Proposed amendments to Ch 47 Zoning Code

Text to be deleted is struck through. Text to be added is in italics.
Amendments made to campground regulations will make county codes consistent with State regulations.
Amendments pertaining to signs are in response to Case law: Reed vs. Town of Gilbert 135 S. Ct. 2218 (2015) US Supreme Court Decision which ruled that signs cannot be regulated based on content.

ARTICLE I. - IN GENERAL

Sec. 47-7. - Definitions.

Campground ~~means a privately or municipally owned parcel or tract of land, maintained, intended or used for the purpose of supplying temporary or overnight living accommodations to the public by providing designated areas for the placement of trailers, tents, buses, automobiles or sleeping bags, and may include structures to provide services to the patrons, such as restrooms, bathing and laundry facilities.~~ *means a parcel or tract of land owned by a person, state, or local government that is designed, maintained, intended, or used for the purpose of providing campsites offered with or without charge, for temporary overnight sleeping accommodations of four or more camping units or one to three units if represented as a campground by advertising through media, a sign or a symbol.*

"Camping cabin" means a building or other structure that is 400 square feet or less in area. A camping cabin includes a yurt, but does not include a tent, recreational vehicle, tourist rooming house, mobile home, or manufactured home.

"Camping unit" means a structure, including a tent, camping cabin, yurt, recreational vehicle, mobile home, or manufactured home, bus, van, or pickup truck.

"Campsite" means an area of a campground that is designated by the operator as capable of accommodating an independent or dependent camping unit. A campsite may be one or a combination of the following:

(a) Individual campsite.
(b) Group campsite.
(c) Seasonal campsite.
(d) Rustic campsite.

"Tourist rooming house" means all lodging places and tourist cabins and cottages, other than hotels and motels, in which sleeping accommodations are offered for pay to tourists or transients. It does not include private boarding or rooming houses not accommodating tourists or transients, or bed and breakfast establishments regulated under ch. ATCP 73.

Sec. 47-12. - Zoning permit.

(g) Unresolved violations or arrears. The Zoning Administrator may not issue a zoning permit for any property upon which there are:

1. *Unresolved violations of this ordinance-Chapter 47, or Chapters 53 (Shoreland), 50 (Floodplain), 35 (Subdivisions), 41 (Utilities) or*

2. *Delinquent real estate taxes*

Sec. 47-13. - Site restrictions.

(d) Physical access has been granted across the Elroy-Sparta State Trail or La Crosse River State Trail by the state department of natural resources. A zoning permit granted under this section has the following requirements:

(1) Written permission from the state department of natural resources to cross the trail ~~for the intended use of the zoning permit request. (residential, agriculture, etc.)~~

ARTICLE III. - ZONING DISTRICTS

DIVISION 1. – GENERALLY

Sec. 47-64. - Limited number of buildings. There shall be not more than one principal dwelling structure and two accessory structures, including a private garage, on any lot in either the R-1 or R-2 residential district. *There shall be not more than one principal dwelling structure on any lot in the R-3 Rural Residential, Business, General Agriculture, Community, or General Forestry districts unless otherwise indicated in this chapter.*

DIVISION 8. - GA GENERAL AGRICULTURE

Sec. 47-292. - Conditional uses.

(24) Tourist rooming houses

DIVISION 12. - GF GENERAL FORESTRY

Sec. 47-430. - Conditional uses.

(21) Tourist rooming houses

ARTICLE V. - SUPPLEMENTARY DISTRICT REGULATIONS

DIVISION 1. – GENERALLY

Sec. 47-605. - Campgrounds. All campgrounds shall be conditional uses and shall conform to the following standards:

(1) The minimum size of any campground shall be ten acres in gross area.

(2) ~~The maximum number of travel trailers or campsites shall be 20 per acre as computed from the gross area of the park or campground, and in no case shall the square feet of each site be less than 2,000 square feet~~. *Campsite density shall conform to ATCP 79 regulations.*

(3) Before beginning operation of any camp, 50 percent of the sites and 100 percent of the facilities shall be completed.

(4) In addition to the setback from the right-of-way of any state, county or town road, all campgrounds shall have a boundary zone of 40 feet between any campsite and any side or rear lot line.

(5) Every campground shall conform to all applicable state laws and Wis. Admin. Code ch. ATCP 79.

(6) Designated spots on each site will be marked or constructed for outside cooking or the building of campfires, and no fires will be allowed outside of these designated areas.

(7) The *Committee may require the* perimeter of the camping area or perimeter of the parcel ~~must~~ *to* be fenced.

ARTICLE VI. – SIGNS

~~**Sec. 47-795. - On-premises signs.**~~

~~(a) *Location.*~~

~~(1) On-premises signs may be attached to the building they are intended to serve.~~

~~(2) Freestanding on-premises signs shall be located within the required yards of the building it is intended to serve.~~

~~(3) If the business, service or entertainment is located at a highway intersection, an on-premises sign shall not be located within the vision clearance triangle.~~

~~(b) *Height* . On-premises signs shall not exceed the height of any building permitted in the zoning district in which the sign is located.~~

~~(c) *Size* . The gross size of the on-premises signs for each business establishment shall be 150 square feet or less.~~

~~(d) *Permitted uses* . On-premises signs shall be a permitted use in the following zoning districts: B business, IB interstate business, I industrial, C community, GA general agriculture, EA exclusive agriculture, AO agriculture only, GF general forestry, R residential.~~

ARTICLE VIII. - ADMINISTRATION

DIVISION 1. - GENERALLY

Sec. 47-854. - Fees.

(a) An applicant, upon filing his application, shall pay the appropriate fee. Permit fees shall be established and reviewed when necessary by the county board of supervisors committee having jurisdiction over this chapter, approved by a majority of the zoned towns and approved by the full county board of supervisors. A revision of fees shall be published in the official newspaper of the county. Fees shall be established for the following:

(7) Signs~~: real estate, development, temporary farm.~~ (Recommend flat fee of $25)

~~(8) Signs up to eight square feet.~~

~~(9) Signs more than eight square feet, but less than 12 square feet.~~

~~(10) Signs more than 12 square feet, but less than 33 square feet.~~

~~(11) Signs more than 33 square feet, but less than 150 square feet.~~

~~(12) Signs more than 150 square feet.~~

(17) After-the-fact Variance Fee. (Board of Adjustment Members recommend $1,200 which is three times the regular variance fee of $400. See attached letter from the Board of Adjustment Chairman)

(18) After-the-fact Zoning change. (Zoning Committee recommends $400 which is double regular fee)

(19) After-the-fact Conditional Use. (Zoning Committee recommends $400 which is double regular fee)

(b) All fees in this chapter shall be collected by the county. The county ~~clerk~~ shall, on a*n* ~~quarterly~~ *annual* basis, return to the appropriate towns, fees collected by the county on behalf of the town.

To: Chairman, Monroe County Board
Thru: Corporate Council

Re: After-the-fact Variance

It is proposed that Monroe County Board adopt a resolution to approve an additional application fee for those who applied for a variance to the Board of Adjustment (BOA) and then proceed to build/erect, either partially or wholly, a structure when it would be contrary to the relevant ordinances of the County of Monroe, State of Wisconsin.

Currently, there exists a requirement that no building or construction may begin prior to an approval from the Board of Adjustment of Monroe County. Nor is it permissible to begin construction prior to the 30 day mandatory waiting period for all who request a variance.

It is recommended that a penalty of 2.5 times the regular variance application fee with the additional fee to cover the cost of per diem and mileage to the Board members for an on-sight visit, to those who disregard the requirements of the Board of Adjustment. The zoning office should be allowed to charge a higher application fee because it involves more staff time in enforcement. The legal standards for granting an after-the-fact variance are the same as for any variance.

In consultation with Lynn Markham, Land Use Specialist, College of Natural Resources, UW-Stevens Point, she provided the following information: Rusk County charges 2.5X the regular fee up to $500.00 for an after-the fact-permit. Oneida County charges $750.00 for a variance application (appeal to the BOA and triples the fee it its after-the-fact.

In 2018 we had three instances of non-compliance with the BOA legal process; hence, the recommendation of the BOA to impose the additional charge to the regular variance application fee for an after-the-fact variance.

Respectfully

Kenneth Kuhn,
Chairman, BOA