



MONROECOUNTY
PLANNING & ZONING DEPARTMENT
14345 County Highway B, Suite 5, Sparta WI 54656-4509
FAX: 608-366-1809
Administrator-Alison Elliott, 608-269-8939

NOTICE OF MEETING

COMMITTEE: Sanitation, Planning & Zoning, & Dog Control
DATE: March 21, 2016
TIME: 6:00 P.M.
PLACE: Rolling Hills – Auditorium
14345 County Hwy B Sparta, WI 54656,

SUBJECT MATTER TO BE CONSIDERED
Discussion and possible action of the following:

- a. Roll Call
- b. Possible Corrections and Approval of February 15, 2016 Meeting Minutes
- c. Public Comment (3 minutes each)
- d. Final Plat review for “Havenwood Estates”
- e. Public Hearings.

Application for a **conditional use permit** for Dean Schaller for a storage shed on property located at Aaron Ave, in part of the SW 1/4, SW 1/4, Section 10, T19N, R4W, in the Town of Little Falls, parcel number 026-00215-1600, 2.52 acres. The adjoining land use is residential and agriculture.

Petition for Gary & Terry Boettcher for a **change of zoning** district, from R3-Rural Residential to GA-General Agriculture to allow for the creation of a Christmas tree farm on a parcel of land located at 23381 St. Hwy 16, in the NW¼-NE¼, Section 17, T17N-R1W, Town of Tomah, Monroe County, Wisconsin

Amendments to the Monroe County Floodplain Ordinance Chapter 50

Amendments to the Monroe County Shoreland Ordinance Chapter 53

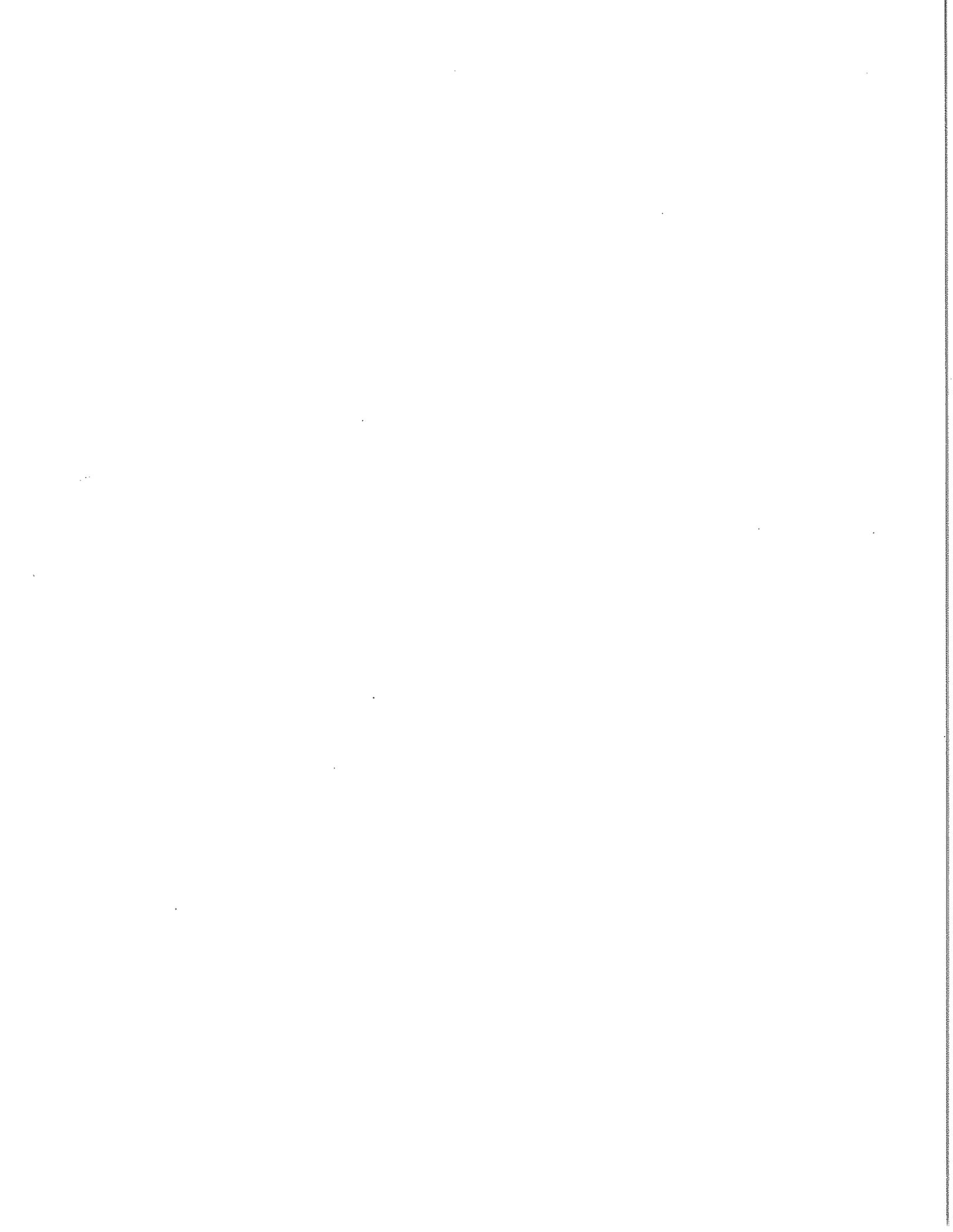
- f. Dog Control
- g. Sanitation & Zoning
Proposed revisions to Ch 47-Zoning
- h. Financial Report - Vouchers - Inter-departmental Transfers - Line Item Transfers – Budget Adjustments
- i. Set Date for Next Meeting, Possible Agenda Items.
- j. Adjournment

Informal gathering at Italiano’s, 142 N. Water St., Sparta, WI, will immediately follow the adjournment of the regular Committee Meeting.

Please note: A quorum of the Monroe County Board or other committees may be present at this gathering. No business of the County Board or other committees will be conducted at the above location. All business will be conducted at the regular meeting time and location listed above.

Paul Steele, Chairman

Note: A quorum of the Monroe County Board of Supervisors or Committees may be present but no County Board or Committee business other than the Sanitation, Planning & Zoning and Dog Control Committee will be conducted.



February 15, 2016

Sanitation/Planning & Zoning/Dog Control

Meeting called to order at 6:02 p.m., by Chairman, Paul Steele

Present: Doug Path, Paul Steele, Gail Chapman, Teddy Duckworth, Cedric Schnitzler

Also Present: Alison Elliott-Sanitation, Zoning, and Dog Control Administrator, and Members of the Public

Possible Corrections and Approval of September 21, 2015 Meeting Minutes.

A **Motion** was made by Teddy Duckworth, seconded by Cedric Schnitzler to approve the minutes from the January 18, 2016 meeting. Motion carried 5-0.

Public Comment (3 minutes each): No public comment

Public Hearings

Petition for Deloris E. Waege in care of Lon Becher, for a **change of zoning** district from GA-General Agriculture to R-3 Residential to reflect actual use of property on a parcel of land located at 24282 Heritage Ave, Tomah, WI.

Lon Becher spoke on behalf of Deloris E. Waege stating that the property needs to be re-zoned due to the shape and for re-sale purposes. Howard Hanson, Town Chairman of Tomah was present and stated that the Town recommends approval. He also stated that the Town granted a variance from the Town requirement of a 2 acre minimum lot size allowing for this parcel to be sized at 1.5 acres which meets the County's minimum requirement.

A **Motion** was made by Teddy Duckworth, seconded by Gail Chapman to approve the change of zoning from GA to R-3 to reflect actual use of property on a parcel of land located at 24282 Heritage Ave, Tomah, WI. Motion carried, 5-0.

Petition for Shelly Muller for a **change of zoning** district, from GA-General Agriculture to B-Business on part of a parcel of land located at 7352 Jackpot Avenue, Sparta, WI.

Shelly Muller provided a definition of "Business" from the IRS Schedule C form which listed criteria used to determine business or hobby. They felt that they should be categorized as a hobby and so will withdraw the Change of Zoning request as well as the Condition Use Permit request. Criteria they cited were: 1) both residents worked 40 hrs at other businesses, 2) they do not advertise 3) and do not take on any more business. Teddy Duckworth asked if they had a FED ID# and Shelley said yes, but that was for work that her husband does for Fort McCoy and is completely separate and not done at their property. Rick Niemeier, attorney, spoke on the issue that no one has issued a legal opinion on whether or not this particular situation can be defined as a hobby or a business and that there needed to be some clarification. It was discussed that Andy Kaftan, Monroe County Corporation Counsel, will need to come before the Committee so a definition can be made as to when a use is considered a "business" or a "hobby". This item will be scheduled for the March meeting. No **Motion** needed.

February 15, 2016

Application for a **conditional use permit** for Shelly Muller to operate a vehicular service business on property located at 7352 Jackpot Ave, in part of the NE ¼ of the NW ¼, Section 3, T16N-R4W, in the Town of Leon, Tax Parcel ID# 022-00070-2500. The adjoining land use is residential. Withdrawn. No **Motion** needed.

Preliminary Plat for Jacob Rice – A preliminary plat for “Havenwood Estates” was presented to the Committee. Doug Path had a question on a ½ road listed on the map. Jacob Rice stated that there is an easement on that section and that the property owner is responsible for that portion of maintenance on that section of road. Questions were raised about the waterway and if it was deemed navigable. Jacob Rice spoke and said that 4 driveways crossed the waterway with no culverts. The waterway is mostly dry and only wet in the spring. Alison agreed to double check on the definition of navigable and if need be the map will be noted to contact Zoning before construction. Next step will be the final plat approval.

A **Motion** was made by Cedric Schnitzler, seconded by Doug Path to approve the preliminary plat. Motion carried, 5-0.

Truck bid review and selection – The committee received 1 bid from Brenengen Ford. Gail Chapman asked if there would be any trade-ins and Alison Elliott informed the committee that the trucks will be turned over to Property and Purchasing to sell and funds would go back into the General Fund.

A **Motion** was made by Cedric Schnitzler, seconded by Doug Path to approve the bid and purchase 2 trucks from Brenengen Ford. Motion carried, 4-1(Paul Steele, stated dislike of truck brand).

Dog Control:

Nothing new to report.

Land Information:

Budget Adjustment – for continuing education grant. Funds need to be rolled over from 2015 grant funds used for training so that Jeremiah Erickson can attend 2016 conferences.

A **Motion** was made by Cedric Schnitzler, seconded by Gail Chapman to approve the roll-over of \$910.74 to the 2016 Budget for continuing education. Motion carried, 5-0.

Resolution amending Ch. 11, Civil Emergences – Alison Elliott presented changes made to remove the words Emergency Management and change them to Zoning. Also, the definition of private driveways and signage placement of addresses was clarified.

A **Motion** made by Cedric Schnitzler, seconded by Teddy Duckworth to approve the amendments to Ch. 11, Civil Emergencies and forward to the full County Board for approval. Motion carried, 5-0.

Sanitation & Zoning:

Nothing new to report.

February 15, 2016

Year End Reports were presented and reviewed. Paul Steele questioned citations given and Bekah Weitz explained that her cases go the District Attorney as criminal offences and that Amber Dvorak's nuisance cases are the ones that can be written up as citations. Doug Path questioned the donations and the difference between 2014 and 2015. Alison Elliott explained that donations are rolled over from one year to the next so that the 2014 amount was an accumulation of previous years, not just a total of donations received in 2014.

FINANCIAL REPORT - VOUCHERS - INTER-DEPARTMENTAL TRANSFERS – CREDIT CARD EXPENDITURES – LINE ITEM TRANSFERS – BUDGET ADJUSTMENTS

Department Vouchers		Prepaid Vouchers		Interdepartmental Transfers		Credit Card Voucher	
Sanitation	403.43	Sanitation	0	Sanitation		Sanitation	69.61
Zoning	480.29	Zoning	0	Zoning		Zoning	41.54
Dog Control BOA	1389.59 113.35		0	Dog Control		Dog Control	216.83
Total	2336.65	Total	0			Total	327.98

Vouchers were reviewed by committee.

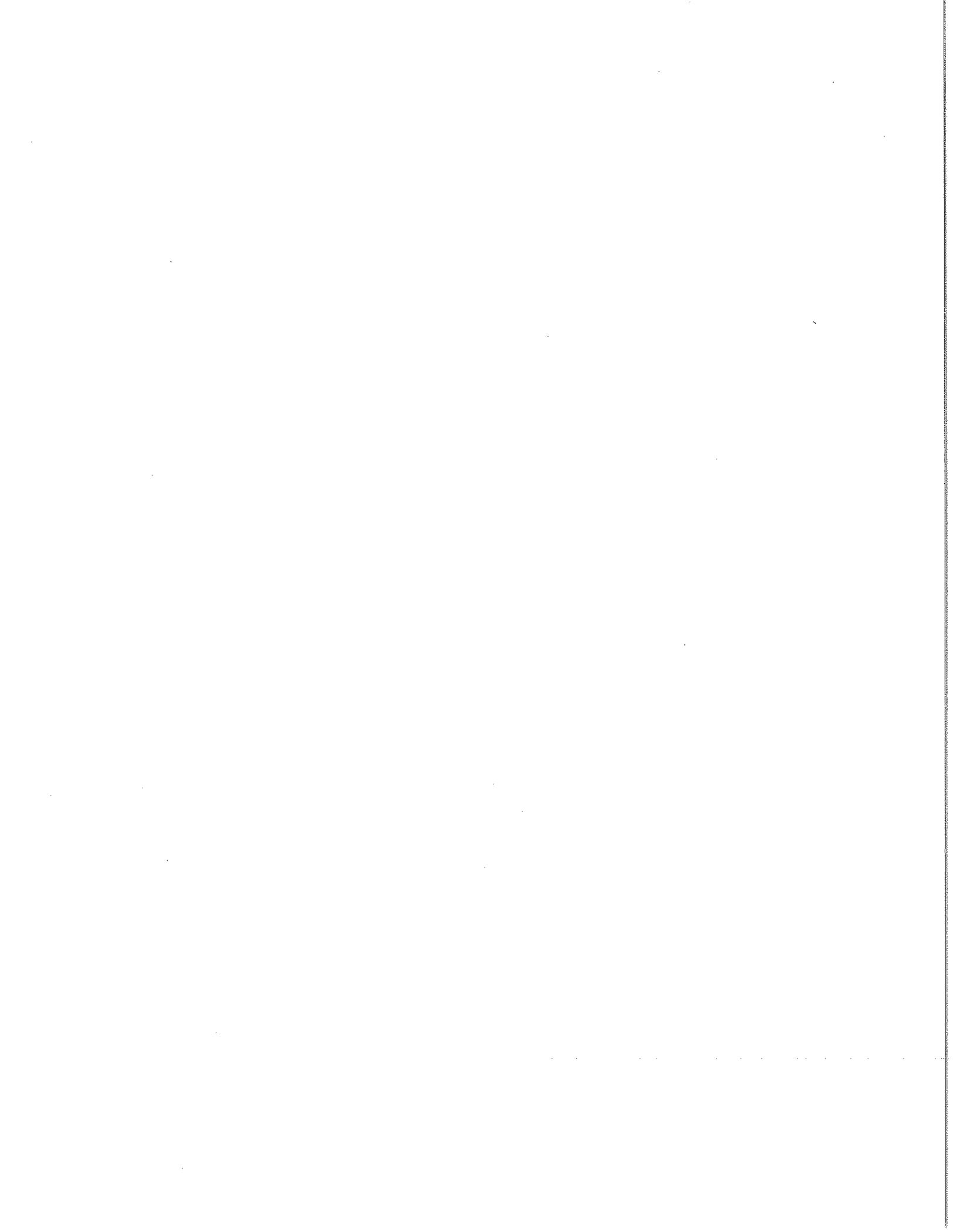
Set Date for Next Meeting and Possible Agenda Items.

The next regular meeting will be on Monday, March 21, 2016 and will be at 6:00 pm at the Rolling Hills Auditorium.

A **motion** to adjourn was made by Cedric Schnitzler, seconded by Gail Chapman. Motion carried 5-0.

Meeting adjourned at 7:50 p.m.

Recorded by Leslie Schreier



Town of Little Falls

Permit No. _____

APPLICATION FOR CONDITIONAL/SPECIAL USE PERMIT
MONROE COUNTY, WISCONSIN

TO THE MONROE COUNTY ZONING COMMITTEE:

The undersigned hereby applies to the Monroe County Zoning Committee for a determination that the following site is suitable for the purpose indicated, and that suitable safeguards are met, in accordance with the provisions and requirements of the Monroe County Zoning Ordinance.

1) Name of Current Property Owner (please print): Dean Schaller

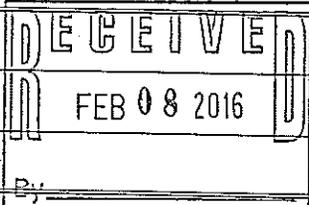
Signature of Owner: Dean Schaller Phone: 269-1721

Mailing Address 18293 Iceland Rd City, State Zip Sparta, WI 54656

2) Name Co-applicant: (please print) _____

Co-applicant Signature: _____ Co-applicant Phone: _____

Co-applicant Address _____ City, State Zip _____

<u>Storage Shed</u>	PROPOSED USE	
DESCRIPTION OF SITE		

SW 1/4 of SW 1/4 Section 10 T 19 N, R 4 WE, 2.52 acres

Lot No. 4 Block No. _____ Subdivision or CSM No. 15 CSM 001 Pa # 505089

Town of Little Falls Tax Parcel ID: 026-00215-1600

Zoning District General B1 Property Address: Aaron Ave

BUILDINGS AND AREA USED

New Buildings	Width (ft.) <u>✓</u>	Depth (ft.) <u>16</u>	Height (ft.) <u>30</u>	Stories <u>1</u>
Existing Buildings	Width (ft.) _____	Depth (ft.) _____	Height (ft.) _____	Stories _____

Use of Adjoining Property and Other Details
residential + Agriculture

YOU ARE RESPONSIBLE FOR COMPLYING WITH STATE AND FEDERAL LAWS CONCERNING CONSTRUCTION NEAR OR ON WETLANDS, LAKES, AND STREAMS. WETLANDS THAT ARE NOT ASSOCIATED WITH OPEN WATER CAN BE DIFFICULT TO IDENTIFY. FAILURE TO COMPLY MAY RESULT IN REMOVAL OR MODIFICATION OF CONSTRUCTION THAT VIOLATES THE LAW OR OTHER PENALTIES OR COSTS. FOR MORE INFORMATION, VISIT THE DEPARTMENT OF NATURAL RESOURCES WETLANDS IDENTIFICATION WEB PAGE www.dnr.wi.gov/wetlands/delineation.html OR CONTACT A DEPARTMENT OF NATURAL RESOURCES SERVICE CENTER.

Dean Schaller
Signature of Property Owner

2-8-16
Date

By signing this, I acknowledge that I have received this notice.

50 100 150
S. ALBERTSON & ASSOCIATES
10000 W. CENTRAL EXPRESSWAY
DENVER, CO 80231
TEL: 303.733.1111

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PARNAME

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CHINA PAVILION

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March 7, 2016

Rezoning Staff Report
Monroe County Planning & Zoning Department
Gary & Terry Boettcher
Hearing Date: March 21, 2016

Property Owner(s): Gary & Terry Boettcher
Town: Tomah
Site Address: 23381 St. Hwy 16
Parcel Id: Part of 042-00437-0000
Legal Description: Part of NW, NE, Sec. 17, T17N, R1W
Total Acres: 12.96 Acres
Current Zoning: R-3 Rural Residential
Requested Zoning: GA General Agriculture

Attachments: 1. Application
2. Site Map
3. Zoning Map

Background

Purposed for Request:

To change the zoning to allow for the creation of a Christmas tree farm.

General Features of the Property:

Based on the county zoning maps the parcel to be rezoned is bounded on the north, west and south sides by parcels which are zoned GA General Agriculture and on the east side by parcels that are zoned R-3 Rural Residential (see attachment #3: *Zoning Map*)

-Access for this parcel is off of St Hwy 16.

-Current land use is indicated as Agriculture/Open Land on the north side of St Hwy 16 and as Residential on the south side. (see *Existing Land Use-Map 12*)

Monroe County Comprehensive Plan:

There are no Shorelands, Wetlands, Floodplain or Perennial Streams contained on this property. The property is identified as NRCS Class IV-VIII soils for farmland capability. (see *Soils and Farmland Map 7*) Class IV-VIII soils have severe limitations that make them generally unsuited to cultivation and that limit their use to pasture, rangeland, forestland, or wildlife habitat. (*National Soil Survey Handbook Part 622.02(e)(ii)*)

Governmental Agency Review:

Staff has not yet received a recommendation from the Town of Tomah regarding this rezoning request.

Technical Review Findings

1. The property is designated as Residential (see *Future Land Use-Map 13*). The proposed rezoning does not meet the intent of this area which is primarily for rural and suburban residential development. (*Residential p. 102*)
2. This request is generally is not consistent and is in conflict with the spirit of the Monroe County Comprehensive Plan.

March 7, 2016

General Issues, Consistency with Ordinances

1. It appears the proposed use can comply with standards in the Zoning, Subdivision and Utilities Ordinances.
2. The proposed use is not consistent with the spirit or intent of the Comprehensive Plan

Applicable Statutes and Criteria:

The Planning & Zoning Committee may consider the following provisions before granting approval for rezoning:

1. The rezoning is consistent with the Monroe County Comprehensive Plan
2. The rezoning and proposed use is consistent with Monroe County Zoning Ordinance and all other applicable Ordinances.
3. The proposed use is consistent with surrounding land uses.
4. The Town's approval or disapproval of the request.

Planning and Zoning Committee Action:

Pursuant to Section 47-915 of the Zoning Ordinance, The Planning and Zoning Committee may do one of the following:

1. Recommend approval of the zoning district change as requested.
2. Recommend approval of the zoning district change with modifications.
3. Recommend disapproval of the zoning district change.

PETITION FOR CHANGE OF ZONING DISTRICT

Date filed 2-9-16

\$200.00 fee paid R# 411043
(Payable to Monroe County Zoning Dept.)

Also MAIL
CORRESPONDENCE
to

Property Owner's Name GARY R. ? TERRY A. BOETTCHER | TRAVIS BOETTCHER

Mailing Address 323 E. LACROSSE ST. | 21179 Fishhook Ave

City, State, Zip TOMAH, WI 54660 | TOMAH, WI 54660

Phone 608-372-3738 / 608-343-5930 | 608-372-2111 (TOMAH LUMBER)

Town of TOMAH Tax parcel number 042-00437-0000

Property address: 23381 ST. Hwy 16

Legal description of property: NW 1/4, NE 1/4, S 17, T17N, R01E(W)

Dimensions of property: 12.96 Acres sq. ft. x ft. (A Certified Survey Map or legal description from a deed is required if the parcel is less than 40 acres.)

Current Zoning District R3 Rural Residential

Proposed Zoning District GENERAL AGRICULTURE

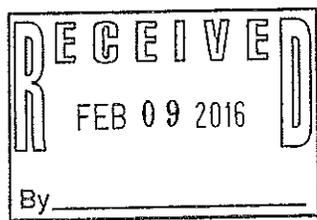
Reason for requested change CREATE A CHOOSE AND CUT
CHRISTMAS TREE FARM

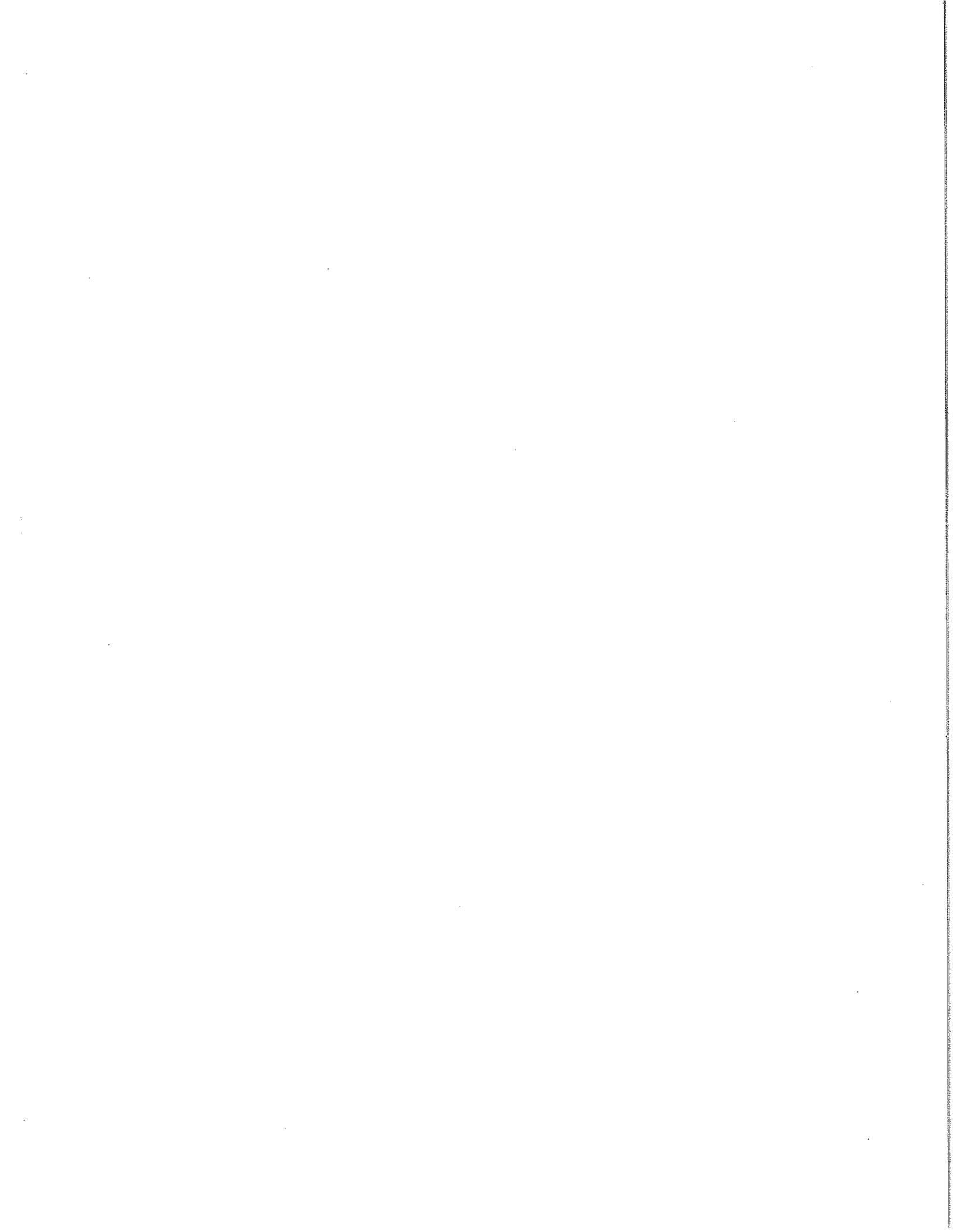
Signed: Travis Boettcher

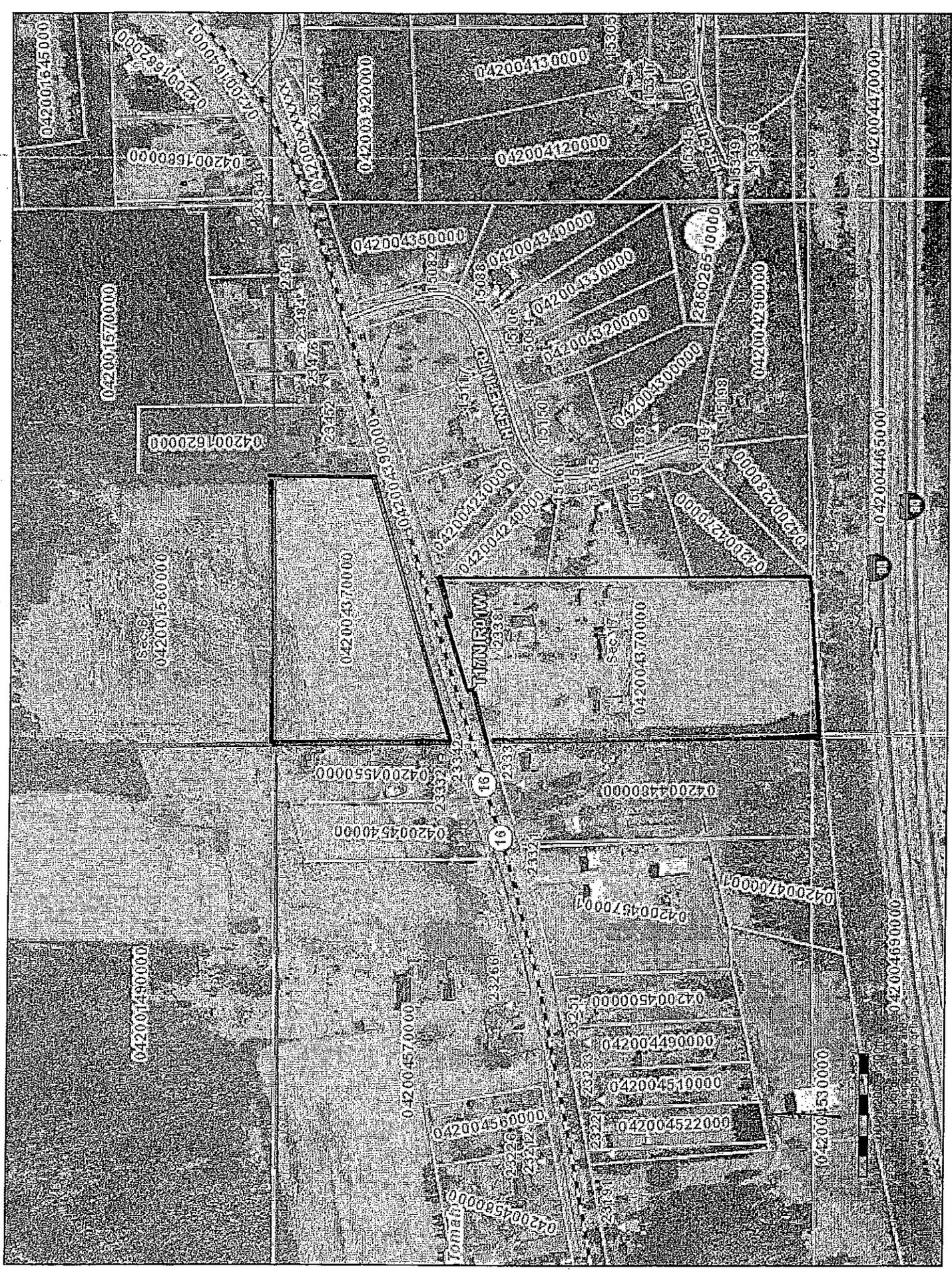
Date: 2/9/16

Remit to: Monroe County Zoning Department
14345 County Highway B, Suite 5
Sparta WI 54656
608-269-8736

Receipt
411043







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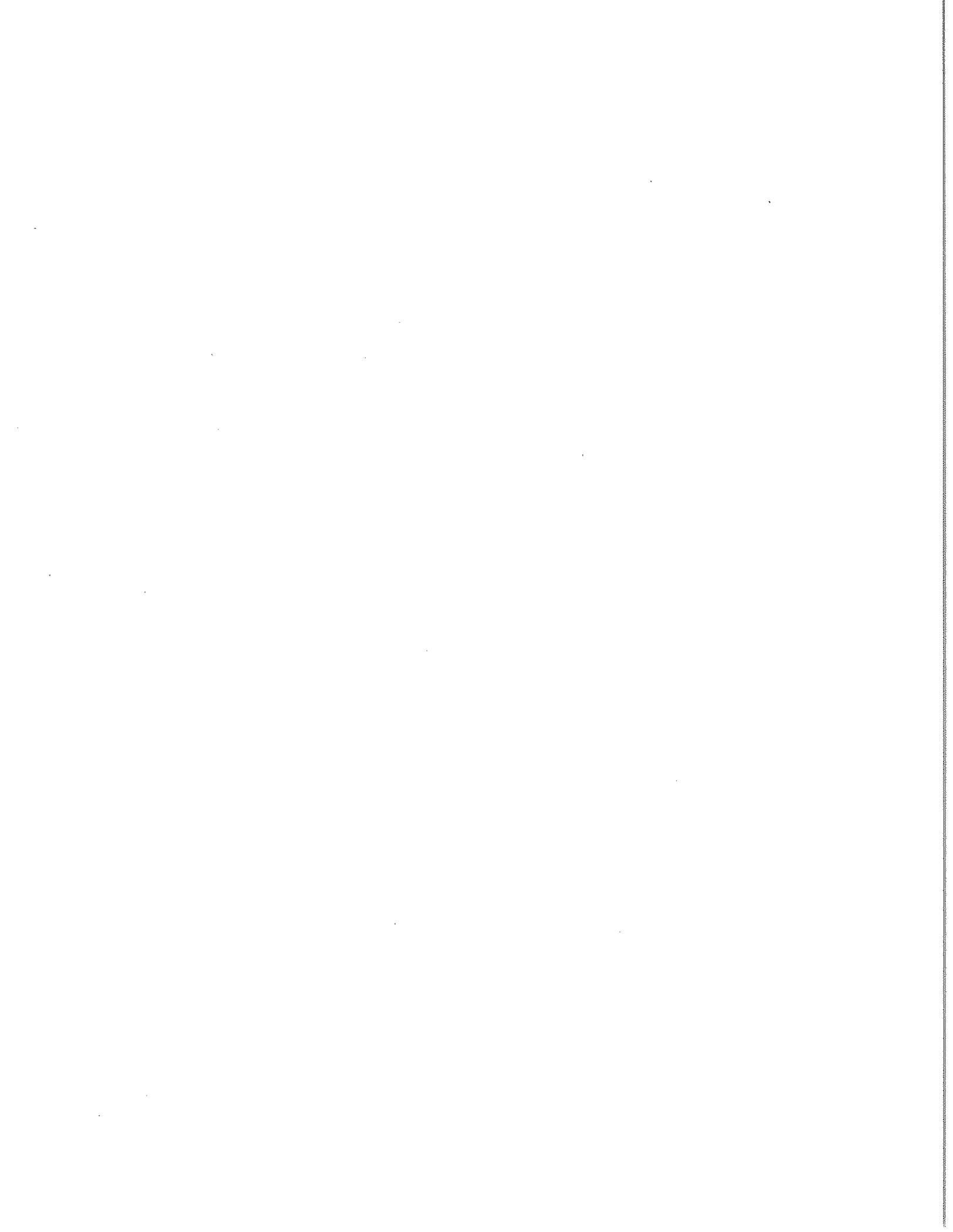
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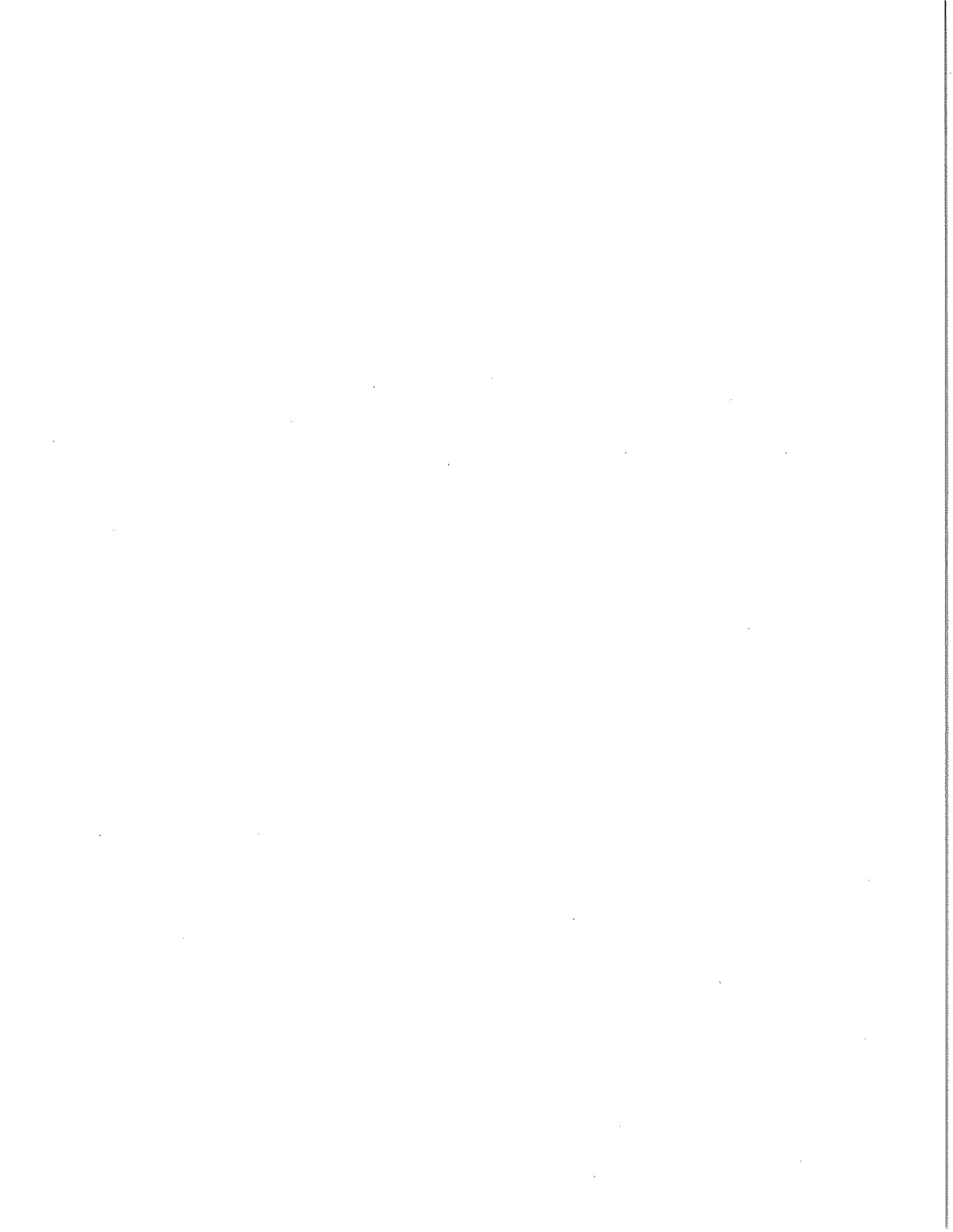
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RESOLUTION NO. _____

An Ordinance Pertaining to Floodplain Zoning

WHEREAS, the Monroe County Sanitation, Planning & Zoning and Dog Control Committee has met and considered amending Chapter 50 of the Monroe County General Code entitled Zoning-Floodplain; and

WHEREAS, a public hearing was held on the amendments to the ordinance on March 21, 2016, at which time the amendments to the ordinance were publicly discussed; and

WHEREAS, action was taken on the proposed amendments to the ordinance and the Monroe County Sanitation, Planning & Zoning and Dog Control Committee did vote to recommend to the Monroe County Board of Supervisors that the proposed amendments to Chapter 50 of the Monroe County General Code entitled Zoning-Floodplain be adopted;

NOW, THEREFORE, BE IT RESOVED by the Monroe County Board of Supervisors that Chapter 50 of the Monroe County General Code, is amended as follows:

Section 50-233 Floodplain Study Appendix

Add: (j) Town of Oakdale 17-1E

(1) Part of Sec. 8, LOMR-F Dated December 14, 2015, Case No.: 16-05-0492A

Dated this 23rd day of March, 2016.

OFFERED BY THE SANITATION/PLANNING &
ZONING/DOG CONTROL COMMITTEE:

Committee Vote: yes, no.

Financial Impact: None

Statement of Purpose: The amendments reflect changes in the national Flood Rate Insurance Maps produced by FEMA. Adopting these amendments will ensure the consistency of the maps used to enforce Chapter 50.

Reviewed and Approved by Corporation Counsel _____ Date: _____

Drafted by: Alison Elliott, January 29, 2016



Ch 53 Zoning- Shoreland Proposed Revisions (Act 55)

Revisions will comply with amendments required by Act 55.

Italicized and bold type is to be added. Type that has a strikethrough is to be deleted.

ARTICLE I. - STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE AND TITLE

Sec. 53-1. - Statutory authorization.

This chapter is adopted pursuant to the authorization in Wis. Stats. § 59.692 to implement Wis. Stats. §§ ~~59.69, 59.692, 59.694, 87.30, 236.45,~~ and 281.31.

ARTICLE II. - GENERAL PROVISIONS

Sec. 53-31. - Areas to be regulated.

(3) The provisions of this chapter apply to regulation of the use and development of unincorporated shoreland areas, and to annexed or incorporated areas. Unless specifically exempted by law, all cities, villages, towns, counties and, when Wis. Stats. § 13.48(13) 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 Wis. Stats. § 30.2022(1) applies. *Shoreland zoning requirements in annexed or incorporated areas are provided in s. 61.353 and s. 62.233, Stats.*

(5) Under Wis. Stats. § 281.31(2m), notwithstanding any other provision of law or administrative rule promulgated thereunder, this shoreland zoning ordinance does not apply to:

a. Lands adjacent to farm drainage ditches if:

~~a-1. Such lands are not adjacent to a natural navigable stream or river;~~

~~b. 2. Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and~~

~~c. Such lands are maintained in nonstructural agricultural use.~~

b. Lands adjacent to artificially constructed drainage ditches, ponds or stormwater retention basins that are not hydrologically connected to a natural navigable water body.

Sec. 53-35. - Abrogation and greater restrictions.

The provisions of this chapter supersede ~~all the provisions of any county zoning ordinance adopted under Wis. Stats. § 59.69 and Wis. Stats. § 59.692, which~~ *any provisions in a county zoning ordinance that solely* relate to shorelands. However, where an ordinance adopted under a statute other than Wis. Stats. § 59.692, is more restrictive than this chapter, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise. *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 s. 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.

(5) This ordinance may establish standards to regulate matters that are not regulated in NR 115, but that further the purposes of shoreland zoning as described in section 53-3 of this ordinance,

Sec. 53-36. - Interpretation.

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

ARTICLE VII. – VEGETATION

Sec. 53-212. - Establishment of a vegetative buffer zone.

(2) Removal of trees and shrubs in the vegetative buffer zone to create access and viewing corridors, provided that the combined width of all access and viewing corridors on a riparian lot or parcel may not exceed the lesser of 30 percent of the shoreline frontage or 200 feet. *Per s. 59.692(1f)(b), 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.*

ARTICLE IX. - IMPERVIOUS SURFACE STANDARDS

Sec. 53-272. - Calculation of impervious surface. Percentage of impervious surface shall be calculated by dividing the surface area of 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 portion of the lot or parcel that is within 300 feet of the ordinary high-water mark, and multiplied by 100. Impervious surfaces described in 53-275 may *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.

Sec. 53-278 - Treated impervious surfaces. Impervious surfaces that can be documented to meet either of the following standards may *shall* be excluded from the impervious surface calculations under section 53-272. In order for impervious surfaces to be considered exempt, documentation/evidence by a certified engineer, soil and water conservation department and/or other qualified position shall be submitted. A maintenance agreement shall also be signed by the property owner to properly maintain the property and/or devices in order for the impervious surfaces to continue being considered exempt.

(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.

ARTICLE X. - NONCONFORMING USES AND STRUCTURES

Sec. 53-302. — General rule for nonconforming uses and structures.

~~(a) Restrictions that are applicable to damaged or destroyed nonconforming structures and that are contained in an ordinance enacted under Wis. Stats. § 59.692 may not prohibit the restoration of a nonconforming structure if the structure will be restored to the size, subject to subsection (1) below, location, and use that it had immediately before the damage or destruction occurred, or impose any limits on the costs of the repair, reconstruction, or improvement if all of the following apply:~~

~~(1) The nonconforming structure was damaged or destroyed after October 14, 1997.~~

~~(2) The damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation.~~

~~(b) An ordinance enacted under Wis. Stats. § 59.692, to which this section applies shall allow for the size of a structure to be larger than the size it was immediately before the damage or destruction if necessary for the structure to comply with applicable state or federal requirements.~~

Sec. 53-304. - Maintenance *Repair, Replacement or Vertical Expansion* of nonconforming principal structures.

An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback per section 53-181 may be maintained and repaired ~~within its existing building envelope~~ **replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the nonconforming structure.** Maintenance and repair includes such activities as interior remodeling, plumbing, insulation, and replacement of windows, doors, siding or roof. **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. Expansion of a structure beyond the existing footprint may be allow if the expansion is necessary to comply with applicable state or federal requirements.**

Sec. 53-305. - **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 53-181 and 53-182 may be expanded laterally or vertically, provided that all of the following requirements are met:

~~(3) Vertical expansion is limited to the height allowed in section 53-276~~ and 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.

Sec. 53-306. - 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 per section 53-181 and 53-182, may be expanded horizontally, landward or vertically provided that the expanded area meets the building setback requirements per section 53-181 or 53-182 and that all other provisions of the shoreland ordinance are met. A mitigation plan is not required solely for expansion under this section, but may be required per article IX of this chapter.

ARTICLE XI. - ADMINISTRATIVE PROVISIONS

Sec. 53-331. - Zoning administrator.

The zoning administrator and staff shall have the following duties and powers:

(1) Administer 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 office of the county zoning administrator **unless prohibited by s. 59.692(1k), Stats.** Inspect permitted work in progress to insure conformity of the finished structures with the terms of the ordinance.

ARTICLE XII. - DEFINITIONS

Sec. 53-361. - Defined terms.

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

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 Wis. Stats. § 281.31(2)(d), notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under Wis. Stats. § 59.692, and ch. NR 115, Wis. Admin. Code, do not apply to lands adjacent to ~~farm drainage ditches~~ if:

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

(2) Artificially constructed drainage ditches, ponds or stormwater retention basins that are not hydrologically connected to a natural navigable water body.

Shoreland setback also known as the "shoreland setback area" in Wis. Stats. § 59.692(1)(bn) 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 buildings or structures has been limited or prohibited under an ordinance enacted under Wis. Stats. § 59.692.

Ch 47 Zoning- Proposed Revisions

Italicized and bold type is to be added. Type that has a strikethrough is to be deleted.

Ch 93.90 (3) Wis. Stats. Does not allow a county to approve or disapprove a facility based solely on number of animal units.

Ch 218 Wis. Stats. is the section that regulates motor vehicle dealerships for new and used vehicles. Requires an individual to obtain a license if selling more than 5 of their own personal vehicles within a 12 month period or if the individual purchases even one vehicle with intent to sell.

ATCP 132 Wis. Admin. Code. Regulates motor vehicle repair and defines it based on the type of "tasks" performed not if money changes hands.

Sec. 47-7. - Definitions.

*Dwelling means a ~~detached building designed or used exclusively as a~~ **structure, or that part of a structure, which is used or intended to be used as a home**, residence or sleeping place **by one person or by 2 or more persons maintaining a common household**, but does not include ~~mobile homes~~ **guest houses**.*

Guest House means a structure, or that part of a structure located on a parcel with an existing dwelling, which is intended to be used temporarily as a sleeping place and is not the primary residence for one person or for 2 or more persons maintaining a common household

Vehicular sales means any operation that requires a license under Ch 218 Wis. Stats.

Vehicular service means any operation that engages in motor vehicle repair as defined under ATCP 132 Wis. Admin. Code

Sec. 47-12. - Zoning permit.

(e) A zoning permit shall be required for all new standalone buildings exceeding 100 square feet and for all ~~major repairs that involve exterior enlargement~~ *or **additions*** which would increase the footprint of the building ***including but not limited to decks and porches***. Normal repairs and interior remodeling do not require a zoning permit.

Sec. 47-15. - Use restrictions.

(3) Conditional uses.

~~b. A conditional use permit for certain structures, when the principal structure is not present or under construction, may be authorized by the county sanitation/planning and zoning/forestry committee pursuant to the following prescribed procedure: The conditional use of the structure may be permitted if all aspects of the conditional use application process are completed. The county sanitation/planning and zoning/forestry committee must review the conditional use. It must be determined by the committee that the conditional use meets all county and state zoning requirements, is not used permanently or temporarily as a dwelling, and does not harm the health, safety and welfare of the general public. All of the criteria noted in this subsection shall be considered by the committee prior to the granting of this type of conditional use permit, and it shall be the responsibility of the requesting party to show that all of the standards and factors noted in this subsection are met.~~

b. Conditional use permits may be transferred when property is sold unless otherwise prohibited by specific condition added to the permit. The new owners will be required to sign a transfer acknowledging the use originally permitted will not change and all conditions of the original

permit will be followed or met. Any use, condition or parameter which will differ from the original conditional use permit will require a new conditional use permit to be obtained.

d. A conditional use permit holder may apply for a replacement conditional use permit for the purpose of expanding area, combining existing conditional use permits, changing conditions or removing conditions placed on an existing conditional use permit. The existing conditional use permit(s) shall remain in effect until the replacement conditional use permit is approved. If the replacement conditional use permit is denied by the zoning committee or vetoed by the Town Board the original conditional use permit(s) shall remain in effect. The replacement process shall follow Sec. 47-584.

e. A conditional use permit shall expire five years from the issue date if the use has not begun.

DIVISION 5. - B BUSINESS

Sec. 47-195. - Accessory uses.

Accessory uses in the B business district shall be as follows:

(2) Dwellings, including manufactured homes, ~~over or attached to other permitted uses;~~

Sec. 47-196. - Conditional uses.

(a) Conditional uses in the B business district shall be as follows:

(21) Vehicular sales ~~and~~ *or* service;

DIVISION 8. - GA GENERAL AGRICULTURE

Sec. 47-290. - Principal uses.

Principal uses in the GA general agriculture district shall be as follows:

(8) Poultry farms ~~housing 10,000 birds or less;~~

Sec. 47-292. - Conditional uses.

Conditional uses in the GA general agriculture district shall be as follows:

~~(10) Poultry farms housing more than 10,000 birds;~~

(16) Small engine and recreational vehicle sales ~~and~~ *or* service;

(22) Vehicular service

ARTICLE IV. - CONDITIONAL USES

Sec. 47-584. - Procedure.

(f) Violation. Any permitted conditional use which does not continue in conformity with the conditions of the permit shall be considered in violation of this chapter *and shall be revoked. A new conditional use permit shall be obtained prior to the use resuming.*