal lot sizes and setbacks and without special conditions placed upon the PUD at the time of its approval. A condition of all PUD is the preservation of certain open space, preferably on the shoreland, in perpetuity.
2. Requirements for Planned Residential Unit Development: The County Board may at its discretion, upon its own motion or upon petition, approve a PUD Overlay District upon finding, after a public hearing, that all of the following facts exist:
  - a. Area. The area proposed for the PUD shall be at least 2 acres in size or have a minimum of 200 feet of frontage on a navigable water.
  - b. Lots. Any proposed lot in the PUD that does not meet the minimum size standards of Sections 4-7-16.B-C shall be a non-riparian lot.
  - c. Lot sizes, widths, setbacks, and vegetation removal. When considering approval of a PUD the County Board shall consider whether proposed lot sizes, widths, and setbacks are of adequate size and distance to prevent pollution or erosion along streets or other public ways and waterways. Increased shoreland setbacks shall be a condition of approval as a way of minimizing adverse impacts of development. Shore cover provisions in Section 4-7-18.B. shall apply except that maximum width of a lake frontage opening shall be 100 feet and minimum vegetative buffer depth shall be increased to offset the impact of the proposed development.

C. Sanitary Regulations: Each County shall adopt sanitary regulations for the protection of health and the preservation and enhancement of water quality.

1. Where public water supply systems are not available, private well construction shall be required to conform to Chapter NR 812, Wis. Adm. Code.
2. Where a public sewage collection and treatment system is not available, design and construction of private on-site waste treatment system shall, prior to July 1, 1980, be required to comply with Chapter SPS Comm 383, Wis. Adm. Code, and after June 30, 1980 be governed by a private sewage system ordinance adopted by the County under § 59.70(5), Wis. Stats.

**4-7-16: MINIMUM LOT SIZE**

- A. Purpose: Minimum lot sizes in the shoreland area shall be established to afford protection against danger to health, safety and welfare, and protection against pollution of the adjacent body of water.
- B. Sewered Lots: The minimum lot area shall be 10,000 square feet and the minimum average lot width shall be 65 feet.
- C. Unsewered Lots: The minimum lot area shall be 20,000 square feet and the minimum average lot width shall be 100 feet.
- D. Substandard Lots: A legally created lot or parcel that met minimum area and minimum average width requirements when created, but does not meet current lot size requirements, may be used as a building site if all of the following apply:
  - 1. The substandard lot or parcel was never reconfigured or combined with another lot or parcel by plat, survey, or consolidation by the owner into one property tax parcel.
  - 2. The substandard lot or parcel has never been developed with one or more of its structures placed partly upon an adjacent lot or parcel.
  - 3. The substandard lot or parcel is developed to comply with all other ordinance requirements.
- E. Other Substandard Lots: Except for lots which meet the requirements of Section 4-7-16.E., a building permit for the improvement of a lot having lesser dimensions than those stated in Section 4-7-16.B.-C. shall be issued only if a variance is granted by the Board of Adjustment.
- F. Minimum Average Lot Width: The minimum average lot width shall be calculated by averaging the following locations:
  - 1. The ordinary high water mark.
  - 2. The building setback line.
  - 3. The rear lot line.

**4-7-17: BUILDING SETBACKS**

Permitted building setbacks shall be established to conform to health, safety and welfare requirements, preserve natural beauty, reduce flood hazards and avoid water pollution.

- A. Shoreland Setback: Unless exempt under Section 4-7-17.B. or reduced under Section 4-7-17.D, a setback of 75 feet from the ordinary high-water mark of any navigable waters to the nearest part of a building or structure shall be required for all buildings and structures.
- B. Exempt Structures: All of the following structures are exempt from the shoreland setback standards in Section 4-7-17.A.:

1. Boathouses located entirely above the ordinary high-water mark and entirely within the access and viewing corridor that do not contain plumbing and are not used for human habitation. The roof of a boathouse may be used as a deck provided that:
  - a. The boathouse has a flat roof.
  - b. The roof has no side walls or screens.
  - c. The roof may have a railing that meets the Department of Safety and Professional Services standards.
2. Open sided and screened structures such as gazebos, decks, patios and screen houses in the shoreland setback area that satisfy the requirements in § 59.692(1v), Wis. Stats.
  - a. The part of the structure that is nearest to the water is located at least 35 feet landward from the ordinary high-water mark.
  - b. The floor area of all the structures in the shoreland setback area will not exceed 200 square feet.
  - c. The structure that is the subject of the request for special zoning permission has no sides or has open or screened sides.
  - d. The County must approve a plan that will be implemented by the owner of the property to preserve or establish a vegetative buffer zone that covers at least 70% of the half of the shoreland setback area that is nearest to the water.
3. Fishing rafts that are authorized on the Wolf River and Mississippi River under § 30.126 Wis. Stats.
4. Broadcast signal receivers, including satellite dishes or antennas that are one meter or less in diameter and satellite earth station antennas that are 2 meters or less in diameter.
5. Utility transmission and distribution lines, poles, towers, water towers, pumping stations, well pumphouse covers, private on-site wastewater treatment systems that comply with Chapter SPS Comm 383 Wis. Adm. Code, and other utility structures that have no feasible alternative location outside of the minimum setback and that employ best management practices to infiltrate or otherwise control storm water runoff from the structure.
6. Walkways, stairways or rail systems that are necessary to provide pedestrian access to the shoreline and are a maximum of 60 inches in width.

7. Devices or systems used to treat runoff from impervious surfaces.
- C. Existing Exempt Structures: Existing exempt structures may be maintained, repaired, replaced, restored, rebuilt and remodeled provided the activity does not expand the footprint and does not go beyond the three-dimensional building envelope of the existing structure. Expansion of a structure beyond the existing footprint may be permitted if the expansion is necessary to comply with applicable state or federal requirements.
- D. Reduced Principal Structure Setback: A setback less than the 75 feet required setback from the ordinary high water mark shall be permitted for a proposed principal structure and shall be determined as follows:
1. Where there are existing principal structures in both directions, the setback shall equal the average of the distances the two existing principal structures are set back from the ordinary high water mark provided all of the following are met:
    - a. Both of the existing principal structures are located on adjacent lots to the proposed principal structure.
    - b. Both of the existing principal structures are located within 250 feet of the proposed principal structure and are the closest structure.
    - c. Both of the existing principal structures are located less than 75 feet from the ordinary high water mark.
    - d. The average setback shall not be reduced to less than 35 feet from the ordinary high water mark of any navigable water.
  2. Where there is an existing principal structure in only one direction, the setback shall equal the distance the existing principal structure is set back from the ordinary high water mark and the required setback of 75 feet from the ordinary high water mark provided all of the following are met:
    - a. The existing principal structure is located on an adjacent lot to the proposed principal structure.
    - b. The existing principal structure is located within 250 feet of the proposed principal structure and is the closest structure.
    - c. The existing principal structure is located less than 75 feet from the ordinary high water mark.
    - d. The average setback shall not be reduced to less than 35 feet from the ordinary high water mark of any navigable water.

- E. Floodplain Structures: Buildings and structures to be constructed or placed in a floodplain shall be required to comply with any applicable floodplain zoning ordinance.

**4-7-18: VEGETATION**

- A. Purpose: To protect natural scenic beauty, fish and wildlife habitat, and water quality, a county shall regulate removal of vegetation in shoreland areas, consistent with the following:

The County shall establish ordinance standards that consider sound forestry and soil conservation practices and the effect of vegetation removal on water quality, including soil erosion, and the flow of effluents, sediments and nutrients.

- B. Establishment of a Vegetative Buffer Zone: To protect water quality, fish and wildlife habitat and natural scenic beauty, and to promote preservation and restoration of native vegetation, the County ordinance shall designate land that extends from the ordinary high-water mark to a minimum of 35 feet inland as a vegetative buffer zone and prohibit removal of vegetation in the vegetative buffer zone except as follows.

1. The County may allow routine maintenance of vegetation.
2. The County may allow removal of trees and shrubs in the vegetative buffer zone to create access and viewing corridors. Per §59.692(1f)(b) Wis. Stats., the viewing corridor may be at least 35 feet wide for every 100 feet of shoreline frontage. The viewing corridor may run contiguously for the for the entire maximum width or shoreline frontage owned.
3. The County may allow removal of trees and shrubs in the vegetative buffer zone on a parcel with 10 or more acres of forested land consistent with “generally accepted forestry management practices” as defined in § NR 1.25(2)(b) Wis. Adm. Code, and described in Department publication “Wisconsin Forest Management Guidelines” (publication FR-226), provided that vegetation removal be consistent with these practices.
4. The County may allow removal of vegetation within the vegetative buffer zone to manage exotic or invasive species, damaged vegetation, vegetation that must be removed to control disease, or vegetation creating an imminent safety hazard, provided that any vegetation removed be replaced by replanting in the same area as soon as practicable.
5. The County may authorize by permit additional vegetation management activities in the vegetative buffer zone. The permit issued under this section shall require that all management activities comply with detailed plans approved by the County and designed to control erosion by limiting sedimentation into the waterbody, to improve the plant community by replanting in the same area, and to maintain and monitor the newly restored area. The permit also shall require an enforceable restriction to preserve the newly restored area.

**4-7-19: FILLING, GRADING, LAGOONING, DREDGING, DITCHING AND EXCAVATING**

Filling, grading, lagooning, dredging, ditching and excavating may be permitted only in accordance with the provisions of § NR 115.04 Wis. Adm. Code, the requirements of Chapter 30, Wis. Stats., and other state and federal laws where applicable, and only if done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat and natural scenic beauty.

**4-7-20: IMPERVIOUS SURFACE STANDARDS**

- A. Purpose: Establish impervious surface standards to protect water quality and fish and wildlife habitat and to protect against pollution of navigable waters. County impervious surface standards shall apply to the construction, reconstruction, expansion, replacement or relocation of any impervious surface on a riparian lot or parcel and any nonriparian lot or parcel that is located entirely within 300 feet of the ordinary high-water mark of any navigable waterway.
- B. Calculation of Impervious Surface: Percentage of impervious surface shall be calculated by dividing the surface area of the existing and proposed impervious surfaces on the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark by the total surface area of that lot or parcel, and multiplied by 100. Impervious surfaces described in Section 4-7-20.D. shall be excluded from the calculation of impervious surface on the lot or parcel. If an outlot lies between the ordinary high-water mark and the developable lot or parcel and both are in common ownership, the lot or parcel and the outlot shall be considered one lot or parcel for the purposes of calculating the percentage of impervious surface.
- C. General Impervious Surface Standard: Except as allowed in Sections 4-7-20.D. allow up to 15% impervious surface on the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark.
- D. Treated Impervious Surfaces: Impervious surfaces that can be documented to meet either of the following standards shall be excluded from the impervious surface calculations under Section 4-7-20.B.
  - 1. The impervious surface is treated by devices such as stormwater ponds, constructed wetlands, infiltration basins, rain gardens, bio-swales or other engineered systems.
  - 2. The runoff from the impervious surface discharges to an internally drained pervious area that retains the runoff on or off the parcel and allows infiltration into the soil.
  - 3. To qualify for the statutory exemption, property owners shall submit a complete permit application that is reviewed and approved by the county. The application shall include the following:
    - a. Calculations showing how much runoff is coming from the impervious surface area.
    - b. Documentation that the runoff from the impervious surface is being treated by a proposed treatment system, treatment device or internally drained area.

- c. An implementation schedule and enforceable obligation on the property owner to establish and maintain the treatment system, treatment devices or internally drained area. The enforceable obligation shall be evidenced by an instrument recorded in the office of the Register of Deeds prior to the issuance of the permit.
- E. Existing Impervious Surfaces: For existing impervious surfaces that were lawfully placed when constructed but that do not comply with the impervious surface standard in Section 4-7-20.C., the property owner may do any of the following:
  - 1. Maintain and repair the existing impervious surfaces.
  - 2. Replace existing impervious surfaces with similar surfaces within the existing building envelope.
  - 3. Relocate or modify an existing impervious surface with similar or different impervious surface, provided that the relocation or modification does not result in an increase in the percentage of impervious surface that existed on the effective date of the County shoreland ordinance, and the impervious surface meets the applicable setback requirements in § NR 115.05(1)(b) Wis. Admin. Code.
  - 4. The impervious surface standards in this ordinance shall not be construed to supersede other provisions in the county shoreland ordinance. All of the provisions of the county shoreland ordinance still apply to new or existing development.

**4-7-21: HEIGHT**

To protect and preserve wildlife habitat and natural scenic beauty, on or after February 1, 2010, a county may not permit any construction that result in a structure taller than 35 feet within 75 feet of the ordinary high-water mark of any navigable waters.

**4-7-22: NONCONFORMING USES AND STRUCTURES**

- A. Discontinued Nonconforming Use: If a nonconforming use is discontinued for a period of 12 months, any future use of the building, structure or property shall conform to the ordinance.
- B. Maintenance, Repair, Replacement or Vertical Expansion of Nonconforming Structures: An existing structure that was lawfully placed when constructed but that does not comply with the required shoreland setback may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the nonconforming structure. Further, an existing structure that was lawfully placed when constructed but that does not comply with the required shoreland setback may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level. The County may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

- C. Lateral Expansion of Nonconforming Principal Structure Within the Setback: An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback per Section 4-7-17 may be expanded laterally, provided that all of the following requirements are met:
1. The use of the structure has not been discontinued for a period of 12 months or more if a nonconforming use.
  2. The existing principal structure is at least 35 feet from the ordinary high-water mark.
  3. Lateral expansions are limited to a maximum of 200 square feet over the life of the structure. No portion of the expansion may be any closer to the ordinary high-water mark than the closest point of the existing principal structure.
  4. The County shall issue a permit that requires a mitigation plan that shall be approved by the County and implemented by the property owner by the date specified in the permit. The mitigation plan shall meet the standards found in Section 4-7-23.
  5. All other provisions of this ordinance shall be met.
- D. Expansion of a Nonconforming Principal Structure Beyond Setback: An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback under Section 4-7-17, may be expanded horizontally, landward or vertically provided that the expanded area meets the building setback requirements per Section 4-7-17 and that all other provisions of the shoreland ordinance are met. A mitigation plan is not required solely for expansion under this paragraph, but may be required per Section 4-7-20.
- E. Relocation of Nonconforming Principal Structure: An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback per Section 4-7-17 may be relocated on the property provided all of the following requirements are met:
1. The use of the structure has not been discontinued for a period of 12 months or more if a nonconforming use.
  2. The existing principal structure is at least 35 feet from the ordinary high-water mark.
  3. No portion of the relocated structure is located any closer to the ordinary high-water mark than the closest point of the existing principal structure.
  4. The County determines that no other location is available on the property to build a principal structure of a comparable size to the structure proposed for relocation that will result in compliance with the shoreland setback requirement per Section 4-7-17.
  5. The County shall issue a permit that requires a mitigation plan that shall be

approved by the County and implemented by the property owner by the date specified in the permit. The mitigation plan shall meet the standards found in Section 4-7-23 which includes enforceable obligations of the property owner to establish or maintain measures that the County determines are adequate to offset the impacts of the permitted expansion on water quality, near-shore aquatic habitat, upland wildlife habitat and natural scenic beauty. The mitigation measures shall be proportional to the amount and impacts of the relocated structure being permitted. The obligations of the property owner under the mitigation plan shall be evidenced by an instrument recorded in the office of the Register of Deeds.

6. All other provisions of the shoreland ordinance shall be met.
- F. Maintenance, Repair, Replacement or Vertical Expansion of Structures That Were Authorized By Variance: A structure of which any part has been authorized to be located within the shoreland setback area by a variance granted before July 15, 2015 may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the authorized structure. Additionally, the structure may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level. Expansion of a structure beyond the existing footprint may be allowed if the expansion is necessary to comply with applicable state or federal requirements.

**4-7-23: MITIGATION**

When the County issues a permit requiring mitigation under Sections 4-7-17.B.2.d., 4-7-20.E. and 4-7-22.C.-E., the property owner must submit a completed permit application that is reviewed and approved by the County. The application shall include:

- A. A site plan which is designed and implemented to restore natural functions lost through development and human activities. The site plan shall include a scaled plot plan of the lot, including the following information:
  1. Location of all existing and proposed structures, including paths, stairways, retaining walls, decks, patios, vegetative cover, etc. with accurate distances shown between the structures and all property lines.
  2. Location of any areas of existing and proposed land disturbance.
  3. Location of septic and well facilities.
  4. Location of the viewing and access corridor.
  5. Location of parking areas and driveways.
  6. Location of ordinary high-water mark and any wetland areas.
  7. Maps showing the existing and proposed topography and slope of the property.
  8. Impervious surface calculations.

9. A minimum of four photos of the property. These photos shall include a photo taken from the water, along the shoreline and from the principal structure. If necessary, the Zoning Department may require additional photos and/or a site inspection of the property.
  10. Properties which include flood hazard areas shall be required to submit documentation showing the base flood elevation and its location on the property.
- B. A plan with mitigation measures which are proportional in scope to the impacts on water quality, near-shore aquatic habitat, upland wildlife habitat and natural scenic beauty. Mitigation options include:
1. Shoreland Buffer Restoration of at least 35 feet.
    - a. Identify the vegetation to be cut and the size and type of species to be removed.
    - b. A list of desired native species appropriate for the site (or cultivars of native species) to be included in the restoration area and a schedule of planting.
    - c. A scaled plot plan showing the placement, size and densities of each species to be planted within the buffer area.
    - d. A narrative description of how the applicant intends to carry out the project including the erosion control measures that will be used during construction. Please include the name and phone number of the landscape architect or consultant, if applicable.
  2. Evaluation and/or replacement of Private On-Site Waste Treatment System performed by a Wisconsin licensed plumber.
  3. Any proposed device(s) or system(s) designed by an engineer or landscape architect that mitigates surface water runoff or infiltrates runoff and furthers the purpose and intent of shoreland zoning.
  4. Wetland restoration.
  5. Elimination of non-conforming accessory structures such as garage, shed, boathouse, sidewalk, stairway, walkway, patio, deck retaining wall, porch, fire pit.
  6. Removal of other shoreland modifications/items such as seawalls, beaches, or impervious surfaces.
  7. Relocating a non-conforming principal structure to a conforming location.
  8. Elimination of existing erosion and sedimentation on areas that have surface drainage towards the water.
- C. An implementation schedule and enforceable obligation on the property owner to establish and maintain the mitigation measures.

1. The enforceable obligations shall be evidenced by an instrument recorded in the office of the Register of Deeds.

**4-7-24: ADMINISTRATIVE PROVISIONS**

A. Zoning Administrator: The Zoning Administrator shall have the following duties and powers:

1. A system of permits for new construction, development, reconstruction, structural alteration or moving of buildings and structures. A copy of applications shall be required to be filed in the Zoning Department, unless prohibited by §59.692(1k) Wis. Stats.
2. Regular inspection of permitted work in progress to insure conformity of the finished structures with the terms of the ordinance.
3. A variance procedure which authorizes the Board of Adjustment to grant such variance from the terms of the ordinance as will not be contrary to the public interest where, owing to special conditions and the adoption of the shoreland zoning ordinance, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship.
4. A conditional use procedure.
5. The County shall keep a complete record of all proceedings before the Board of Adjustment, zoning agency and planning agency.
6. Written notice to the appropriate office of the Department at least 10 days prior to any hearing on a proposed variance or conditional use permit, appeal for a map or text interpretation, map or text amendment, and copies of all proposed land divisions submitted to the County for review under Section 4-7-15.
7. Submission to the appropriate office of the Department, within 10 days after grant or denial any decision on a variance or conditional use permit, or appeal for a map or text interpretation, and any decision to amend a map or text of an ordinance.
8. Mapped zoning districts and the recording, on an official copy of such map, of all district boundary amendments.
9. The establishment of appropriate penalties for violations of various provisions of the ordinance, including forfeitures. Compliance with the ordinance shall be enforceable by the use of injunctions to prevent or abate a violation, as provided in § 59.69(11), Wis. Stats.
10. The prosecution of violations of the shoreland ordinance.

- B. Land and Water Conservationist: The Land and Water Conservationist shall administer and enforce the provisions of Section 4-7-18.

#### **4-7-25: CHANGES AND AMENDMENTS**

The County Board may, from time to time, alter, supplement or change the regulations contained in this ordinance in accordance with the requirements of § 59.69(5)(e), Wis. Stats, Chapter NR 115, Wis. Adm. Code and this ordinance where applicable.

Amendments to this ordinance may be made on petition of any interested party as provided in § 59.69(5), Wis. Stats. Every petition for a shoreland-wetland map amendment filed with the County Clerk shall be referred to the Zoning Department. A copy of each petition shall be provided to the appropriate office of the Department within 5 days of the filing of the petition with the County Clerk. Written notice of the public hearing to be held on a proposed amendment shall be provided to the appropriate office of the Department at least 10 days prior to the hearing. A copy of the County Board's decision on each proposed amendment shall be forwarded to the appropriate office of the Department within 10 days after the decision is issued.

#### **4-7-26: ENFORCEMENT AND PENALTIES**

Any development, any building or structure constructed, moved or structurally altered, or any use established after the effective date of this ordinance in violation of the provisions of this ordinance, by any person, firm, association, corporation (including building contractors or their agents) shall be deemed a violation. The Zoning Administrator or the Zoning Department shall refer violations to the Corporation Counsel who shall expeditiously prosecute violations. Any person, firm, association or corporation who violates or refuses to comply with any of the provisions of this ordinance shall be subject to a forfeiture of not less than \$10.00 nor more than \$200.00 per offense, together with the taxable costs of action. Each day which the violation exists shall constitute a separate offense. Every violation of this ordinance is a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be abated pursuant to § 59.69(11), Wis. Stats. (Ord. 17-1201, 12/12/2017)

#### **4-7-27: DEFINITIONS**

For the purpose of administering and enforcing this ordinance, the terms or words used herein shall be interpreted as follows: Words used in the present tense include the future; words in the singular number include the plural number; and words in the plural number include the singular number. The word "shall" is mandatory, not permissive. All distances, unless otherwise specified, shall be measured horizontally. The following terms used in this ordinance mean:

**ACCESS AND VIEWING CORRIDOR:** means a strip of vegetated land that allows safe pedestrian access to the shore through the vegetative buffer zone.

**BOATHOUSE:** means a permanent structure used for the storage of watercraft and associated materials and includes all structures which are totally enclosed, have roofs or walls or any combination of these structural parts.

**BUILDING ENVELOPE:** means the three dimensional space within which a structure is built.

**CONDITIONAL USE:** means a use which is permitted by this ordinance provided that certain conditions specified in the ordinance are met and that a permit is granted by the Board of

Adjustment or, where appropriate, the Land Use and Zoning Committee or County Board.

**DEPARTMENT:** means the Department of Natural Resources.

**EXISTING DEVELOPMENT PATTERN:** means that principal structures exist within 250 feet of a proposed principal structure in both directions along the shoreline.

**FLOODPLAIN:** means the land which has been or may be hereafter covered by flood water during the regional flood. The floodplain includes the floodway and the flood fringe as those terms are defined in Chapter NR 116, Wis. Adm. Code.

**FOOTPRINT:** means the land area covered by a structure at ground level measured on a horizontal plane. The footprint of a residence or building includes the horizontal plane bounded by the furthest exterior wall and eave if present, projected to natural grade. For structures without walls (decks, stairways, patios, carports) – a single horizontal plane bounded by the furthest portion of the structure projected to natural grade. Note: For the purposes of replacing or reconstructing a nonconforming building with walls, the footprint shall not be expanded by enclosing the area that is located within the horizontal plane from the exterior wall to the eaves projected to natural grade. This constitutes a lateral expansion under NR 115 and would need to follow NR 115.05 (1)(g)5.

**GENERALLY ACCEPTED FORESTRY MANAGEMENT PRACTICES:** means forestry management practices that promote sound management of a forest. Generally accepted forestry management practices include those practices contained in the most recent version of the department publication known as Wisconsin Forest Management Guidelines and identified as PUB FR-226.

**IMPERVIOUS SURFACE:** means an area that releases as runoff all or a majority of the precipitation that falls on it. “Impervious surface” excludes frozen soil but includes rooftops, sidewalks, driveways, parking lots, and streets unless specifically designed, constructed, and maintained to be pervious. Roadways as defined in § 340.01(54), Wis. Stats., or sidewalks as defined in § 340.01(58), Wis. Stats., are not considered impervious surfaces.

**MITIGATION:** means balancing measures that are designed, implemented and function to restore natural functions and values that are otherwise lost through development and human activities.

**NAVIGABLE WATERS:** means Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. Under § 281.31(2)(d), Wis. Stats, notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under § 59.692, Wis. Stats, and Chapter NR 115, Wis. Adm. Code, do not apply to lands adjacent to:

1. Farm drainage ditches where such lands are not adjacent to a natural navigable stream or river and such lands were not navigable streams before ditching; and
2. Artificially constructed drainage ditches, ponds or stormwater retention basins that are not hydrologically connected to a natural navigable water body

**ORDINARY HIGH-WATER MARK:** means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other

easily recognized characteristics.

**REGIONAL FLOOD:** means a flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular stream because of like physical characteristics, once in every 100 years.

**ROUTINE MAINTENANCE OF VEGETATION:** means normally accepted horticultural practices that do not result in the loss of any layer of existing vegetation and do not require earth disturbance.

**SHORELAND:** means lands within the following distances from the ordinary highwater mark of navigable waters: 1,000 feet from a lake, pond or flowage; and 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

**SHORELAND SETBACK:** also known as the “shoreland setback area” in § 59.692(1)(bn) Wis. Stats., means an area in a shoreland that is within a certain distance of the ordinary high-water mark in which the construction or placement of structures has been limited or prohibited under an ordinance enacted under § 59.692 Wis. Stats.

**SHORELAND-WETLAND DISTRICT:** means a zoning district, created as a part of a County zoning ordinance, comprised of shoreland that are designated as wetlands on the Wisconsin wetland inventory maps prepared by the department.

**STRUCTURE:** means a principal structure or any accessory structure including a garage, shed, boathouse, sidewalk, walkway, patio, deck, retaining wall, porch or firepit.

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

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

**ZONING DEPARTMENT:** means that department designated by the County Board under § 59.69(2)(a), Wis. Stats, to act in all matters pertaining to county planning and zoning.

(Ord. 16-0901, 9/13/16)

**CHAPTER 8  
FLOODPLAIN ZONING**

**4-8-1: STATUTORY AUTHORIZATION, FINDINGS OF FACT, STATEMENT OF PURPOSE, TITLE AND GENERAL PROVISIONS**

**4-8-1-1: STATUTORY AUTHORIZATION**

This ordinance is adopted pursuant to the authorization in §§59.69, 59.692, and 59.694 for counties; and the requirements in §87.30, Wis. Stats.

**4-8-1-2: FINDING OF FACT**

Uncontrolled development and use of the floodplains and rivers of the County would impair the public health, safety, convenience, general welfare and tax base.

**4-8-1-3: STATEMENT OF PURPOSE**

This ordinance is intended to regulate floodplain development to:

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

**4-8-1-4: TITLE**

This ordinance shall be known as the Floodplain Zoning Ordinance for Green County, Wisconsin.

**4-8-1-5: GENERAL PROVISIONS**

**A. AREAS TO BE REGULATED**

This ordinance regulates all areas that would be covered by the regional flood or base flood.

**Note:** Base flood elevations are derived from the flood profiles in the Flood Insurance Study. Regional flood elevations may be derived from other studies. Areas covered by the base flood are identified as A-Zones on the Flood Insurance Rate Map.

## B. OFFICIAL MAPS & REVISIONS

The boundaries of all floodplain districts are designated as floodplains or A-Zones on the maps listed below and the revisions in the Green County Floodplain Appendix. Any change to the base flood elevations (BFE) in the Flood Insurance Study (FIS) or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA before it is effective. No changes to regional flood elevations (RFE's) on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the Green County Zoning Department. If more than one map or revision is referenced, the most restrictive information shall apply.

### OFFICIAL MAPS: Based on the FIS

1. Flood Insurance Rate Map (FIRM), panel numbers 5504560016 – 5504560365G, 55045C0010G, 55045C0015G, 55045C0020G, 55045C0029G, 55045C0030G, 55045C0033G, 55045C0034G, 55045C0035G, 55045C0040G, 55045C0041G, 55045C0042G, 55045C0043G, 55045C0044G, 55045C0055G, 55045C0057G, 55045C0059G, 55045C0060G, 55045C0063G, 55045C0065G, 55045C0067G, 55045C0086G, 55045C0087G, 55045C0088G, 55045C0089G, 55045C0100G, 55045C0125G, 55045C0150G, 55045C0157G, 55045C0160G, 55045C0175G, 55045C0176G, 55045C0177G, 55045C0180G, 55045C0181G, 55045C0182G, 55045C0185G, 55045C0201G, 55045C0202G, 55045C0204G, 55045C0206G, 55045C0208G, 55045C0210G, 55045C0215G, 55045C0216G, 55045C0217G, 55045C0218G, 55045C0219G, 55045C0230G, 55045C0236G, 55045C0254G, 55045C0255G, 55045C0256G, 55045C0257G, 55045C0258G, 55045C0259G, 55045C0262G, 55045C0264G, 55045C0266G, 55045C0268G, 55045C0270G, 55045C0281G, 55045C0282G, 55045C0283G, 55045C0284G, 55045C0300G, 55045C0301G, 55045C0302G, 55045C0303G, 55045C0304G, 55045C0308G, 55045C0309G, 55045C0325G, 55045C0326G, 55045C0327G, 55045C0328G, 55045C0331G, 55045C0332G, 55045C0333G, 55045C0334G, 55045C0342G, 55045C0355G, 55045C0361G and 55045C0365G dated May 18, 2009.; with corresponding profiles that are based on the Green County Flood Insurance Study (FIS) dated May 18, 2009, Volume No. 55045CV000A. Data from the 30<sup>th</sup> Street Detention Basin Dam, City of Monroe, Hawthorne Creek NE1/4 of the NE1/4 of Section 3, Township 1 North, Range 07 East, Green County, which was approved by the DNR, is incorporated in the Green County floodplain ordinance. (Ord. 10-0801, 8/10/10)

Approved by: The DNR and FEMA

### OFFICIAL MAPS: Based on other studies

1. Floodplain Study Appendix: All DNR- and FEMA-approved floodplain maps, flood profiles, floodway data tables, regional or base flood elevations and other information located in this ordinance. The County shall provide the most up to date appendix to the DNR and FEMA regional offices.

### C. ESTABLISHMENT OF DISTRICTS

The regional floodplain areas are divided into three districts as follows:

1. The Floodway District (FW) is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters.
2. The Floodfringe District (FF) is that portion of the floodplain between the regional flood limits and the floodway.
3. The General Floodplain District (GFP) is those areas that have been or may be covered by floodwater during the regional flood.

### D. LOCATING FLOODPLAIN BOUNDARIES

Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in paragraphs (1) or (2) below. If a significant difference exists, the map shall be amended according to §4-8-8. The zoning administrator can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The zoning administrator shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this section. Disputes between the zoning administrator and an applicant over the district boundary line shall be settled according to §4-8-7-3-C and the criteria in (1) and (2) below.

1. If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.
2. Where flood profiles do not exist, the location of the boundary shall be determined by the map scale, visual on-site inspection and any information provided by the Department.

**Note:** Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must also approve any map amendment pursuant to §4-8-8-1(F).

### E. REMOVAL OF LANDS FROM FLOODPLAIN

Compliance with the provisions of this ordinance shall not be grounds for removing land from the floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to §4-8-8.

**Note:** This procedure does not remove the requirements for the mandatory purchase of flood insurance. In order to remove those requirements, the property owner must contact FEMA and request and receive a Letter of Map Change (LOMC).

### F. COMPLIANCE

Any development or use within the areas regulated by this ordinance shall be in compliance with the terms of this ordinance, and other applicable local, state, and federal regulations.

## G. MUNICIPALITIES AND STATE AGENCIES REGULATED

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

## H. ABROGATION AND GREATER RESTRICTIONS

1. This ordinance supersedes all the provisions of any prior municipal zoning ordinance enacted under §§59.69, 59.692 or 59.694 or §87.30, Wis. Stats., which relate to floodplains unless the prior ordinance is more restrictive. If the prior ordinance is more restrictive than this ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
2. This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. If this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

## I. INTERPRETATION

In their interpretation and application, the provisions of this ordinance are the minimum requirements to be liberally construed in favor of the governing body and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this ordinance, required by ch. NR 116, Wis. Adm. Code, is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.

## J. WARNING AND DISCLAIMER OF LIABILITY

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

## K. SEVERABILITY

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

## L. ANNEXED AREAS FOR CITIES AND VILLAGES

The Green County floodplain zoning provisions in effect on the date of an annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of ch. NR 116, Wis. Adm. Code and the National Flood Insurance Program (NFIP) and those annexed lands

are described on the municipality's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal zoning administrator. All plats or maps of annexation shall show the regional flood elevation and the location of the floodway.

#### M. GENERAL DEVELOPMENT STANDARDS

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

#### **4-8-2: GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS**

##### **4-8-2-1: HYDRAULIC AND HYDROLOGIC ANALYSES**

- A. Except as allowed in par. (3) below, no floodplain development shall:
  - 1. Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, increasing regional flood height; or
  - 2. Increase regional flood height due to floodplain storage area lost, which equals or exceeds 0.01 foot.
- B. The zoning administrator shall deny permits if it is determined the proposed development will obstruct flow or increase regional flood heights 0.01 foot or more, based on the officially adopted FIRM or other adopted map, unless the provisions of sub. (C) are met.
- C. Obstructions or increases equal to or greater than 0.01 foot may only be permitted if amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with §4-8-8.

**Note:** This section refers to obstructions or increases in base flood elevations as shown on the officially adopted FIRM or other adopted map. Any such alterations must be reviewed and approved by FEMA and the DNR.

##### **4-8-2-2: WATERCOURSE ALTERATIONS**

No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the Zoning Administrator has notified in writing all adjacent municipalities, the Department and FEMA regional offices and required the applicant to secure all necessary state and federal

permits. The flood carrying capacity of any altered or relocated watercourse shall be maintained.

As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation, the zoning administrator shall notify FEMA of the changes by submitting appropriate technical or scientific data in accordance with NFIP guidelines that shall be used to revise the FIRM, risk premium rates and floodplain management regulations as required.

**4-8-2-3: CHAPTER 30, 31, WIS. STATS. DEVELOPMENT**

Development which requires a permit from the Department, under chs. 30 and 31, Wis. Stats., such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodway lines, water surface profiles, BFE's established in the FIS, or other data from the officially adopted FIRM, or other floodplain zoning maps or the floodplain zoning ordinance are made according to §4-4-8.

**4-8-2-4: PUBLIC OR PRIVATE CAMPGROUNDS**

Public or private campgrounds shall have a low flood damage potential and shall meet the following provisions:

- A. The campground is approved by the Department of Health and Family Services.
- B. A land use permit for the campground is issued by the zoning administrator.
- C. The character of the river system and the elevation of the campground is such that a 72-hour warning of an impending flood can be given to all campground occupants.
- D. There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation.
- E. This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated - by the officials identified in sub. (D) - to remain in compliance with all applicable regulations, including those of the state department of health and family services and all other applicable regulations.
- F. Only camping units are allowed.
- G. The camping units may not occupy any site in the campground for more than 180 consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of 24 hours.
- H. All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed 180 days and shall ensure compliance with all the provisions of this section.
- I. The County shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section.

- J. All camping units that remain in place for more than 180 consecutive days must meet the applicable requirements in either §4-8-3 or §4-8-4 for the floodplain district in which the structure is located.
- K. The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued.
- L. All service facilities, including but not limited to refuse collection, electrical service, natural gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation.

**4-8-3: FLOODWAY DISTRICT (FW)**

**4-8-3-1: APPLICABILITY**

This section applies to all floodway areas on the floodplain zoning maps and those identified pursuant to §4-8-5-4.

**4-8-3-2: PERMITTED USES**

The following open space uses are allowed in the floodway district and the floodway areas of the general floodplain district, if

- they are not prohibited by any other ordinance;
  - they meet the standards in §4-8-3-3 and §4-8-3-4; and
  - all permits or certificates have been issued according to §4-8-7-1.
- A. Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture and wild crop harvesting.
  - B. Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.
  - C. Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of §4-8-3-3(D).
  - D. Uses or structures accessory to open space uses, or classified as historic structures that comply with §4-8-3-3 and §4-8-3-4.
  - E. Extraction of sand, gravel or other materials that comply with §4-8-3-3(D).
  - F. Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with chs. 30 and 31, Wis. Stats.
  - G. Public utilities, streets and bridges that comply with §4-8-3-3(C).

**4-8-3-3: STANDARDS FOR DEVELOPMENTS IN FLOODWAY AREAS**

**A. GENERAL**

1. Any development in floodway areas shall comply with §4-8-2 and have a low flood damage potential.
2. Applicants shall provide the following data to determine the effects of the proposal according to §4-8-2-1:
  - a. A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or
  - b. An analysis calculating the effects of this proposal on regional flood height.
3. The zoning administrator shall deny the permit application if the project will increase flood elevations upstream or downstream 0.01 foot or more, based on the data submitted for par. (2) above.

#### B. STRUCTURES

Structures accessory to permanent open space uses or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:

1. The structure is not designed for human habitation and does not have a high flood damage potential;
2. It must be anchored to resist flotation, collapse, and lateral movement;
3. Mechanical and utility equipment must be elevated or flood proofed to or above the flood protection elevation; and
4. It must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.

#### C. PUBLIC UTILITIES, STREETS AND BRIDGES

Public utilities, streets and bridges may be allowed by permit, if:

1. Adequate floodproofing measures are provided to the flood protection elevation; and
2. Construction meets the development standards of §4-8-2-1.

#### D. FILLS OR DEPOSITION OF MATERIALS

Fills or deposition of materials may be allowed by permit, if:

1. The requirements of §4-8-2-1 are met;
2. No material is deposited in the navigable channel unless a permit is issued by the Department pursuant to ch. 30, Wis. Stats., and a permit pursuant to s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344

has been issued, if applicable, and the other requirements of this section are met;

3. The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and
4. The fill is not classified as a solid or hazardous material.

#### **4-8-3-4: PROHIBITED USES**

All uses not listed as permitted uses in §4-8-3-2 are prohibited, including the following uses:

- A. Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses;
- B. Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life;
- C. Uses not in harmony with or detrimental to uses permitted in the adjoining districts;
- D. Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and ch. Comm. 83, Wis. Adm. Code;
- E. Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and chs. NR 811 and NR 812, Wis. Adm. Code;
- F. Any solid or hazardous waste disposal sites;
- G. Any wastewater treatment ponds or facilities, except those permitted under §NR 110.15(3)(b), Wis. Adm. Code;
- H. Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

#### **4-8-4: FLOODFRINGE DISTRICT (FF)**

##### **4-8-4-1: APPLICABILITY**

This section applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to §4-8-5-4.

##### **4-8-4-2: PERMITTED USES**

Any structure, land use, or development is allowed in the floodfringe district if the standards in §4-8-4-3 are met, the use is not prohibited by this or any other ordinance or regulation and all permits or certificates specified in §4-8-7-1 have been issued.

#### **4-8-4-3: STANDARDS FOR DEVELOPMENT IN FLOODFRINGE AREAS**

Section 4-8-2-1 shall apply in addition to the following requirements according to the use requested.

##### **A. RESIDENTIAL USES**

Any habitable structure, including a manufactured home, which is to be erected, constructed, reconstructed, altered, or moved into the floodfringe area, shall meet or exceed the following standards;

1. The elevation of the lowest floor, excluding the basement or crawlway, shall be at or above the flood protection elevation on fill. The fill shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure. The Department may authorize other floodproofing measures if the elevations of existing streets or sewer lines makes compliance with the fill standards impractical;
2. The basement or crawlway floor may be placed at the regional flood elevation if it is floodproofed to the flood protection elevation. No basement or crawlway floor is allowed below the regional flood elevation;
3. Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in par. (4).
4. In developments where existing street or sewer line elevations make compliance with par. (3) impractical, the County may permit new development and substantial improvements where access roads are at or below the regional flood elevation, if:
  - a. The municipality in which the proposed use is located has written assurance from police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or
  - b. The municipality in which the proposed use is located has a natural disaster plan approved by Wisconsin Emergency Management and the Department.

##### **B. ACCESSORY STRUCTURES OR USES**

1. Except as provided in par.(2), an accessory structure which is not connected to a principal structure may be constructed with its lowest floor at or above the regional flood elevation.
2. An accessory structure which is not connected to the principal structure and which is less than 600 square feet in size and valued at less than \$10,000 may be constructed with its lowest floor no more than two feet below the regional flood elevation if it is subject to flood velocities of no more than two feet per

second and it meets all of the provisions of §§4-8-3-3 (B) (1), (2), (3) and (4) and §4-8-4-3 (E) below.

#### C. COMMERCIAL USES

Any commercial structure which is erected, altered or moved into the floodfringe area shall meet the requirements of §4-8-4-3(A). Subject to the requirements of §4-8-4-3(E), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

#### D. MANUFACTURING AND INDUSTRIAL USES

Any manufacturing or industrial structure which is erected, altered or moved into the floodfringe area shall be protected to the flood protection elevation using fill, levees, floodwalls, or other flood proofing measures in §4-8-7-5. Subject to the requirements of §4-8-4-3(E), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

#### E. STORAGE OF MATERIALS

Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with §4-8-7-5. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.

#### F. PUBLIC UTILITIES, STREETS AND BRIDGES

All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans; and

1. When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction of and substantial improvements to such facilities may only be permitted if they are floodproofed in compliance with §4-8-7-5 to the flood protection elevation;
2. Minor roads or non-essential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.

#### G. SEWAGE SYSTEMS

All on-site sewage disposal systems shall be floodproofed, pursuant to §4-8-7-5, to the flood protection elevation and shall meet the provisions of all local ordinances and ch. Comm. 83, Wis. Adm. Code.

#### H. WELLS

All wells shall be floodproofed, pursuant to §4-8-7-5, to the flood protection elevation and shall meet the provisions of chs. NR 811 and NR 812, Wis. Adm. Code.

#### I. SOLID WASTE DISPOSAL SITES

Disposal of solid or hazardous waste is prohibited in floodfringe areas.

#### J. DEPOSITION OF MATERIALS

Any deposited material must meet all the provisions of this ordinance.

#### K. MANUFACTURED HOMES

1. Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.
2. In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:
  - a. have the lowest floor elevated to the flood protection elevation; and
  - b. be anchored so they do not float, collapse or move laterally during a flood
3. Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the floodfringe in §4-8-4-3(A).

#### L. MOBILE RECREATIONAL VEHICLES

All mobile recreational vehicles that are on site for 180 consecutive days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements in §4-8-4-3 (K)(2) and (3). A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.

### **4-8-5: GENERAL FLOODPLAIN DISTRICT (GFP)**

#### **4-8-5-1: APPLICABILITY**

The provisions for this district shall apply to all floodplains for which flood profiles are not available or where flood profiles are available but floodways have not been delineated. Floodway and floodfringe districts shall be delineated when adequate data is available.

#### **4-8-5-2: PERMITTED USES**

Location of a proposed use shall be determined pursuant to §4-8-5-4.

Those uses permitted in floodway (§4-8-3-2) and floodfringe areas (§4-8-4-2) are allowed within the general floodplain district, according to the standards of §4-8-5-3, provided that all permits or certificates required under §4-8-7-1 have been issued.

#### **4-8-5-3: STANDARDS FOR DEVELOPMENT IN THE GENERAL FLOODPLAIN DISTRICT**

Section 4-8-3 applies to floodway areas, §4-8-4 applies to floodfringe areas. The rest of this ordinance applies to either district.

**4-8-5-4: DETERMINING FLOODWAY AND FLOODFRINGE LIMITS**

Upon receiving an application for development within the general floodplain district, the zoning administrator shall:

- A. Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures;
- B. Require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries:
  - 1. A typical valley cross-section showing the stream channel, the floodplain adjoining each side of the channel, the cross-sectional area to be occupied by the proposed development, and all historic high water information;
  - 2. Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information;
  - 3. Profile showing the slope of the bottom of the channel or flow line of the stream;
  - 4. Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.
- C. Transmit one copy of the information described in pars. (A) and (B) to the Department Regional office along with a written request for technical assistance to establish regional flood elevations and, where applicable, floodway data. Where the provisions of §4-8-7-1(B)(3) apply, the applicant shall provide all required information and computations to delineate floodway boundaries and the effects of the project on flood elevations.

**4-8-6: NONCONFORMING USES**

**4-8-6-1: GENERAL**

A. APPLICABILITY

Pursuant to §59.69(10), Wis. Stats., these standards shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this ordinance or any amendment thereto.

B. The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this ordinance may continue subject to the following conditions:

1. No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this ordinance. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Ordinary maintenance repairs are not considered an extension, modification or addition; these include painting, decorating, paneling and the replacement of doors, windows and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Ordinary maintenance repairs do not include any costs associated with the repair of a damaged structure.

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

2. If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this ordinance;
3. The County shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent;
4. No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with §4-8-4-3(A). The costs of elevating a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph;
5. a) Except as provided in subd. (b), if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50% of the structure's present equalized assessed value.

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

6. A nonconforming historic structure may be altered if the alteration will not preclude the structures continued designation as a historic structure, the alteration will comply with §4-8-3-3 (A), flood resistant materials are used, and construction practices and floodproofing methods that comply with §4-8-7-5 are used.

**4-8-6-2: FLOODWAY AREAS**

- A. No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in a floodway area, unless such modification or addition:
  1. Has been granted a permit or variance which meets all ordinance requirements;
  2. Meets the requirements of §4-8-6-1;
  3. Will not increase the obstruction to flood flows or regional flood height;
  4. Any addition to the existing structure shall be floodproofed, pursuant to §4-8-7-5, by means other than the use of fill, to the flood protection elevation;
  5. If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
    - a. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;
    - b. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;
    - c. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
    - d. The use must be limited to parking or limited storage.
- B. No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area

shall meet the applicable requirements of all municipal ordinances and ch. Comm. 83, Wis. Adm. Code.

- C. No new well or modification to an existing well used to obtain potable water shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing well in a floodway area shall meet the applicable requirements of all municipal ordinances and chs. NR 811 and NR 812, Wis. Adm. Code.

**4-8-6-3: FLOODFRINGE AREAS**

- A. No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality, and the modification or addition shall be placed on fill or floodproofed to the flood protection elevation in compliance with the standards for that particular use in §4-8-4-3, except where §4-8-6-3(B) is applicable.
- B. Where compliance with the provisions of par. (A) would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Adjustment/Appeals, using the procedures established in §4-8-7-3, may grant a variance from those provisions of par. (A) for modifications or additions, using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:
  - 1. No floor is allowed below the regional flood elevation for residential or commercial structures;
  - 2. Human lives are not endangered;
  - 3. Public facilities, such as water or sewer, will not be installed;
  - 4. Flood depths will not exceed two feet;
  - 5. Flood velocities will not exceed two feet per second; and
  - 6. The structure will not be used for storage of materials as described in §4-8-4-3(F).
- C. If neither the provisions of par. (A) or (B) above can be met, one addition to an existing room in a nonconforming building or a building with a nonconforming use may be allowed in the floodfringe, if the addition:
  - 1. Meets all other regulations and will be granted by permit or variance;
  - 2. Does not exceed 60 square feet in area; and
  - 3. In combination with other previous modifications or additions to the building, does not equal or exceed 50% of the present equalized assessed value of the building.

- D. All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances and ch. Comm. 83, Wis. Adm. Code.
- E. All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this ordinance and ch. NR 811 and NR 812, Wis. Adm. Code.

**4-8-7: ADMINISTRATION**

The Green County Zoning Administrator and the Green County Board of Adjustment shall administer this ordinance.

**4-8-7-1: ZONING ADMINISTRATOR**

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

**Note: Information on conducting substantial damage assessments may be available on the DNR website – <http://dnr.wi.gov/org/water/wm/dsfm/flood/title.htm>**

6. Investigate, prepare reports, and report violations of this ordinance to the municipal zoning agency and attorney for prosecution. Copies of the reports shall also be sent to the Department Regional office.
7. Submit copies of text and map amendments and biennial reports to the FEMA Regional office.

**B. LAND USE PERMITS WITHIN FW; FF; AND GFP DISTRICTS**

A land use permit shall be obtained before any new development or any structural repair or change in the use of a building or structure, including sewer and water facilities, may be initiated. Application to the zoning administrator shall include:

**1. GENERAL INFORMATION**

- a. Name and address of the applicant, property owner and contractor;
- b. Legal description, proposed use, and whether it is new construction or a modification;

**2. SITE DEVELOPMENT PLAN**

A site plan drawn to scale shall be submitted with the permit application form and shall contain:

- a. Location, dimensions, area and elevation of the lot;
- b. Location of the ordinary highwater mark of any abutting navigable waterways;
- c. Location of any structures with distances measured from the lot lines and street center lines;
- d. Location of any existing or proposed on-site sewage systems or private water supply systems;
- e. Location and elevation of existing or future access roads;
- f. Location of floodplain and floodway limits as determined from the official floodplain zoning maps;
- g. The elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study – either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD);

- h. Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of §4-8-3 or §4-8-4 are met; and
- i. Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to §4-8-2-1. This may include any of the information noted in §4-8-3-3(A).

### 3. DATA REQUIREMENTS TO ANALYZE DEVELOPMENTS

A. The applicant shall provide all survey data and computations required to show the effects of the project on flood heights, velocities and floodplain storage, for all subdivision proposals, as "subdivision" is defined in Ch. 236, Wis. Stats., and other proposed developments exceeding 5 acres in area or where the estimated cost exceeds \$125,000. The applicant shall provide:

- 1. An analysis of the effect of the development on the regional flood profile, velocity of flow and floodplain storage capacity;
- 2. A map showing location and details of vehicular access to lands outside the floodplain; and
- 3. A surface drainage plan showing how flood damage will be minimized.

The estimated cost of the proposal shall include all structural development, landscaping, access and road development, utilities, and other pertinent items, but need not include land costs.

### 4. EXPIRATION

All permits issued under the authority of this ordinance shall expire one year from the date of issuance.

### C. CERTIFICATE OF COMPLIANCE

No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt or replaced shall be occupied until a certificate of compliance is issued by the zoning administrator, except where no permit is required, subject to the following provisions:

- 1. The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this ordinance;
- 2. Application for such certificate shall be concurrent with the application for a permit;
- 3. If all ordinance provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed;

2. The applicant shall submit a certification signed by a registered professional engineer, architect or land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or architect that floodproofing measures meet the requirements of §4-8-7-5.

D. OTHER PERMITS

The applicant must secure all necessary permits from federal, state, and local agencies, including those required by the U.S. Army Corps of Engineers under §404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.

**4-8-7-2: GREEN COUNTY LAND USE AND ZONING COMMITTEE**

- A. The Green County Land Use and Zoning Committee shall:
1. oversee the functions of the office of the zoning administrator; and
  2. review and advise the Governing body on all proposed amendments to this ordinance, maps and text.
- B. The Committee shall not:
1. grant variances to the terms of the ordinance in place of action by the Board of Adjustment/Appeals; or
  2. amend the text or zoning maps in place of official action by the Green County Board.

**4-8-7-3: BOARD OF ADJUSTMENT**

The Board of Adjustment, created under §59.694, Wis. Stats., is hereby authorized to act for the purposes of this ordinance.

A. POWERS AND DUTIES

The Board of Adjustment shall:

1. Appeals - Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this ordinance.
2. Boundary Disputes - Hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map.
3. Variances - Hear and decide, upon appeal, variances from the ordinance standards.

B. APPEALS TO THE BOARD

1. Appeals to the board may be taken by any person aggrieved, or by any officer or department of the municipality affected by any decision of the zoning administrator or other administrative officer. Such appeal shall be taken within 30 days unless otherwise provided by the rules of the board, by filing with the Zoning Administrator whose decision is in question, and with the Board, a notice of appeal specifying the reasons for the appeal. The Zoning Administrator shall transmit to the Board all records regarding the matter appealed.
2. NOTICE AND HEARING FOR APPEALS INCLUDING VARIANCES
  - a. Notice - The board shall:
    - i. Fix a reasonable time for the hearing;
    - ii. Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place and subject of the hearing;
    - iii. Assure that notice shall be mailed to the parties in interest and the Department Regional office at least 10 days in advance of the hearing.
  - b. Hearing - Any party may appear in person or by agent. The board shall:
    - i. Resolve boundary disputes according to §4-8-7-3(C).
    - ii. Decide variance applications according to §4-8-7-3(D).
    - iii. Decide appeals of permit denials according to §4-8-7-4.
3. DECISION: The final decision regarding the appeal or variance application shall:
  - a. Be made within a reasonable time;
  - b. Be sent to the Department Regional office within 10 days of the decision;
  - c. Be a written determination signed by the chairman or secretary of the Board;
  - d. State the specific facts which are the basis for the Board's decision;
  - e. Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance application;
  - f. Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board proceedings.

### C. BOUNDARY DISPUTES

The following procedure shall be used by the Board in hearing disputes concerning floodplain district boundaries:

1. If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined.
2. In all cases, the person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board.
3. If the boundary is incorrectly mapped, the Board should inform the zoning committee or the person contesting the boundary location to petition the governing body for a map amendment according to §4-8-8.

D. VARIANCE

1. The Board may, upon appeal, grant a variance from the standards of this ordinance if an applicant convincingly demonstrates that:
  - a. Literal enforcement of the ordinance provisions will cause unnecessary hardship;
  - b. The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises. In such case the ordinance or map must be amended;
  - c. The variance is not contrary to the public interest; and
  - d. The variance is consistent with the purpose of this ordinance in §4-8-1-3.
2. In addition to the criteria in par. (a), to qualify for a variance under FEMA regulations, the following criteria must be met:
  - a. The variance may not cause any increase in the regional flood elevation;
  - b. Variances can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the RFE;
  - c. Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts and shall not be contrary to the purpose of the ordinance.
3. A variance shall not:
  - a. Grant, extend or increase any use prohibited in the zoning district.
  - b. Be granted for a hardship based solely on an economic gain or loss.
  - c. Be granted for a hardship which is self-created.
  - d. Damage the rights or property values of other persons in the area.

- e. Allow actions without the amendments to this ordinance or map(s) required in §4-8-8-1.
  - f. Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.
4. When a floodplain variance is granted the Board shall notify the applicant in writing that it may increase flood insurance premiums and risks to life and property. A copy shall be maintained with the variance record.

**4-8-7-4: TO REVIEW APPEALS OF PERMIT DENIALS**

- A. The Board shall review all data related to the appeal. This may include:
- 1. Permit application data listed in §4-8-7-1(B).
  - 2. Floodway/floodfringe determination data in §4-8-5-4.
  - 3. Data listed in §4-8-3-3(A)(2) where the applicant has not submitted this information to the zoning administrator.
  - 4. Other data submitted with the application, or submitted to the Board with the appeal.
- B. For appeals of all denied permits the Board shall:
- 1. Follow the procedures of §4-8-7-3;
  - 2. Consider zoning agency recommendations; and
  - 3. Either uphold the denial or grant the appeal.
- C. For appeals concerning increases in regional flood elevation the Board shall:
- 1. Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases equal to or greater than 0.01 foot may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners.
  - 2. Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase equal to or greater than 0.01 foot provided no other reasons for denial exist.

**4-8-7-5: FLOODPROOFING**

- A. No permit or variance shall be issued within a FW, FF or GFP district until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to the flood protection elevation.
- B. Floodproofing measures shall be designed to:

1. Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;
2. Protect structures to the flood protection elevation;
3. Anchor structures to foundations to resist flotation and lateral movement; and
4. Insure that structural walls and floors are watertight to the flood protection elevation, and the interior remains completely dry during flooding without human intervention.

C. Floodproofing measures could include:

1. Reinforcing walls and floors to resist rupture or collapse caused by water pressure or
2. Adding mass or weight to prevent flotation.
3. Placing essential utilities above the flood protection elevation.
4. Installing surface or subsurface drainage systems to relieve foundation wall and basement floor pressures.
5. Constructing water supply wells and waste treatment systems to prevent the entry of flood waters.
6. Putting cutoff valves on sewer lines or eliminating gravity flow basement drains.

**4-8-7-6: PUBLIC INFORMATION**

- A. Place marks on structures to show the depth of inundation during the regional flood.
- B. All maps, engineering data and regulations shall be available and widely distributed.
- C. All real estate transfers should show what floodplain zoning district any real property is in.

**4-8-8: AMENDMENTS**

**4-8-8-1: GENERAL PROVISIONS**

The Green County Board may change or supplement the floodplain zoning district boundaries and this ordinance in the manner provided by law. Actions which require an amendment include, but are not limited to, the following:

- A. Any change to the official floodplain zoning map, including the floodway line or boundary of any floodplain area.

- B. Correction of discrepancies between the water surface profiles and floodplain zoning maps.
- C. Any fill in the floodplain which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain.
- D. Any fill or floodplain encroachment that obstructs flow, increasing regional flood height 0.01 foot or more.
- E. Any upgrade to a floodplain zoning ordinance text required by s. NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the municipality.
- F. All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.

**Note:** Consult the FEMA web site - [www.fema.gov](http://www.fema.gov) - for the map change fee schedule.

#### **4-8-8-2: PROCEDURES**

Ordinance amendments may be made upon petition of any interested party according to the provisions of §59.69, Wis. Stats. Such petitions shall include all necessary data required by §§4-8-5-4 and 4-8-7-1(B).

- A. The proposed amendment shall be referred to the zoning agency for a public hearing and recommendation to the Green County Board. The amendment and notice of public hearing shall be submitted to the Department Regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of §59.69, Wis. Stats.
- B. No amendments shall become effective until reviewed and approved by the Department.
- C. All persons petitioning for a map amendment that obstructs flow, increasing regional flood height 0.01 foot or more, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body.
- D. For amendments in areas with no water surface profiles, the zoning agency or board shall consider data submitted by the Department, the zoning administrator's visual on-site inspections and other available information. (See §4-8-1-5(D).)

#### **4-8-9: ENFORCEMENT AND PENALTIES**

Any violation of the provisions of this ordinance by any person shall be unlawful and shall be referred to the Corporation Counsel who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the County a penalty of not more than fifty dollars (\$50.00), together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this ordinance is a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to §87.30, Wis. Stats.

#### **4-8-10: DEFINITIONS**

Unless specifically defined, words and phrases in this ordinance shall have their common law meaning and shall be applied in accordance with their common usage. Words used in the present tense include the future, the singular number includes the plural and the plural number includes the singular. The word "may" is permissive, "shall" is mandatory and is not discretionary.

**A ZONES:** Those areas shown on the Official Floodplain Zoning Map which would be inundated by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.

**ACCESSORY STRUCTURE OR USE:** A facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building.

**BASE FLOOD:** Means the flood having a one percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.

**BASE FLOOD ELEVATION (BFE):** The depth or peak elevation of flooding, including wave height, which has a one percent or greater chance of occurring in any given year.

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

**BUILDING:** See STRUCTURE.

**BULKHEAD LINE:** A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department pursuant to §30.11, Wis. Stats., and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this ordinance.

**CAMPGROUND:** Any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or which is advertised or represented as a camping area.

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

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

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

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

**DECK:** An unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.

**DEPARTMENT:** The Wisconsin Department of Natural Resources.

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

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

**ENCROACHMENT:** Any fill, structure, equipment, building, use or development in the floodway.

**EXISTING MANUFACTURED HOME PARK OR SUBDIVISION:** A parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this ordinance. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads

**EXPANSION TO EXISTING MOBILE/MANUFACTURED HOME PARK:** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring if concrete pads.

**FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA):** The federal agency that administers the National Flood Insurance Program.

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

**FLOOD or FLOODING:** A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:

- ✓ The overflow or rise of inland waters,
- ✓ The rapid accumulation or runoff of surface waters from any source,
- ✓ The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior, or

- ✓ The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.

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

**FLOODFRINGE:** That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.

**FLOOD HAZARD BOUNDARY MAP:** A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.

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

**FLOODPLAIN:** Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe, and may include other designated floodplain areas for regulatory purposes.

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

**FLOODPLAIN MANAGEMENT:** Policy and procedures to insure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.

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

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

**FLOOD PROTECTION ELEVATION:** An elevation of two feet of freeboard above the water surface profile elevation designated for the regional flood. (Also see: FREEBOARD.)

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

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

**FREEBOARD:** A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.

**HABITABLE STRUCTURE:** Any structure or portion thereof used or designed for human habitation.

**HEARING NOTICE:** Publication or posting meeting the requirements of Ch. 985, Wis. Stats. For appeals, a Class 1 notice, published once at least one week (7 days) before the hearing, is required. For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week consecutively, the last at least a week (7 days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.

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

**HISTORIC STRUCTURE:** Any structure that is either:

- ✓ Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register,
- ✓ Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district,
- ✓ Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior, or
- ✓ Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.

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

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

**LOW FLOOD DAMAGE POTENTIAL:** Land uses which, if damaged from flooding, would not likely result in danger to life or health, or which would not likely result in significant economic

loss to structures or buildings and their contents, including but not limited to those uses enumerated by NR 116.12(2), Wis. Adm. Code.

**MANUFACTURED HOME:** A structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle."

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

**NORTH AMERICAN VERTICAL DATUM (NAVD):** Elevations referenced to mean sea level datum, 1988 adjustment.

**NATIONAL GEODETIC VERTICAL DATUM (NGVD):** Elevations referenced to mean sea level datum, 1929 adjustment.

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

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

**NONCONFORMING USE:** An existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this ordinance for the area of the floodplain which it occupies. (Such as a residence in the floodway.)

**OBSTRUCTION TO FLOW:** Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.

**OFFICIAL FLOODPLAIN ZONING MAP:** That map, adopted and made part of this ordinance, as described in s. 1.5(2), which has been approved by the Department and FEMA.

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

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

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

**PRIVATE SEWAGE SYSTEM:** A sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Department of Commerce, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.

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

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

**REGIONAL FLOOD:** A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.

**REGIONAL FLOOD ELEVATION:** That flood elevation as determined by NR 116.07, Wis. Adm. Code.

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

**STRUCTURE:** Any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.

**SUBDIVISION:** Has the meaning given in §236.02(12), Wis. Stats.

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

**UNNECESSARY HARDSHIP:** Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance.

**VARIANCE:** An authorization by the board of adjustment or appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in the floodplain zoning ordinance.

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

**WATERSHED:** The entire region contributing runoff or surface water to a watercourse or body of water.

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

**WELL:** An excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.

(Ord. 09-0401, 4/21/09)

## **CHAPTER 9 NAMING ROADS, NUMBERING DRIVEWAYS**

### **4-9-1: PURPOSE AND AUTHORITY**

The purpose is to establish a rural road naming and driveway numbering system for Green County to create and establish regulations for such system and to provide for its administration, control and enforcement. This Chapter is created, adopted and amended pursuant to the authority granted in §59.03, §59.54 (4), and §59.54(6), Wis. Stats.

### **4-9-2: ADMINISTRATION**

The rural road naming system and driveway numbering system shall be supervised by the Land Use and Zoning Committee of the Green County Board of Supervisors and shall be administrated by the Green County Zoning Administrator.

### **4-9-3: COSTS, ROAD NAMES**

Costs to the County for the rural road naming shall be limited to the necessary administrative cost, including developing and maintaining a master index of road names and preparation of an annual

official road naming map. The costs of securing, erecting and maintaining rural road signs shall be the responsibility of the towns.

#### **4-9-4: ROAD NAME SELECTION**

There is hereby established a uniform system of names for all roads in the unincorporated areas of Green County as follows:

- A. U.S. and State trunk highways which are presently designated by number by the State of Wisconsin Department of Transportation, Division of Highways, shall retain such designations. New U.S. and State trunk highways shall be numbered by the State Division of Highways.
- B. All County highways which are presently designated by letter shall retain such designations. New County highways shall be letter designated by the County Highway Commission.
- C. All other public roads shall be designated by name according to the following procedure:
  - 1. All roads presently named and new roads named by Town Board resolutions shall be submitted to the Committee for comparison of existing road names to avoid conflicts with other roads with a similar or identical name. Should there be a conflict with other road names, the Committee shall cooperate with the Town Board in the selection of a name which does not conflict with the other road names. Upon approval by the Committee, the name shall be added to the master index of road names and included on the official road naming map.
  - 2. Those roads within new subdivisions of land shall be reviewed by the Committee for conflicts with other road names. Upon approval of the subdivision by the Committee and recording of same in the County Register of Deeds office, the road names thereon shall be added to the master index of road names for inclusion in the next official road naming map.
  - 3. It shall be unlawful to designate a road name or display a road name sign to a private road or driveway which has not been adopted by a municipality as a public road. All buildings and residences accessed by private roads or private driveways shall be assigned a rural number and road name from the public road serving as the access road for the structure. (Ord. 01-0401, 4/17/01)
- D. When consistent with the public interest in providing government and emergency services, and on application of the owner, the County Planning Agency may name private roads following the same process that is used in naming public roads provided that the owner or owners of the lands on which any private road is located agree, by written instrument, to maintain approved signs displaying the road name or names assigned by the Agency. An owner or owners, together with the heirs, successors and assigns, shall not thereafter change the name of any such road without written consent of the Agency. (Ord. 60-0601, 6-13-06)

#### **4-9-5: ROAD NAME SIGNS**

- A. Road name signs shall be erected at the intersections of all roads within the towns showing the names of the roads in accordance with the official road naming map.

- B. Signs shall be so erected as to be clearly visible to the road-using public and shall be of a uniform design and color, mounted on suitable posts in a uniform manner throughout the County.
- C. The furnishing of the nameplates for U.S., State and County highways at intersections with town roads shall be at the discretion of the Town Boards.
- D. In those towns which have erected road-naming signs prior to 1981, such signs may be used until replacement is necessary. After January 1, 1981, no other signs except those approved by the Zoning Committee shall be erected or used under the road naming plan.

**4-9-6: DRIVEWAY NUMBERING ADMINISTRATION**

- A. Authority: The driveway numbering system shall be supervised by the County Land Use and Zoning Committee and shall be administered by the County Zoning Administrator. The Committee shall make reasonable rules necessary to provide for the orderly implementation of the driveway numbering system. (Ord. 80-910; eff. 1-1-81; Ord. 10-0801, 8/10/10)
- B. Costs:
  - 1. The costs of administering the driveway numbering system shall be included in the budget of the Green County Zoning Department.
  - 2. Numbers, letters, frames, backing plates, and posts shall be furnished by the County at cost to the property owner.
  - 3. It shall be the responsibility of Green County to install the initial numbers, signs, and posts for implementation of the Driveway Numbering System. Numbers and posts for new driveways constructed after the initial implementation of the system shall be issued to the property owner. The County shall furnish such numbers, signs, and posts, but it shall be the responsibility of the owner to install the same in accordance with the County's direction therefor. Signs, numbers, and posts which are lost, mutilated, or destroyed after initial installation shall be replaced by owners at the owner's expense. The County shall provide such replacements to the owner at the County's cost therefor, and it shall be the owner's responsibility to place said signs, numbers, and posts in accordance with the County's direction therefor. (Ord. 82-1110; Ord. 10-0801, 8/10/10)
- C. Master Files and Official Map:
  - 1. The Zoning Administrator shall maintain a master file of all numbers assigned by this Department.
  - 2. When all existing buildings have been assigned a number, the Zoning Administrator shall prepare an official numbering map showing the location of all numbers assigned.
  - 3. When a number is assigned to a new driveway it shall be recorded in the master file and placed on the official map.

4. Copies of the master file and maps shall be furnished to those agencies and service organizations as the Committee so directs.
- D. Driveway Numbering/Fire Number Signs: No other signs, numbers or posts other than those approved by the Committee shall be used. The Committee shall set specifications of said signs and their locations. (Ord. 80-910, 9-9-80, eff. 1-1-81) The official driveway numbering sign/fire number sign shall be obtained from the Zoning Department and posted on the premises in plain view at the point that the individual driveway to the individual lot begins. For those lots which share a common private driveway or private road access, a summary sign indicating the range of driveway/fire numbers located or proposed to be located on that private access shall be obtained from the Zoning Department at the landowner's expense, and shall be posted at the point of where the public road intersects with the shared property.
- E. Driveway Numbering System:
1. Roads in General East-West or North-South Directions: There shall be established an east base line and a south base line. The east base line shall be the east County line and the number shall begin at one hundred (100). All roads lying in a general east-west direction shall be numbered from the east base line. There shall be four hundred (400) numbers assigned to each section of land measured from the east base line; the north side of an east-west road shall be assigned even numbers and the south side shall be assigned odd numbers. The south base line shall be the south lines of the County, which shall begin at one hundred (100); all roads lying in a general north-south direction shall be numbered from the south base line. There shall be four hundred (400) numbers assigned to each section of land measured from the south base line; the east side of a north-south road shall be assigned even numbers and the west side shall be assigned odd numbers.
  2. Numbers: Numbers shall be assigned on a basis of one number on each side of the road for each thirteen and two-tenths feet (13.2') of distance from the section line. On unplatted land the number shall be assigned at the intersection of the center line of the driveway and the right-of-way line of the public road. On platted land the number shall be assigned at the center of the front lot line. (Ord. 85-430)
- F. Extraterritorial Zoning Jurisdiction Areas: Existing buildings in a municipality's extraterritorial zoning jurisdiction area shall be numbered as provided for in this Chapter. For new driveways, the County shall furnish numbers, plates, frames and posts upon application by the building inspector of the village or city responsible for issuing zoning permits in the extraterritorial areas. The application shall include a legal description of the parcel of land on which the driveway is located.
- G. Use of Urban Number System for Driveways:
1. Areas Not Annexed: The Committee, with the concurrence of the Town Board, may authorize the extension into areas immediately surrounding cities and villages of the urban numbering system used by those municipalities.
  2. Areas Annexed: Annexation by municipalities of areas subject to this Chapter shall automatically terminate the jurisdiction conferred by this Chapter on the annexed area if such election is made by the annexing municipality and subject to the adjustment of assets and liabilities, it being understood that ownership of driveway

numbering and road naming signs remain the property of Green County and of the respective towns.

H. Damage to Signs:

1. Willful Damage: It shall be unlawful, and a violation of this Chapter to willfully disturb, remove, deface or damage any sign erected or maintained under the provisions of this Chapter. Any person violating this Section shall be subject to a forfeiture of not to exceed two hundred dollars (\$200.00) and costs and on default of payment of such forfeiture and costs, by imprisonment in the County jail until such forfeiture and costs are paid but not to exceed thirty (30) days.
2. Accidental Damage: Any person who accidentally disturbs, removes or defaces or damages any sign, or the owner of any land whose sign is disturbed, removed, defaced or damaged shall immediately report the same to the Green County Zoning Department. Willful failure to report such damage shall be a violation of this Chapter and shall be subject to a forfeiture of not to exceed fifty dollars (\$50.00) and costs, and, on default of payment of such forfeiture and costs, by imprisonment in the County jail until such forfeiture and costs are paid, but not to exceed thirty (30) days.
3. Owner's Responsibility: The owner of the land on which a numbering sign is located shall be responsible for the replacement of removed, lost, damaged or defaced signs. Green County shall furnish signs and parts to the owner at its cost.

I. Effect on Other Ordinances: Provisions of other ordinances of Green County inconsistent herewith are repealed and superseded.

J. Cooperation: The County shall cooperate with the towns in the County in the implementation of this Chapter. (Ord. 80-910; Ord. 01-0401, 4/17/01; Ord. 10-0801, 8/10/10)

**CHAPTER 10  
WIRELESS COMMUNICATIONS FACILITY AND TOWER CHAPTER**

**4-10-1: PURPOSE**

The purpose of this chapter is to regulate by zoning permit (1) the siting and construction of any new mobile service support structure and facilities; (2) with regard to a Class 1 collocation, the substantial modification of an existing support structure and mobile service facilities; and (3) with regard to a Class 2 collocation, collocation on an existing support structure which does not require the substantial modification of an existing mobile service support structure and facilities.

**4-10-2: JURISDICTION**

The jurisdiction of this chapter shall be limited to the unincorporated areas of Green County.

**4-10-3: DEFINITIONS**

All definitions contained in §66.0404(1) Wis. Stats. are hereby incorporated by reference.

**4-10-4: SITING AND CONSTRUCTION OF ANY NEW MOBILE SERVICE SUPPORT STRUCTURE AND FACILITIES AND CLASS 1 COLLOCATION**

A. Application Process.

1. A County zoning permit is required for the siting and construction of any new mobile service support structure and facilities and for any Class 1 collocation. The siting and construction of any new mobile service support structure and facilities and a Class 1 collocation is a permissible use in the County but requires the issuance of a permit.
2. A written permit application must be completed by any applicant and submitted to the County. The application must contain the following information:
  - a. The name and business address of, and the contact individual for, the applicant.
  - b. The location of the proposed or affected mobile service support structure.
  - c. The location of the proposed mobile service support facility.
  - d. If the application is to substantially modify an existing mobile service support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.
  - e. If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.
  - f. If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.
3. A permit application will be provided by the County upon request to any applicant.
4. If an applicant submits to the County an application for a permit to engage in an activity described in this chapter, which contains all of the information required under this Chapter, the County shall consider the application complete. If the County does not believe that the application is complete, the County shall notify the applicant in writing, within ten days of receiving the application, that the application is not complete. The written notification shall specify in detail the

required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

5. Within 90 days of its receipt of a complete application, the County shall complete all of the following or the applicant may consider the application approved, except that the applicant and the County may agree in writing to an extension of the 90 day period:
  - a. Review the application to determine whether it complies with all applicable aspects of this Code.
  - b. Make a final decision whether to approve or disapprove the application.
  - c. Notify the applicant, in writing, of its final decision.
  - d. If the application is approved, issue the applicant the relevant permit.
  - e. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
6. The County may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under paragraph 2.f.
7. If an applicant provides the County with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the set back or fall zone area required, that section does not apply to such a structure unless the County provides the applicant with substantial evidence that the engineering certification is flawed.
8. Permit fees shall be established and determined by the Green County Land Use and Zoning Committee.

B. No mobile service support structure and facilities shall exceed 300 feet in height.

#### **4-10-5: CLASS 2 COLLOCATION**

##### **A. Application Process**

1. A County zoning permit is required for a Class 2 collocation. A Class 2 collocation is a permitted use in the County but requires the issuance of the County permit.
2. A written permit application must be completed by any applicant and submitted to the County. The application must contain the following information:
  - a. The name and business address of, and the contact individual for, the applicant.
  - b. The location of the proposed or affected mobile service support structure.

- c. The location of the proposed mobile service facility.
  - 3. A permit application will be provided by the County upon request to any applicant.
  - 4. A Class 2 collocation is subject to the same requirements for the issuance of a zoning permit to which any other type of structure is subject.
  - 5. If an applicant submits to the County an application for a permit to engage in an activity described in this Chapter, which contains all of the information required, the County shall consider the application complete. If any of the required information is not in the application, the County shall notify the applicant in writing, within 5 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
  - 6. Within 45 days of its receipt of a complete application, the County shall complete all of the following or the applicant may consider the application approved, except that the applicant and the County may agree in writing to an extension of the 45 day period:
    - a. Make a final decision whether to approve or disapprove the application.
    - b. Notify the applicant, in writing, of its final decision.
    - c. If the application is approved, issue the applicant the relevant permit.
    - d. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
  - 7. Permit fees shall be established and determined by the Green County Land Use and Zoning Committee.
- B. No mobile service support structure and facilities shall exceed 300 feet in height.

**4-10-6: SEVERABILITY**

If any provision of this Chapter or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Chapter that can be given effect without the invalid provision or application, and to this end the provisions of this Chapter are severable.

**CHAPTER 11  
WIND ENERGY SYSTEM SITING ORDINANCE**

**4-11-1: GENERAL PROVISIONS**

A. Title:

This ordinance is entitled the Wind Energy System Siting Ordinance.

B. Purpose:

The purpose of this ordinance is to adopt and incorporate the requirements of §66.0401 Wis. Stats. and PSC Chapter 128 Wis. Admin. Code as a local ordinance and to establish local regulations on the installation and use of wind energy systems that are authorized by, compliant with, and no more restrictive than the rules promulgated by the Wisconsin Public Service Commission and that serve to preserve or protect the public health or safety, do not significantly increase the cost of the system or significantly decrease its efficiency, or allow for an alternative system of comparable cost and efficiency.

C. Authority:

This ordinance is adopted pursuant to §66.0401 Wis. Stats. and PSC Chapter 128 Wis. Admin. Code.

D. Applicability:

This ordinance applies to all lands within the boundaries of the county lying outside the limits of incorporated cities and villages.

E. Severability:

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

F. Administration:

This ordinance shall be administered by the Green County Zoning Department.

**4-11-2: DEFINITIONS**

**ADMINISTRATOR:** Means the Green County Zoning Administrator or designee.

**COMMITTEE:** Means the Green County Land Use and Zoning Committee.

**DEPARTMENT:** Means the Green County Zoning Department.

**LARGE WIND ENERGY SYSTEM/LARGE WIND:** Means a wind energy system that has a total installed nameplate capacity of more than 300 kilowatts and that consists of individual wind turbines that have an installed nameplate capacity of more than 100 kilowatts.

**PERMIT:** Means a zoning or land use permit issued by the Green County Zoning Department.

**PSC 128:** Means PSC Chapter 128 Wind Energy Systems Wis. Admin. Code.

**SMALL WIND ENERGY SYSTEM/SMALL WIND:** Means a wind energy system that has a total installed nameplate capacity of 300 kilowatts or less and that consists of individual wind turbines that have an installed nameplate capacity of not more than 100 kilowatts.

**WIND ENERGY SYSTEM:** Means equipment and associated facilities that convert and then store or transfer energy from the wind into usable forms of energy.

**4-11-3: PERMIT, APPLICATION AND FILING REQUIREMENTS**

A. Permit Requirement and Fee

The owner, or his agent, of the property on which a wind energy system is proposed to be installed, constructed, or expanded must apply for and receive a permit from the Department before any such work can commence. The applicant shall pay an application review fee, which is applied to the cost of reviewing the application. The applicant shall pay a separate permit fee before any permit is issued by the Administrator. All fees shall be established by the Green County Land Use and Zoning Committee.

For large wind energy systems:

1. The applicant is responsible for paying all costs incurred by the county in connection with the review and processing of the application, including the cost for services provided by outside attorneys, engineers, environmental specialists, planners, and other consultants and experts deemed necessary by the county.
2. The county shall make the applicant aware of any such costs prior to incurring the cost and, if the applicant decides not to pay the costs, the application shall be denied.
3. The county shall invoice the applicant for the actual and necessary costs incurred pursuant to this ordinance. The applicant will be provided 15 days from the date of the invoice to reimburse the county.
4. The Department is authorized to contract with one or more engineers, environmental specialists, planners, and other consultants and experts to perform necessary services in connection with this ordinance.
5. The Corporation Counsel is authorized to contract with outside legal counsel to perform services in connection with this ordinance.

B. Permit Expiration and Extension

A zoning permit issued under this ordinance shall expire if at least 51% of the project construction has not been completed within 12 months of the permit issue date. An extension may be requested in writing to the Administrator for up to 12 additional months provided the original permit has not yet expired. The Administrator shall grant an extension provided the project is not inconsistent with any subsequently enacted law, rule or regulation under the purview of the Department.

C. Application Requirements For Small Wind Energy Systems - An owner shall file an application with the Department that, at a minimum, includes the following information:

1. Wind energy system description and maps showing the locations of all proposed wind energy facilities.

2. Technical description of wind turbines and wind turbine sites.
3. Timeline and process for constructing the wind energy system.
4. Information regarding anticipated impact of the wind energy systems on local infrastructure.
5. Information regarding noise anticipated to be attributable to the wind energy system.
6. Information regarding shadow flicker anticipated to be attributable to the wind energy system.
7. Information regarding the anticipated effects of the wind energy system on existing land uses adjacent to the wind energy system.
8. Information regarding the anticipated effects of the wind energy system on airports and airspace.
9. Information regarding the anticipated effects of the wind energy system on line-of-sight communications.
10. A list of all state and federal permits required to construct and operate the wind energy system.
11. Information regarding the planned use and modification of roads during the construction, operation, and decommissioning of the wind energy system, including a process for assessing road damage caused by wind energy system activities and for conducting road repairs at the owner's expense.
12. A representative copy of all notices issued under 4-11-5 and PSC 128.105(1) and 128.42(1), which are:
  - a. PSC 128.105(1): Pre-application notice – At least 60 days before an owner files an application to construct a wind energy system, an owner shall use commercially reasonable methods to provide written notice of the planned wind energy system to all of the following:
    - Adjacent landowners to the planned wind turbine host property
    - Political subdivisions within which the wind energy system may be located

D. Application Requirements For Large Wind Energy Systems - An owner shall file an application with the Department that, at a minimum, includes the following information:

1. All information required under 4-11-3.C.1.-6. and 8.-11. of this ordinance
2. Information regarding the anticipated effects of the wind energy system on existing land uses within 0.5 mile of the wind energy system

3. A representative copy of all notices issued under PSC 128.105(1) and 128.42(1), which are:
  - a. PSC 128.105(1): Pre-application notice – At least 90 days before an owner files an application to construct a wind energy system, an owner shall use commercially reasonable methods to provide written notice of the planned wind energy system to all of the following:
    - Land owners within one mile of the planned wind turbine host property
    - Political subdivisions within which the wind energy system may be located
    - Emergency first responders and air ambulance service providers serving the political subdivisions within which the wind energy system may be located
    - The Wisconsin Department of Transportation
    - The Wisconsin Public Service Commission
    - The Wisconsin Department of Natural Resources
    - The Wisconsin Department of Agriculture, Trade and Consumer Protection
    - The office of the deputy undersecretary of the U.S. Department of Defense
  - b. PSC 128.42(1): Notice of process for making complaints – Before construction of a wind energy system begins an owner shall provide written notice of the process for making complaints and obtaining mitigation measures to all residents and landowners within 0.5 mile of any wind energy system facility. An owner shall include in the notice the requirements under PSC 128.40(1) for submitting a complaint to the owner, a petition for review to the political subdivision, and an appeal to the commission, and shall include a contact person and telephone number for the owner for receipt of complaints or concerns during construction, operation, maintenance and decommissioning.
4. A copy of all emergency plans developed in collaboration with appropriate first responders under PSC 128.18(4)(b). An owner may file plans using confidential filing procedures as necessary.
5. A decommissioning and site restoration plan providing reasonable assurance that the owner will be able to comply with PSC 128.19.

- E. For all applications, the owner shall ensure that information contained in the application is accurate.
- F. Evidence shall be included for all applications to show that, on the same day an owner filed an application under this ordinance, the owner did, under use commercially reasonable methods to provide written notice of the filing of the application to property owners and residents located within one mile of the proposed location of any wind energy system facility. The notice shall include all of the following:
  - 1. A complete description of the wind energy system, including the number and size of the wind turbines.
  - 2. A map showing the location of all proposed wind energy system facilities.
  - 3. The proposed timeline for construction and operation of the wind energy system.
  - 4. Locations where the application is available for public review.
  - 5. Owner contact information.

**4-11-4: LOCAL REGULATIONS**

**4-11-4-1: AIRPORT APPROACH PROTECTION**

An owner may not construct any wind energy system that does not comply with municipal airport regulations within Green County.

**4-11-4-2: ABANDONMENT AND DECOMMISSIONING**

- A. For small wind energy systems:
  - 1. A small wind energy system that does not generate electricity for a continuous period of 540 days will be deemed abandoned and the Department may issue a Notice of Abandonment to the owner.
  - 2. If, within 30 days of receipt of a Notice of Abandonment, the owner provides the Department with information showing that the small wind energy system has not been abandoned, the Department will withdraw the Notice.
  - 3. Unless the Department withdraws the Notice of Abandonment, a small wind energy system tower must be decommissioned as prescribed by PSC 128.19. If the owner fails to remove a small wind energy system and reclaim the site, the County may remove or cause the removal of the small wind energy system and arrange for the reclamation of the site. The cost of removal and reclamation will become a lien upon the property and may be collected in the same manner as property taxes.
- B. For large wind energy systems:
  - 1. An owner with a nameplate capacity of one megawatt or larger shall provide the county with financial assurance of the owner's ability to pay the actual and

necessary cost to decommission the wind energy system before commencing major civil construction activities.

2. An owner shall provide the county with three estimates of the actual and necessary cost to decommission the wind energy system. The cost estimates shall be prepared by third parties agreeable to the owner and the county. The amount of financial assurance required by the county will be the average of the 3 estimates.
3. An owner shall establish financial assurance that is acceptable to the county and that places the county in a secured position. The financial assurance must provide that the secured funds may only be used for decommissioning the wind energy system until such time as the county determines that the wind energy system has been decommissioned, as provided for in PSC 128.19, or the county approves the release of the funds, whichever occurs first. The financial assurance must also provide that the county may access the funds for the purpose of decommissioning the wind energy system if the owner does not decommission the system when decommissioning is required.
4. The county may periodically request information from the owner regarding industry costs for decommissioning the wind energy system. If the county finds that the future anticipated cost to decommission the wind energy system is at least ten percent more or less than the amount of financial assurance provided under this section, the county may correspondingly increase or decrease the amount of financial assurance required.
5. The county may require an owner to submit a substitute financial insurance of the owner's choosing if an event occurs that raises material concern regarding the viability of the existing financial assurance.
6. An owner shall, within 30 days of consulting with any federal or state agency about the construction, operation, or decommissioning of the wind energy system, provide the county with information about the reason for the consultation.
7. An owner shall, within 30 days of receiving any non-binding recommendation for the construction, operation, or decommissioning of the wind energy system from any federal or state agency, provide the county with information about the consultation

**4-11-4-3: LIGHTING**

- A. A small wind energy system may be artificially lighted only if lighting is required by the Federal Aviation Administration.
- B. An owner of a wind energy system shall use shielding or control systems approved by the Federal Aviation System to reduce visibility of light when viewed from the ground.

**4-11-4-4: NOISE**

- A. For small wind energy systems:

1. The noise generated by the operation of a small wind energy system may not exceed 50 dB(A) during the daytime hours and 45 dB(A) during the nighttime hours as measured at the outside wall of a nonparticipating residence or occupied community building that existed when the owner gave notice pursuant to PSC 128.105(1) or for which complete publicly available plans for construction were on file with a political subdivision within 30 days of the date when the owner gave notice pursuant to PSC 128.105(1).
2. The owner of an adjacent nonparticipating residence or adjacent occupied community building may relieve the owner of the small wind energy system of the requirement to meet any of the noise limits in this section by written contract as provide in PSC 128.14(5) and (6).
3. The owner shall provide the notice as prescribed by PSC 128.61(4).

B. For large and small wind energy systems:

1. If an owner receives a complaint of a violation of the noise standards contained in PSC 128.14 and the owner has not provided the Department with the results of an accurate test conducted within two years of the date of the complaint showing that the wind energy system is in compliance with the noise standard at the location relating to the complaint, the owner shall promptly conduct a noise study to evaluate compliance with the noise standards at that location using the most current version of the noise measurement protocol as described in PSC 128.50(2).

**4-11-4-5: OWNERSHIP CHANGE**

An owner shall provide the county with notice of any change in ownership of the small wind energy system on or before the effective date of the change.

For large wind energy systems, a notice of change in ownership of the wind energy system shall include information showing that the financial assurance specified under section 4-11-4-2 of this ordinance will be met by the new owner.

**4-11-4-6: SETBACKS**

A. For small wind energy systems:

1. A small wind energy system must be set back at least 1.0 times the maximum blade tip height from any nonparticipating property line, nonparticipating residence, occupied community building, or overhead communication and electrical transmission line, not including utility service lines to individual houses or outbuildings.
2. The owner of an adjacent nonparticipating residence or adjacent occupied community building may waive the required setback distance by providing a written agreement with the owner to the Department and if the Administrator is in agreement.

B. For large wind energy systems:

1. A large wind energy system shall comply with the setback distances shown in Table 1 in PSC 128.13, which are:

<u>Setback Description</u>	<u>Setback distance</u>
Occupied Community Buildings	The lesser of 1,250 feet or 3.1 times the maximum blade tip height
Participating Residences	1.1 times the maximum blade tip height
Nonparticipating Residences	The lesser of 1,250 feet or 3.1 times the maximum blade tip height
Participating Property Lines	None
Nonparticipating Property Lines	1.1 times the maximum blade tip height
Public Road Right-of-Way	1.1 times the maximum blade tip height
Overhead Communication and Electric Transmission or Distribution Lines – not height including utility service lines to individual houses or outbuildings	1.1 times the maximum blade tip
Overhead Utility Service Lines – Lines to Individual houses or outbuildings	None

**4-11-4-7: AERIAL SPRAYING**

An owner shall offer an agreement that includes monetary compensation to a farm operator farming on a nonparticipating property located within 0.5 mile of a constructed large wind energy system if the farm operator demonstrates all of the following:

- A. Substantial evidence of a history, before the wind energy system owner gives notice under PSC 128.105(1), of using aerial spraying for pest control or disease prevention for growing potatoes, peas, snap beans or sweet corn on all or part of a farm field located within 0.5 mile of a constructed wind turbine.
- B. A material reduction in potato, pea, snap bean or sweet corn production or a material increase in application costs on all or part of a farm field located within 0.5 mile of a constructed wind turbine as a result of the wind energy system's effect on aerial spraying practices.

**4-11-5: LOCAL PROCEDURE**

**4-11-5-1: APPLICATION PROCESSING**

- A. Within 10 business days of receiving the application, the Department shall notify the applicant whether the application is complete and, if it is not, what the applicant must do in order to make it complete.
1. The applicant shall provide the additional information specified in the notice to the Department within 60 days of the date of the notice.
  2. If the applicant fails to provide additional information specified in the notice to complete the application within 60 days of the date of the notice, the application shall be deemed abandoned. The owner may file a new application at a later date, subject to payment of a new application fee. There is no limit to the number of times that an owner may file an application.
  3. An application shall be deemed complete if it complies with the filing requirements of section 4-11-3 of this ordinance and of PSC 128.50.
- B. As soon as possible after receiving a complete application, the Department shall publish a class 1 notice, under Chapter 985 Wis. Stats., stating that an application for approval has been filed with the county. If the application is deemed incomplete, the notice shall state the reason for the determination. The Department will accept written comments on the application for a period of 10 business days following the date of the published notice.
- C. The county shall make a record of its decision making on an application for approval, including a recording of any public hearing, copies of documents submitted at any public hearing, and copies of any other documents provided to the county in connection with the application for approval.
- D. The county shall base its decision on an application for approval on written findings of fact that is supported by the evidence in the record of any public hearing.
- E. The county shall approve or deny an application for approval no later than 90 days after the day on which it notifies the applicant that the application for approval is complete. The county may extend this time period in writing provided the extension is done during the initial 90 day period, except the total amount of time for all extensions granted may not exceed 90 days. Any combination of the following extensions may be granted:
1. An extension of up to 45 days if the county needs additional information to determine whether to approve or deny the application.
  2. An extension of up to 90 days if the applicant makes a material modification to the application.
  3. An extension of up to 90 days for other good cause specified in writing by the county.
- If the county fails to act within the initial 90 days or within an extended time period the application is considered approved.
- F. For large wind energy systems, the county may deny an application if the proposed site of the wind energy system is in an area primarily designated for future residential or commercial development as shown in an adopted comprehensive plan.

- G. An application denial by the county shall be made in writing to the applicant and must include the reasons for denial.
- H. The county shall provide a written decision to the applicant and the public service commission. Said decision shall contain findings of fact supported by evidence in the record.

**4-11-6: MODIFICATIONS TO AN APPROVED SYSTEM**

**4-11-6-1: MATERIAL CHANGE**

An owner may not make a material change in the approved design, location or construction of a wind energy system without the prior written approval of the Department. An owner shall submit an application for a material change to an approved wind energy system to the county. The county may not reopen the merits of the earlier approval, but shall consider only those issues relevant to the proposed change.

An application for material change is subject to PSC 128.35.

At its discretion, the county may hold at least one public meeting to obtain comments on and to inform the public about a proposed material change to an approved wind energy system.

**4-11-7: THIRD PARTY CONSTRUCTION INSPECTOR**

The Department may contract with a third party inspector to monitor and report to the Department regarding the owner's compliance with permit requirements during construction. The inspector monitoring compliance under this section shall also report to a state permitting authority upon the state permitting authority's request. The inspector shall make monthly written reports to the Department. The owner shall reimburse the county for the actual and necessary cost of the inspector.

**4-11-8: POSTCONSTRUCTION FILING REQUIREMENT**

Within 90 days of the date a wind energy system commences operation, the owner shall file with the Department and the public service commission an as-built description of the wind energy system, an accurate map of the wind energy system showing the location of all wind energy system facilities, geographic information system information showing the location of all wind energy system facilities, and current information identifying the owner of the wind energy system.

An owner shall label each wind turbine location described in its filing and shown on the map of the wind energy system with a unique identifier consistent with the information posted at the wind turbine location under PSC 128.18 (1).

**4-11-9: COMPLIANCE MONITORING**

This subsection applies to large wind energy systems only. An owner shall maintain a maintenance log for each wind turbine. The log must contain the following information:

- A. Date and time maintenance was performed;

- B. Nature of the maintenance performed; and
- C. Reason for the maintenance.

An owner shall, at the owner's expense, provide the Department with a copy of the maintenance log for each wind turbine for each month upon the request of the county.

The Department may retain such consultants or experts as it deems necessary to assess and determine whether the wind energy system facilities are compliant or to assess whether the wind energy system facilities are being maintained in good repair and operating condition.

#### **4-11-10: DECOMMISSIONING REVIEW**

An owner shall file a notice of decommissioning completion with the county and any political subdivision within which its wind energy system facilities are located when a wind energy system approved by the county has been decommissioned and removed.

The Department shall conduct a decommissioning review to determine whether the owner has decommissioned and removed the wind energy system as required by PSC 128.19(1)(a) and whether the owner has complied with its site restoration obligation under PSC 128.19(4).

The owner shall cooperate with the county by participating in the decommissioning review process.

#### **4-11-11: APPEALS**

A decision by the Department that the application is not complete, to approve or deny the application, or to impose a restriction on a small wind energy system may be appealed to the public service commission.

Any action by the county to enforce a restriction on a small wind energy system may be appealed to the public service commission.

An appeal must be filed with the public service commission within 30 days after the date of the decision or the start of the enforcement action that is being appealed.

#### **4-11-12: COMPLAINTS**

##### **4-11-12-1: COMPLAINT PROCESS FOR WIND ENERGY SYSTEMS**

- A. An aggrieved person who has made a complaint to an owner in accordance with PSC 128.40 may petition the county for review of the complaint if it has not been resolved within 45 days of the day the owner received the original complaint.
- B. The petition for review must be filed with the Department within 90 days of the date of the original complaint and shall contain the following:
  - 1. Name, address, and telephone number of the person filing the petition
  - 2. Copy of the original complaint to the owner

3. Copy of the owner's original response
  4. Statement describing the unresolved complaint
  5. Statement describing the desired remedy
  6. Any other information the complainant deems relevant to the complaint
  7. Notarized signature of the person filing the petition
- C. The Department shall forward a copy of the petition to the owner by certified mail within ten days of the Department receiving the petition.
- D. The owner shall file an answer to the petition with the Department and provide a copy of its answer to the complainant within 30 days of its receipt of the petition.
- E. The answer must include the following:
1. Name, address, and telephone number of the person filing the answer
  2. Statement describing the actions taken by the owner in response to the complaint
  3. Statement of the reasons why the owner believes that the complaint has been resolved or why the complaint remains unresolved
  4. Statement describing any additional action the owner plans or is willing to take to resolve the complaint
  5. Any other information the owner deems relevant to the complaint
  6. Notarized signature of the person filing the answer
- F. The complainant and the owner may, within 30 days following the owner's filing of its answer, file such additional information with the Department as each deems appropriate.
- G. The Department may request such additional information from the complainant and the owner as it deems necessary to complete its review.
- H. The Department may retain such consultants or experts as it deems necessary to complete its review.
- I. The Department shall issue a written decision and may take such enforcement action as it deems appropriate with respect to the complaint.

**4-11-12-2: ADDITIONAL PROCESS FOR LARGE WIND ENERGY SYSTEMS**

- A. An owner shall comply with the notice requirements contained in PSC 128.42(1).
- B. An owner shall, before construction of a large wind energy system begins, provide the

Department with a copy of the notice issued pursuant to PSC 128.42(1), along with a list showing the name and address of each person to whom the notice was sent and a list showing the name and address of each political subdivision to which the notice was sent.

- C. An owner shall, before construction of a large wind energy system begins, file with the Department the name and telephone number of the owner's contact person for receipt of complaints or concerns during construction, operation, maintenance, and decommissioning. The owner shall keep the name and telephone number of the contact person on file with the Department current.

#### **4-11-13: VIOLATIONS, ENFORCEMENT AND PENALTIES**

##### **4-11-13-1: VIOLATIONS**

- A. It is unlawful for any person to violate any provision of this ordinance.
- B. It is unlawful for any person to knowingly provide false information, make a false statement, fail to provide, or misrepresent any material fact to a county agent, board, commission, committee, department, employee, official, or officer acting in an official capacity under this ordinance.
- C. It is unlawful for a person to disobey; fail, neglect, or refuse to comply with; or otherwise resist a permit or order issued pursuant to this ordinance.
- D. A separate offense is deemed committed on each day that a violation occurs or continues.

##### **4-11-13-2: ENFORCEMENT**

- A. Department Authority. The Department shall enforce this ordinance and may conduct inspections and investigate complaints relating to compliance with this ordinance.
- B. Inspection Authority. The Department may request permission to inspect, at a reasonable time and date, any premises or structure for which a permit has been applied for or granted to determine compliance with this ordinance. Refusal to grant permission is grounds for denial or revocation of a permit. If permission is not given, the Department may apply for, obtain, and execute a special inspection warrant.
- C. Notice of Noncompliance. If the Department finds a violation of any provision of this ordinance, the Department may issue a written notice to the owner stating the conditions of noncompliance, specifying the action required to come into compliance, and providing a reasonable amount of time within which compliance is required.
- D. Permit Revocation Authority. The Department may revoke a permit for substantial noncompliance with any provision of this ordinance, refusal to permit inspection of wind energy systems facilities for which a permit has been granted, or failure to comply with the action requirement contained in a notice of noncompliance.
- E. Legal Referral. The Department may refer a violation of this ordinance to Corporation Counsel for legal action, including an action seeking injunctive relief. The Department is

not required to issue a notice of noncompliance or take any other action prior to referring a violation to Corporation Counsel.

- F. Other Enforcement Means. Nothing in this section may be construed to prevent the county from using any other lawful means to enforce this ordinance.

**4-11-13-3: PENALTIES**

- A. A person will, upon conviction for any violation of this ordinance, forfeit not less than \$100.00 nor more than \$1,000.00 for each offense, together with the costs of prosecution for each violation, and may be ordered to take such action as is necessary to abate the offense within a specified time.
- B. The minimum and maximum forfeitures specified in this section are doubled each time that a person is convicted for the same violation of this ordinance within any 12 month period.
- C. A person who has the ability to pay a forfeiture entered pursuant to this ordinance, but who fails or refuses to do so may be confined in the county jail until the forfeiture and costs are paid, but the period of confinement may not exceed 30 days. In determining whether a person has the ability to pay, all items of income and all assets may be considered regardless of whether the income and assets are subject to garnishment, lien, or attachment by creditors.
- D. The failure of a county employee, official, or officer to perform an official duty imposed by a section of this code will not subject the employee, official, or officer to a penalty unless the section imposing the duty also specifies the penalty.

**4-11-14: EFFECTIVE DATE**

This ordinance is effective on the day following publication per Wisconsin Statute.

(4-11 created: 18-1101, 3/12/19)