# CHAPTER 14

## THE OCONTO COUNTY ZONING ORDINANCE

## Table of Contents

(Revised Ord # 3172-16)


**14.100 TITLE AND AUTHORIZATION 1**
14.101 Title 1
14.102 Authorization 1
14.103 Annexed Area 1
**14.200 INTENT AND PURPOSE 2**
**14.300 CONSTRUCTION OF LANGUAGE AND DEFINITIONS 3**
14.301 Construction of Language 3
14.302 Adoption of Standard Industrial Classification Manual 4
14.303 Definitions 4
**14.400 GENERAL PROVISIONS 12**
14.401 Provisions 12
14.402 Accessory Structures 12
14.403 Airport-Related Regulations 13
14.404 Application of Overlapping Regulations 13
14.405 Area Regulations 14
14.406 Compliance 14
14.407 Height Regulations 14
14.408 Non-conforming Uses and Structures 14
14.409 Permitted Obstructions in Required Yards or Setback Areas 16
14.410 Setbacks, Yard Spaces and Vision Clearance Area 16
14.411 Temporary Uses 18
14.412 Unclassified Uses 18
14.413 Excavating, Filling, Recontouring, Ponds 18
14.414 Fences 20
14.415 Application to Government Uses 21
14.416 Community Living Arrangements 21
14.417 Home Based Business, Home Based Industry and Professional Offices in Homes 22
14.418 Lot Dimensions 22
14.419 Parcel Size and Dimension Where Not Specifically Identified 23
14.420 Operational Standards 23
14.421 Utilities 23
14.422 Recreational Vehicles 24
14.423 Footings and Foundation 24
14.424 Greater Restrictions 25
14.425 Other Permit Requirements 25
14.426 Physical Address Number 25
14.427 Primary Dwelling 25
14.428 Bunkhouses 25
14.429 Livestock 25
14.430 Exits 28
14.431 Skirting and Tie Downs 28
14.432 Mobile Tower Siting (added Ord. 2066-15) 28
**14.500 RESERVED FOR FUTURE USE 32**
**(Shoreland standards removed and created as Chapter 26 Shoreland Ordinance 10-2016) 32**
**14.600 INTRODUCTION TO ZONING DISTRICTS 32**
14.601 Districts 32

14.602 Principles for Location of Districts Land for Transition from one District to Another 32
**14.700 RESIDENTIAL SINGLE-FAMILY DISTRICT (R-1) 34**
14.701 Purpose 34
14.702 Permitted Uses 34
14.703 Conditional Uses 34
14.704 Standards 34
**14.800 RESIDENTIAL MULTIPLE-FAMILY DISTRICT (R-2) 35**
14.801 Purpose 35
14.802 Permitted Uses 35
14.803 Conditional Uses 35
14.804 Standards 36
**14.900 MOBILE HOME PARK DISTRICT (R-3) 37**
14.901 Purpose 37
14.902 Permitted Uses 37
14.903 Conditional Uses 37
14.904 Standards 37
**14.1000 COMMUNITY SERVICE DISTRICT (CS) 39**
14.1001 Purpose 39
14.1002 Permitted Uses 39
14.1003 Conditional Uses 39
14.1004 Standards 39
**14.1100 PARK AND RECREATION DISTRICT (PR) 41**
14.1101 Purpose 41
14.1102 Permitted Uses 41
14.1103 Conditional Uses 41
14.1104 Standards 42
**14.1200 FOREST DISTRICT (F) 43**
14.1201 Purpose 43
14.1202 Permitted Uses 43
14.1203 Conditional Uses 43
14.1204 Standards 43
**14.1300 RURAL RESIDENTIAL (RR) 45**
14.1301 Purpose 45
14.1302 Permitted Uses 45
14.1303 Conditional Uses 45
14.1304 Standards 46
**14.1400 AGRICULTURAL DISTRICT (A) 47**
14.1401 Purpose 47
14.1402 Permitted Uses 47
14.1403 Conditional Uses 47
14.1404 Standards 48
**14.1500 LARGE SCALE AGRICULTURAL DISTRICT (LA) 50**
14.1501 Purpose 50
14.1502 Permitted Uses 50
14.1503 Conditional Uses 50
14.1504 Standards 51
**14.1600 NEIGHBORHOOD COMMERCIAL DISTRICT (NC) 52**
14.1601 Purpose 52
14.1602 Permitted Uses 52
14.1603 Conditional Uses 52
14.1604 Standards for Conditional Uses 52
14.1605 Standards for rezoning of Lands into Neighborhood Commercial District 53
14.1606 Zoning District Substitution 53
**14.1700 RESTRICTED COMMERCIAL DISTRICT (RC) 54**
14.1701 Purpose 54
14.1702 Permitted Uses 54
14.1703 Conditional Uses 54

14.1704 Standards for Permitted Uses 54
14.1705 Standards for Conditional Uses 54
14.1706 Standards for rezoning of Lands into Restricted Commercial District 55
14.1707 Zoning District Substitution 55
**14.1800 GENERAL COMMERCIAL DISTRICT (GC) 56**
14.1801 Purpose 56
14.1802 Permitted Uses 56
14.1803 Conditional Uses 56
14.1804 Standards for Permitted Uses 57
14.1805 Standards for Conditional Uses 57
14.1806 Standards for rezoning of Lands into General Commercial District 57
14.1807 Zoning District Substitution 58
**14.1900 LIGHT INDUSTRIAL DISTRICT (LI) 59**
14.1901 Purpose 59
14.1902 Permitted Uses 59
14.1903 Conditional Uses 59
14.1904 Standards for Permitted Uses 59
14.1905 Standards for Conditional Uses 59
14.1906 Standards for rezoning of Lands into Light Industrial District 60
**14.2000 INDUSTRIAL DISTRICT (I) 61**
14.2001 Purpose 61
14.2002 Permitted Uses 61
14.2003 Conditional Uses 61
14.2004 Standards 62
**14.2100 CONSERVANCY DISTRICT (C) 64**
14.2101 District Boundaries and Purpose 64
14.2102 Permitted Uses 64
14.2103 Uses which require the issuance of a Land Use Permit under 14.3003 (6) and which may include limited filling, flooding, draining, dredging, ditching, tiling or excavating but only to the extent specifically provided below: (amended Ord. 3172-16) 65
14.2104 Prohibited Uses 66
14.2105 Re-Zoning Lands in the Conservancy District within the Shoreland Jurisdiction 67
**14.2200 RESERVED FOR FUTURE USE 67**
**14.2300 AIRPORT HEIGHT LIMITATION DISTRICT (AH) 67**
14.2301 Purpose 67
14.2302 Height Limitations 67
14.2303 Use Restrictions 67
**14.2400 ADULT ENTERTAINMENT OVERLAY DISTRICT (AEOD) 68**
14.2401 Purpose 68
14.2402 Permitted Uses 68
14.2403 Conditional Uses 68
14.2404 Intent/Definitions 68
14.2405 Standards 69
14.2406 Standards for Conditional Uses 70
**14.2500 QUARRYING DISTRICT (Q) 71**
14.2501 Purpose 71
14.2502 Permitted Uses 71
14.2503 Conditional Uses 71
14.2504 Standards 71
**14.2600 METALLIC MINING EXPLORATION DISTRICT (MME) 73**
14.2601 Purpose 73
14.2602 Permitted Uses 73
14.2603 Conditional Uses 73
**14.2700 MINING DISTRICT (M) 75**
14.2701 Purpose 75
14.2702 Permitted Uses 75
14.2703 Conditional Uses 75

14.2704 Standards 75
**14.2800 SIGNS 77**
14.2801 Purpose 77
14.2802 Sign Permits 77
14.2803 Prohibited Signs 77
14.2804 Sign Exemptions 78
14.2805 Standards 78
14.2806 Conditional Use Permits 82
14.2807 Sign Removal 83
**14.2900 PARKING AND LOADING SPACE REQUIREMENTS 84**
14.2901 Purpose 84
14.2902 Uses, Number of Spaces Required 84
14.2903 Uses not Listed 84
14.2904 Combination of Uses 84
14.2905 Parking Space Specifications 85
14.2906 Driveways Serving Required Parking Spaces 85
14.2907 Off-Street Loading Requirements 85
**14.3000 ADMINISTRATION 86**
14.3001 Purpose 86
14.3002 Agencies and Offices Involved in Ordinance Administration and Enforcement; Definitions of Roles and Responsibilities 86
14.3003 Duties of the Zoning Administrator, Records, Inspections, Determinations, Permits, Fees 86
14.3004 Fees 89
**14.3100 BOARD OF ADJUSTMENT 90**
14.3101 General Operating Rules for the Board of Adjustment 90
14.3102 Powers of the Board of Adjustment, Administrative Appeals 91
14.3103 Powers of the Board of Adjustment, Conditional Uses 92
14.3104 Powers of the Board of Adjustment, Variances 93
14.3105 Save for future reference. 94
14.3106 Court Review 94
14.3107 Certiorari 95
14.3108 Return Writ 95
14.3109 Court Decision 95
14.3110 Costs 95
**14.3200 VIOLATIONS 96**
14.3201 Declaration of Unlawful Conduct, Activities and Conditions 96
14.3202 Liability 96
14.3203 Investigation of Compliance, Notice of Violations 96
14.3204 Prosecution, Injunctions and Penalties in Court Proceedings 96
14.3205 Other Enforcement Provisions 97
**14.3300 AMENDMENT PROCEDURES 97**
14.3301 Purpose 97
14.3302 The Oconto County Zoning Ordinance is adopted by the County Board of Supervisors 97
14.3303 Petition for Zoning Amendment 97
14.3304 Petition for Zoning Amendment, Filing 97
14.3305 Action by the Planning and Zoning Committee 98
14.3306 Action by Affected Town Board(s) 98
14.3307 Action by the Planning and Zoning Committee, Approval, Modifying or Disapproval 98
14.3308 Action by the County Board of Supervisors 99
14.3309 Protest Provisions for Zoning Map Amendments 99
14.3310 Action by the County Clerk 99
14.3311 Action by the Town Board(s), Veto 100
14.3312 Action of the County Clerk, Records and Publication 100
14.3313 Limitation of Actions 100
14.3314 Shoreland and Floodplain Zoning 101
14.3315 Standards for Rezoning 101
**14.3400 RECONSIDERATION 102**
14.3401 Re-Submission 102

14.3402 Re-Hearing 102
14.3403 Rules 103
**14.3500 VALIDITY, ADOPTION AND EFFECTIVE DATE 103**
14.3501 Validity 103
14.3502 Severability 103
14.3503 Adoption 103

## Historical Revisions

(Revised Ord #1556-06)
(Revised Ord #1649-07)
(Revised Ord #1721-07)
(Revised Ord #1743-08)
(Revised Ord #1792-08)
(Revised Ord #1926-10)
(Revised Ord #2027-12)
(Revised Ord #3066-15)
(Revised Ord #3117-15)
(Revised Ord #3172-16)

## 14.100 TITLE AND AUTHORIZATION

### 14.101 Title

This ordinance shall be known and cited as the Oconto County Zoning Ordinance. This ordinance shall include each township zoning map hereby adopted and made a part herein. (amended Ord. 3172-16)

### 14.102 Authorization

These ordinances are adopted under the authority granted to the County Board under Sections 59.70 (5), 59.692, 59.69, 59.694, 87.30, 144.26, Chapter 145 and Chapter 236 of the Wisconsin Statutes.

### 14.103 Annexed Area

The Oconto County shoreland zoning provisions (including general shoreland zoning regulations and conservancy district regulations) remain in effect, administered by the annexing unit of government, for all areas annexed after May 7, 1982. Such regulations may not subsequently be relaxed by the administering City or Village.

## 14.200 INTENT AND PURPOSE

It is the intent and purpose of this ordinance:

1. To further the orderly use of land and the conservation of natural resources; and

2. To conserve the value of land and buildings in Oconto County; and

3. To provide for the enhancement and protection of the surface and ground waters of Oconto County; and

4. To fix standards to which buildings and structures shall conform; and

5. To regulate and restrict lot coverage and population density; and

6. To provide protection against fire, explosion, noxious fumes and other hazards in the interest of the public health, safety, comfort and general welfare; and

7. To protect agriculture, residential, business and manufacturing uses from harmful or detrimental encroachment by incompatible uses, and to ensure that land allocated to a zoning district shall not be usurped by other inappropriate uses; and

8. To control the location of unavoidable nuisance producing uses; and

9. To provide for adequate light, air, sanitation and drainage; and

10. To promote the safety and efficiency of streets and highways; and

11. To facilitate the powers and duties of the administrative bodies as provided hereinafter; and

12. To define the powers and duties of the administrative bodies as provided hereinafter; and

13. To prescribe penalties for the violation of provisions of the ordinance or any amendments thereto.

## 14.300 CONSTRUCTION OF LANGUAGE AND DEFINITIONS

### 14.301 Construction of Language

The following rules of construction apply to this ordinance:

1. In their interpretation and application, the provisions of this ordinance shall be considered as a minimum requirement to promote and protect public health, safety, comfort, convenience, prosperity, aesthetics and other aspects of the general welfare, and shall be liberally construed in favor of the county. Where a provision of this ordinance is unclear, that provision shall be interpreted in light of any applicable statutory or administrative code standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendments to this ordinance. The provisions of the ordinance shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

2. A particular shall control the general.

3. The word "shall" is always mandatory; whereas the word "may" is permissive.

4. Words used in the present tense shall include the future; and the words used in the singular shall include the plural, and the plural, the singular unless the context clearly indicates the contrary.

5. A "building" or "structure" includes any part thereof.

6. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", and "occupied for".

7. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunction "and", "or", the conjunction shall be interpreted as follows:

    a. And" indicates that all the connected items, conditions, provisions or events shall apply.

    b. "Or" indicates that all the connected items, conditions, provisions or events may apply singly or in any combination.

    c. "Either/or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.

8. All measured distances shall be to the nearest integral foot; if a fraction is one-half foot or more, the integral foot next above shall be taken.

### 14.302 Adoption of Standard Industrial Classification Manual

1. In listing uses for zoning districts, this ordinance employs a terminology found in the Standard Industrial Classification Manual (1972 edition with 1977 supplement). The Manual is available for review in the office of the Zoning Administrator or may be purchased from the U. S. Government Printing Office, Washington, D.C. 20402, or from the Government Printing Office Bookstore, 517 East Wisconsin Avenue, Milwaukee, Wisconsin 53202.

2. Reference shall be made to the SIC Manual as a source of definitions of these terms.

### 14.303 Definitions

(amended Ord # 1926-2010)

The following words, phrases and terms wherever they occur in this ordinance shall be interpreted as herein provided:

**Accessory Structure or Use:** A detached subordinate structure or a use which is clearly incidental to and customarily found in connection with the principal structure or use to which it is related, and which is located on the same lot as that of the principal structure or use.

**Addition:** A part added or adjoined to a building to increase available space. (added 7-27-03)

**Agricultural Production:** Includes all activities in Major Groups 0-1 of the SIC Manual and all uses listed in section 91.01 (1), Wisconsin Statutes, and specifically includes production of ginseng.

**Animal Unit:** A unit of measure used to determine the total number of single animal types or combination of animal types which are permitted on a piece of property. (amended 2-20-03)

**Auto Reclamation Yard:** Any place which is owned, maintained, operated or used for storing, keeping, processing, buying or selling of used auto parts. (added 6-18-98)

**Base Flood:** A 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. (See also regional flood) (amended Ord # 1926-2010)

**Basement:** Any enclosed area of a building having its floor subgrade, i. e., below ground level on all sides. (added 12-17-98)

**Bed and Breakfast Establishments:** Any place of lodging that provides 4 or fewer rooms for rent to tourists or other transients for more than 10 nights in a 12-month period, is the owner's personal residence, is occupied by the owner at the time or rental, and which the only meal served to guests is breakfast. Permit is required under HSS 197.04.

**Board of Adjustment:** The body established under chapter 59.694 of the Wisconsin Statutes.

**Boathouse:** Any structure used exclusively for protecting or storing of boats used for non-commercial purposes in conjunction with a residence, and not for human habitation.

**Building:** Any structure which is built for the support, shelter or enclosure of persons, animals, chattels or movable property of any kind and which is permanently affixed to the land.

**Building, Accessory:** A detached subordinate building or a portion of a principal building, the use of which is incidental to that of the principal building.

**Building Envelope:** The three dimensional space within which a structure is built. (Ord. 3066-15)

**Building, Principal:** The main building on a lot, intended for primary use as permitted by the regulations of the district in which it is located.

**Campground:** Any parcel or tract of land owned by a person, state or local government, which is designed, maintained, intended or used for the purpose of providing sites for non-permanent overnight use by 4 or more camping units, or by one to 3 camping units if the parcel or tract of land is represented as a campground. (Amended Ord #1649-07)

**Camping Unit:** Any portable device, no more than 400 square feet in area, used as a temporary dwelling, including but not limited to a camping trailer, motor home, bus, van, pick-up truck or tent. For the purpose of calculating area, exterior dimensions excluding the hitch will be utilized. (added Ord #1649-07)

**Care Giver:** Any person who is responsible for the daily care and supervision of a person who is unable to care for themselves because of medical or other special needs. (added 6-18-98)

**Cattery:** A house or shelter for eight (8) or more cats established with the intent to breed, raise, sell or board cats. (added 1-19-95, amended 5-15-97, amended 12-20-01)

**Certificate of Compliance:** A certification by the Zoning Administrator stating that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this ordinance.

**Channel**: A channel is natural or artificial watercourse with definite beds and banks to confine and conduct the normal flow of water.

**Churches:** Places of religious worship which includes synagogues and temples.

**Condominium:** Any property subject to a condominium declaration established under Chapter 703 Wis. Stats. (amended Ord. 1721-07)

**Community Buildings:** Includes local government meetings and office buildings, libraries, information booths and related places of assembly.

**Cord:** Means a unit of measure of wood that is equivalent to a pile of round wood 4 feet wide, 8 feet long and 4 feet high. Containing 128 cubic feet of wood and space. Sometimes referred to as “full cord”. (added Ord # 1743-08)

**Cord (Face):** Means a unit of measure of wood that is equivalent to a pile of round wood 8 feet long and 4 feet high and of variable width, commonly the width of the finished product. For example, if the face cord was firewood, its width might be 12, 16, 18 or 24 inches. (Ord 1743-08)

**Day Care Center:** A state licensed away-from-home facility which provides day time supervision for more than 8 children. (added 6-18-98)

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

**Drainage System**: One or more artificial ditches, tile drains or similar devices which will collect surface run-off or groundwater and convey it to a point of discharge.

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

**Dwelling Unit:** A home, constituting all or part of a dwelling, which is arranged, designed, used or intended for use exclusively as living quarters for one-family. Each dwelling unit shall contain a minimum of 700 square feet of living area floor space. (amended 1-19-95, 7-22-99)

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

**Family:** One or more persons related by blood, marriage or adoption, or a group of not more than five persons not so related, maintaining a common household in a dwelling unit.

**Federal Emergency Management Agency (FEMA):** The federal agency that administrates the National Flood Insurance Program.

**Fee exempt organization:** Fee exempt organizations include only the following: Boy Scouts of America, Campfire Girls, cemetery associations, churches, Girl Scouts of America, Oconto County, Oconto County Municipalities, sanitary districts, schools, Y.M.C.A. and the Y.W.C.A. (added 9-21-00)

**Firewood Processing Facility:** Means a business facility that processes forestry products, primarily logs, into manageable products for use as firewood or similar fuel source. A facility may include but is not limited to the use of chain saws, log splitters, conveyors, loaders, storage/seasoning piles, semis trailers, wood hauling vehicles, and/or a firewood processor. However, firewood that is cut, split and stored as a fuel source for an individual residence or business on the same parcel(s) is not included in this definition. (added Ord # 1743-08)

**Firewood Processor:** Means a wood processor, typically a single unit, used for cutting a log into a series of shorter lengths and subsequently splitting the shorter lengths into individual pieces of firewood or similar material. (added Ord # 1743-08)

**Fishing:** Includes non-commercial and recreational fishing as an activity conducted incidental to a legal principal use such as residential, commercial, recreational, forestry, or agricultural. Included within the use is establishment of fishing cabins or camps.

**Flood or Flooding:** A general and temporary condition or partial or complete inundation of normally dry land areas from the overflow of inland waters, or the unusual and rapid accumulation of run-off of surface waters from any source.

**Flood Frequency:** Means the probability of a flood occurrence. A flood frequency is generally determined from statistical analysis. 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 a given year.

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

**Flood Hazard Boundary Maps:** 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. (amended Ord # 1926-2010)

**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. (amended Ord # 1926-2010)

**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. (amended Ord # 1926-2010)

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

**Footings:** A structural system designed to transmit and safely distribute loads to the soil.

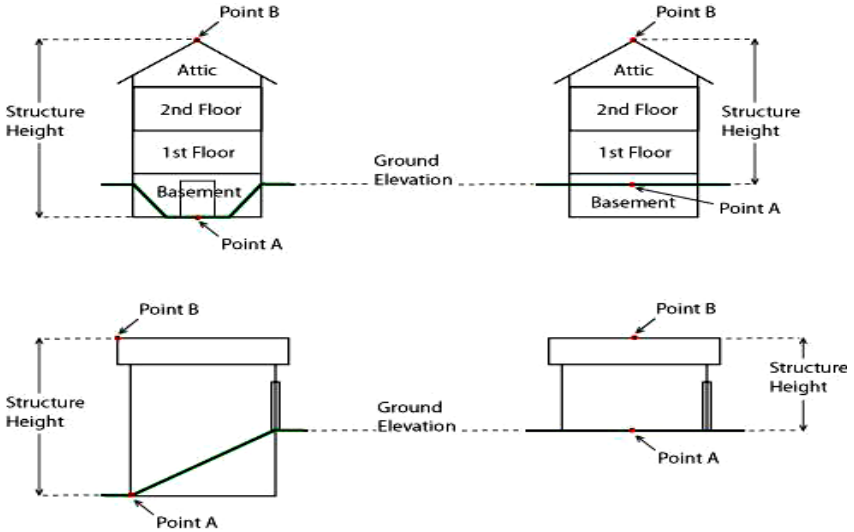
**Forestry:** Includes timber tracts, forest nurseries, tree seed gathering and extraction, gathering of forest products such as maple syrup, and temporary sawmills.

**Foundation:** That part of a building that is under the ground. Foundations shall be designed and constructed to support the vertical loads of the dwelling, lateral soil pressure, and other loads without exceeding the allowable stresses of materials of which the foundations are constructed.

**Golf Courses:** Includes country clubs, does not include miniature golf.

**Habitable Buildings:** Means any building, or portion thereof used for human habitation.

**Height, Building:** Structure height is the measurement of the vertical line segment starting at the lowest point of any exposed wall and it's intersect with the ground (Point A in the following diagram) to a line horizontal to the highest point of a structure (Point B in the following diagram). (amended 5-24-12)




**Historic Structure:** Any structure that is: (added 12-17-98)

Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements or 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 or has been certified either by an approved state program, as determined by the Secretary of the Interior, or directly by the Secretary of the Interior in states without approved programs.

**Hotel:** A building containing lodging rooms, a common entrance lobby, halls, and a stairway; where each lodging room does not have a doorway opening directly to the outdoors, except for emergencies, and where more than 50 percent of the lodging rooms are for rent to transient guests, with or without meals, for a continuous period of less than 30 days. (amended Ord. 1721-07)

**Human Habitation:** The use of a building or structure for overnight living or longer periods of occupation, and including the aggregate of normal occupancy activities such as lounging, cooking, eating, sleeping, bathing, sanitation, etc. (amended Ord. 3066-15)

**Kennel:** A house or shelter for eight (8) or more dogs established with the intent to breed, raise, sell or board dogs. (added 1-19-95, amended 5-15-97, amended 12-20-01)

**Landfill, Sanitary:** A waste disposal operation which consists of dumping and related disposal of garbage, rubbish and other debris into earth trenches or excavations.

**Land Use:** Any nonstructural use made of unimproved or improved real estate. (Also see DEVELOPMENT.) (added Ord # 1926-2010)

**Livestock:** Includes cattle, hogs, sheep, goats, horses, ponies and mules, poultry and other fowl.

**Lot:** A parcel of land, legally described or subdivided as one lot and which is occupied or intended for occupancy by one principal building and such open spaces as are required by this ordinance; and having access to a public street or road.

**Lot Lines:** A property boundary line of any lot held in single or separate ownership; except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley right-or-way line.

**Manufactured Home:** Means either of the following:

A structure, transportable in one or more sections, which in the traveling mode is 8 body feet or more in width or 40 feet or more in length, or when erected on-site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling when connected to the required utilities.

A structure which meets all the requirements of paragraph a., except the size requirements, and with respect to which the manufacturer files a certification required by the Secretary of Housing and Urban Development and complies with the standards established under 42 USC 5401 to 5425.

**Mobile Home:** Means a vehicle which does not meet HUD standards 42 USC 5401 to 5425 and is designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, with walls of rigid uncollapsible construction, which has an overall length in excess of 40 feet. "Mobile Home" includes the mobile home structure, its plumbing, heating, air conditioning and electrical systems, and all appliances and all other equipment carrying a manufacturer's warranty.

**Mobile Home Park:** Any premises on which are parked two or more mobile homes for temporary or permanent habitation.

**Mobile Service Facility:** The set of equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and associated equipment, that is necessary to provide mobile service to a discrete geographic area, but does not include the underlying support structure. (Ord. 3066-15)

**Mobile Service Support Structure (Tower):** A freestanding structure that is designed to support a mobile service facility. (Ord. 3066-15)

**Motel:** A building or group of buildings containing rooms which are offered for compensation for the temporary accommodations of transient lodging that has individual entrances from outside the building to serve each such living or sleeping unit and where there is no permanent occupancy of any unit except by the owner, his agent or his employees. (amended Ord. # 1721-07)

**Municipality or Municipal:** Means the county, city, village or town governmental units enacting, administering and enforcing this zoning ordinance. (amended Ord # 1743-08)

**NAVD** or **North American Vertical Datum**: Elevations referenced to mean sea level datum, 1988 adjustment. (added Ord # 1926-2010)

**NGVD or National Geodetic Vertical Datum:** Means elevations referenced to mean sea level datum, 1929 adjustment.

**Nonconforming Structure:** An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this ordinance. (For example, an existing residential structure in the floodfringe district is a conforming use. However, if the first floor is lower than the flood protection elevation, the structure is nonconforming.) (amended 12-17-98)

**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. (Such as a commercial business in a residential district.) (amended 12-17-98)

**Off Premise Sign:** A sign which advertises goods, products, facilities or services not available on the premises where the sign is located, or directs persons to a different location from where the sign is located. (added 8-18-05)

**On Premise Sign:** A sign advertising activities conducted on the property in which it is located. This includes a sign which consists solely of the name of an establishment and a sign which identifies the establishment's principal product or services offered on the premises. (added 8-18-05)

**Open Space Use:** Those uses having a relatively low flood damage potential and not involving structures.

**Ordinary Highwater Mark:** Ordinary highwater 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.

**Parks:** Public or private areas devoted to outdoor recreation and play fields.

**Person:** Shall mean any institution, public or private corporation, individual, partnership, private organization or other legal entity.

**Private Sewage System:** Means a sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located on the same parcel as the structure. This term 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. (amended 6-18-98)

**Public Utilities:** Means 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.

**Recreational, Religious or Youth Camps:** Includes facilities and operations established for accommodation of groups of guests who engage as a group in educational, recreational or religious activities.

**Recreational Park Trailer:** A recreational vehicle that is primarily designed to provide temporary living quarters for recreation, camping or seasonal use; built on a single chassis; mounted on wheels; which has a gross trailer area not exceeding 400 square feet in the set-up mode and is certified by the manufacturer as complying with ANSI A119.5. (amended Ord # 1721-07)

**Recreational Vehicle:** A vehicle having an overall length of 45 feet or less and a body width of 8 feet or less primarily designed as temporary living quarters for recreational, camping or travel use, which has its own motive power or is mounted or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper and motor home.

**Residence:** An abode, home or dwelling for human occupancy.

**Resort:** An area containing one or more permanent buildings utilized for the accommodation of the public for recreational purposes, providing temporary lodging, meals or facilities for preparation of meals and recreational facilities on the site or on adjacent waters.

**Roadside Stand:** A farm building used or intended to be used solely by the owner or tenant of the farm on which such building is located for sale of farm products.

**Salvage/Junk Yard:** Any place which is owned, maintained, operated or used for storing, keeping, processing, buying and selling of junk, automobile wrecking yard, auto recycling yards, used auto parts yards, temporary storage of auto bodies or parts awaiting and automobile graveyards. Junk means old or scrap metals, alloys, dismantled or wrecked motor vehicle or machinery or any part thereof. Two or more unlicensed vehicles, which are not kept in a completely enclosed building, hereby constitute a salvage/junk yard. Vehicles registered under the Interstate Registration Program (IRP) or similar programs are to be considered licensed vehicles. (amended 6-18-98) (amended 1-29-2004)

**Satellite Dish:** An antenna designed to receive radio or television waves from satellite stations.

**Sawmills, Portable:** Includes temporary sawmill operations that are moveable.

**School:** Places devoted to education ranging from pre-school nurseries to colleges.

**Setback:** The minimum allowable horizontal distance from a given point or line of reference, such as a thoroughfare right-of-way, ordinary high water mark, or prospective line to the nearest vertical wall or other element of a building or structure.

**Shooting Range:** An area designed and constructed for the discharge of firearms or archery equipment that is open for club members or public use. Individually owned and used targets and archery ranges are not included.

**Shorelands:** 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.

**Sign:** A name, identification, description, display or illustration which is affixed to or painted or represented directly or indirectly upon a building or other outdoor surface or piece of land; and which directs attention to an object, product, place, activity, person, institution, organization or business.

**Solid Fence:** A fence which has a greater than 50% constriction of lateral air flow. (added 5-1-97)

**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, which includes, but is not limited to, such objects as roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts. A sign, billboard or other advertising medium detached or projecting shall be construed to be a structure, including signs of a temporary nature.

**Substantial Improvement:** Any structural repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the present equalized assessed value of the structure either before the improvement or repair is started, or if the structure has been damaged, and is being restored, before the damage occurred. The term does not, however, include either: (amended 12-17-98)

Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which existed before the improvement began, was identified by a municipal official and are necessary to assure safe living conditions.

Any alteration of a designated historical structure or site documented as serving preservation by the Wisconsin Historical Society, or listed on the National Register of Historic Places provided the alteration will not preclude the structures continued designation as a historical structure.

Ordinary maintenance repairs are not considered structural repairs, modifications or additions. Such ordinary maintenance repairs include internal and external painting, decorating, paneling, and the replacement of doors, windows, and other nonstructural components. (For purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.)

**Temporary structure or "shelter":** All tents of standard commercial manufacture with the flysheet provided by the manufacturer or constructed in whole or in part from canvas, nylon or other tenting material, and all commercially manufactured self-contained camping units, so long as said camping units are maintained in such a condition that they are immediately mobile. Any camping unit not maintained in an immediately mobile condition shall be deemed a permanent structure. (added Ord #1649-07)

**Transient Lodging:** A commercial lodging establishment which rents sleeping quarters or dwelling units for periods of less than one month. (amended Ord # 1721-07)

**Unnecessary Hardship:** In light of the purpose of this ordinance, that circumstance where special conditions, which were not self-created, affect a particular property and make conformity with the restriction governing area, setbacks, frontage, height, bulk or density unnecessarily burdensome or would unreasonably prevent the owner from using the property for a permitted purpose. (amended Ord # 1792-2008)

**Use:** The purpose or activity, for which the land or building thereon is designed, arranged or intended, or for which it is occupied or maintained.

**Use, Accessory:** A subordinate use which is clearly and customarily incidental to the principal use of a building or premises and which is located on the same lot as the principal building or use except for such accessory parking facilities as are specifically authorized to be located elsewhere.

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

**Use, Principal:** A "principal use" is a use which may be lawfully established in a particular zone or district, provided it conforms to all requirements, regulations and performance standards of this ordinance when the use is the dominant activity on the premises.

**Variances:** An authorization granted by the Board of Adjustment to construct, alter or use a building or structure in a manner that deviates from the dimensional standards of this ordinance.

**Watershed:** Means the entire region or area contributing runoff or surface water to a particular watercourse or body of water.

**Well:** Means an excavation opening in the ground made by digging, boring, drilling, driving or other methods, for the purpose of obtaining groundwater regardless of its intended use.

**Wetland:** 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.

**Wetland Scrape:** A construction or restoration of a wetland by digging or the use of embankments for the purpose of benefiting wildlife, fish and aquatic life support, to reduce flooding, to provide off-site water quality benefits, to provide ground water quality and to provide educational and aesthetic benefits. At least 50% of the planned water area will be 2 feet in depth or less with the maximum water depth of 5 feet. Side slopes should be relatively flat to encourage natural re-vegetation. (added 5-20-93, amended 12-17-98)

**Zoning Permit**: A document issued by the Zoning Administrator or authorized agent allowing buildings, structures or uses consistent with the terms of this ordinance for the purpose of carrying out and enforcing its provisions. (amended 12-17-98)

## 14.400 GENERAL PROVISIONS

### 14.401 Provisions

Any use not listed in this ordinance, or within any zoning district, as a permitted or conditional use is prohibited. Uses which are not listed within any zoning district as a permitted or conditional use are prohibited within that district. The provisions in this section apply throughout the jurisdiction and supplement district regulations. (amended 7-22-99)

### 14.402 Accessory Structures

Accessory structures which are customarily incidental to and compatible with permitted principal structures and uses shall be permitted subject to the district regulations and as described below:

1. Accessory structures shall not be permitted until its associated principal structure is present or under construction, except that one accessory storage building may be permitted prior to the erection of a principal structure, provided the following requirements are met: (amended Ord. 3066-15; Ord. 3117-15; Ord. 3172-16 )

    a. Side wall height: The height of the highest side wall of an accessory structure shall not exceed 18 feet unless a conditional use permit is approved by the Board of Adjustments.

    b. There shall be no patio doors or other non-standard garage window glazing in the building.

    c. There shall be no water service, sanitary waste disposal connected to the accessory building.

    d. Accessory buildings located on rural residential, agricultural or forestry type zoning district used for general farm use and airparks shall be exempt from this standard.

    e. Parcels less than 5 acres shall require a soil and site evaluation report be filed in the Oconto County Zoning Department defining an area to be preserved for a future POWTS sized for a typical 3 bedroom dwelling in compliance with Section 12.106 (3) of the Oconto County Sanitary Ordinance

    f. Preserved principal structure area: Parcel site plan shall show location of a compliant and accessible buildable lot area of not less than 1000 sq ft. The designated area shall be preserved for a future principal structure. If necessary due to limited buildable area, the preserved principal structure area may be utilized for an accessory structure until the principal structure is proposed to be placed on the parcel.

    g. Site plan shall include an interior floor plan of the accessory structure.

2. Accessory structures that meet the following requirements are hereby permitted without the need for a land use permit issued from the Oconto County Zoning Department: (added 5-15-97)

    a. The structure must meet all requirements of the Oconto County Zoning Ordinance, including, but not limited to all setback requirements.

    b. The structure must not exceed 80 sq. ft. in size.

    c. The structure must not exceed 8 ft in height.

3. Landscape vegetation, gardens, flag poles, ornamental light standards, lawn furniture, sun-dials, bird baths and similar objects and equipment may be located anywhere within a lot subject only to the limitations that any such object or structure which constitutes a solid view obstruction may not exist above a height of 2 feet above road elevation within a vision clearance triangle unless the object constitutes cultivated agricultural crops or tree trunks where they are unbranched to a height of 10 feet and located a minimum of 30 feet apart.

4. All driveways, parking areas and walks that do not protrude more than 2 feet above ground level, also open play equipment, may be located anywhere within a lot, as long as they are not closer than 4 feet

to a side or rear lot line. Shared driveways are exempt from the setback standard. (amended 6-18-98; Ord. 3172-16)

5. Accessory structures such as sheds, storage buildings, greenhouses, related facilities, pools and associated equipment, garages, well houses, pump houses and decks exceeding 2 feet above ground level may not be located within the front (road), side, rear and/or the shoreland setback standards *of* Chapter 26 Shoreland Protection Ordinance, must comply with required maximum lot coverage standards and the following requirements: (amended Ord. 3066-15; Ord. 3117-15)

   a. Accessory structures shall not be designed for or used for human habitation, including but not limited to; lounging, cooking, eating, sleeping, bathing or any form of human habitation, occupancy or living purposes, even if on a temporary or incidental basis.

   b. Accessory structures may be permitted to include plumbing and electricity for the purpose of a bathroom associated with a personal workshop.

   c. Accessory structures in R-1, R-2, R-3 zoning district shall not exceed one story or a side wall height of 18 feet unless a conditional use permit is approved by the Board of Adjustment.

   d. Any accessory structure which includes living quarters shall provide documentation that the construction is tied into the existing roofline and foundation of the principal structure or documentation by local building inspector that the design meets state uniform dwelling codes for adjoining to principal structure.

   e. Structures in airparks shall be exempt from these requirements.

6. Boathouses shall conform to the shoreland standards of Chapter 26 Shoreland Protection Ordinance.

7. The use of any mobile home, camping trailer, van body, truck or auto body not used for its original purpose is hereby prohibited in all Districts. (amended 5-15-97)

8. Semi Trailers: (added 7-24-03)

   a. The use of a semi trailer for storage is permitted in the Community Service, Park and Recreation, Forestry, Agricultural, Large Scale Agricultural, Restricted Commercial, General Commercial, Light Industrial and Industrial Zoning Districts.

   b. No more than two (2) semi trailers used for storage shall be allowed per parcel.

   c. All semi trailers shall be maintained in a manner that will enhance the appearance of the property.

**14.403 Airport-Related Regulations**

1. All airports or other aircraft landing facilities shall be located so that flight paths or aircraft landing or taking off from the facility clear the parcel boundary and all existing or future objects by a minimum distance of 10 vertical feet. This rule shall apply to all areas below the approach surface represented by an imaginary trapezoid 100 feet wide at both ends of a runway (or at a permanent marked threshold marker on such runway) and 250 feet wide at the outer boundary and 1,250 feet in length, assuming elevation of such trapezoid is 10:1 ratio.

2. The standards of the Airport Height Limitation Ordinance shall apply to all airports or aircraft landing facilities in Oconto County.

**14.404 Application of Overlapping Regulations**

This ordinance shall not abrogate any easement, covenant or other private agreement provided that where the regulations of this ordinance are more restrictive or impose higher requirements than such easement, covenant or private agreement, the requirements of this ordinance shall prevail.

**14.405 Area Regulations**

1. No lot shall hereafter be divided or otherwise reduced in size so that the dimensional standards of this ordinance cannot be met for at least one use permitted in the applicable zoning district.

2. Lots hereinafter created shall comply with the Oconto County Land Division Ordinance.

3. All required setback areas and yard spaces shall be located on the same lot (that is, the legal parcel of record) as the principal structure or use.

**14.406 Compliance**

The use, size, height or location of buildings hereafter erected, converted, enlarged or structurally altered, the provision of open space and the use of land or premises, shall be in compliance with the regulations established herein. No residential building, mobile home, commercial or industrial building may be occupied before the provisions of this Ordinance and the Oconto County Sanitary Ordinance have been complied with.

**14.407 Height Regulations**

1. A basic height limit of 35 feet is hereby established for all regulated objects, structures and equipment in all zoning districts.

2. This basic limit may be waived and a specified height limit exceeding 35 feet may be established by the Planning and Zoning Committee, upon application, in accordance with the following standards:

    a. Agricultural structures such as barns, silos, mixing structures and windmills shall not exceed in height the actual distance from the nearest lot line.

    b. Communication and power generating structures such as radio and television transmission and relay towers, windmills, aerials and receiving antennas shall not exceed in height the actual distance from the nearest lot line.

    c. Architectural projections such as spires, steeples, belfries, parapet walls, cupolas, domes, flues and chimneys are exempt from the height limitations of this ordinance.

    d. Cooling towers, stacks, lookout towers, windmills, water towers and mechanical appurtenances may be approved to a height above the basic height limit provided that the zoning administrator and committee shall consult with the local fire department and other public safety agencies prior to establishing a higher limit to determine whether the height to the proposed structure or object would present a problem of public safety. If problems appear to be present, the permit shall be denied.

    e. The height standard of the Oconto County Airport Height Limitation Ordinance applies to objects of extraordinary height within the affected area.

**14.408 Non-conforming Uses and Structures**

1. It is the policy of Oconto County to allow for the continued lawful use of existing legal non-conforming structures which are considered non-conforming for any of the following reasons: (added 5-15-97)

    a. The non-conforming structure was constructed prior to the laws which govern the ordinance requirement(s) which make(s) the structure non-conforming.

    b. The structure was constructed in compliance with the ordinance; however, subsequent to construction, the ordinance was changed which made the structure non-conforming.

2. It is also the policy of Oconto County to limit the non-conforming growth of existing legal structures, in addition to phasing out non-conforming structures throughout the life of the structure by using the lawful provisions of this ordinance.

3. It is further the policy of Oconto County to not allow for the continued use and maintenance of non-conforming structures which were constructed in violation of the ordinance.

4. The lawful use of a building, structure or property which existed at the time this ordinance, or an applicable amendment to this ordinance, took effect and which is not in conformity with the provisions of this ordinance, including the routine maintenance of such a building or structure, may be continued, subject to the following conditions.

   a. If a non-conforming use is discontinued for twelve (12) consecutive months, any future use of the building, structure or property shall conform to this ordinance.

   b. The maintenance and repair of non-conforming boathouses that extend waterward beyond the ordinary high-water mark of any navigable waters shall comply with the requirements of Section 30.121, Wisconsin Statutes.

   c. If the non-conforming use of a temporary structure is discontinued, such non-conforming use may not be recommenced.

   d. Uses which are nuisances may not be permitted to continue as non-conforming uses.

   e. No structural alteration, structural addition or structural repair to any building or structure with a non-conforming use or any non-conforming building or structure, over the life of the building or structure, shall exceed 50 percent of its current estimated fair market value unless it is permanently changed to conform to the requirements of this ordinance unless a variance is granted by the Board of Adjustment.

   f. If the alteration, addition or repair of a building or structure with a non-conforming use or a non-conforming building or structure is prohibited because it is in excess of 50 percent of the current estimate fair market value, the property owner may still make the proposed alteration, addition or repair if: (amended 12-17-98)

      (1) A non-conforming use is permanently changed to a conforming use; and

      (2) The property owner appeals the determination of the Zoning Administrator and either the County Board of Adjustment or the Circuit Court find in the property owner's favor under Sections 59.694(4) or 59.694 (10), Wisconsin Statutes.

   g. If the zoning administrator determines that any portion of a building addition or remodeling or reconstruction project is required to be allowed under the Federal Fair Housing Act, the Wisconsin Open Housing Law or the Americans with Disabilities Act, that portion of the project costs that are necessary to provide equal housing opportunity for handicapped or disabled persons shall not be counted in determining whether or not the 50% limit would be exceeded. (added 7-22-99)

   h. Lots existing and on record prior to July 20, 1966, but of substandard size, may be devoted to uses permitted in the zoning district in which located. If two or more substandard lots with continuous frontage have the same ownership as of July 20, 1966, the lots involved shall be considered to be an individual parcel for purposes of this ordinance.

5. Non-conforming Use:

   a. Not retroactive. The regulations prescribed in this ordinance shall not be construed to require the removal, lowering or other changes or alterations of any non-conforming use or otherwise interfere with the continuance of any non-conforming use.

b. Removal. This ordinance shall not interfere with the removal of non-conforming uses by purchase or the use of eminent domain.

c. Existing uses. Existing uses may continue.

d. Expansion of nonconforming uses is prohibited, i.e., only that part of the property in use at the time the regulations were adopted may continue as nonconforming use.

e. When a structure becomes a nonconforming use as to setback from a highway, because the highway was widened or relocated, such structure shall not be considered a nonconforming use under this section. However, no such structure shall thereafter be added to or rebuilt in such a manner so it will be closer to the right-of-way of the highway than is existing at the time of the proposed construction of the structure. (added 1-19-95, amended 12-17-98)

6. Restoration of Certain Non-conforming Structures (Added Ord # 1649-07)

As required by Wis. Stats. 59.69 (10m), if a landowner can establish that a non-conforming structure that violates only the dimensional or use standards of this ordinance and does not violate any other provisions of this ordinance has been destroyed or damaged after March 2, 2006 by violent wind, fire, flood, vandalism, ice, snow, mold or infestation, the structure may be reconstructed or repaired to the size, location and use it had immediately before the damage occurred, subject to the following:

a. The structure that is destroyed or damaged due to a deliberate act by the landowner or by his or her agent, or due to general deterioration or dilapidated condition, may not be reconstructed or repaired, except in conformance with the standards of this ordinance.

b. Reconstruction or repairs are authorized under this provision only to the extent that they are necessary to repair the specific damage caused by violent wind, fire, flood, vandalism, ice, snow, mold or infestation and only that portion of the nonconforming structure that has been destroyed may be reconstructed.

c. The landowner shall bear the burden of proof as to the size, location or use a destroyed or damaged nonconforming structure had immediately before the destruction or damage occurred.

d. If deemed necessary for compliance with state or federal requirements the size of the structure may be larger than the size immediately before the damage or destruction occurred. Documentation of such shall be in writing from an architect/engineer certifying that the increase in size is necessary to comply with state or federal requirements.

e. All structures reconstructed or repaired remain legal non-conforming structures.

f. Non-conforming structures in the Shoreland Zone are subject to additional requirements noted in Chapter 26 Shoreland Protection Ordinance.

**14.409 Permitted Obstructions in Required Yards or Setback Areas**

Marquees, awnings, overhanging roof eaves, chimneys and similar architectural element of buildings or structures projecting not more than two (2) feet may extend into required yards or setback areas, except the shoreland setback as noted in Chapter 26 Shoreland Protection Ordinance. (Ord. 3066-15)

**14.410 Setbacks, Yard Spaces and Vision Clearance Area**

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

a. Class A Highways

(1) All State and Federal Highways are hereby designated as Class A highways.

(2) The setback from Class A highways shall be 110 feet from the center line of the highway of the closest lane or 50 feet from the right of way (R.O.W) whichever is greater. (amended 12-20-01) (amended 1-29-2004)

b. Class B Highways

(1) All county trunks are hereby designated as Class B highways. For the purpose of this Ordinance 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 Divisions of Highways.

(2) The setback from Class B highways shall be seventy-five (75) feet from the center line of such highway or 42 feet from the right of way (R.O.W) whichever is greater. (amended 12-20-01) (amended 1-29-2004)

c. Class C Highways

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

(2) The setback from Class C highways shall be sixty-three (63) feet from the center line of such highway or 30 feet from the right of way (R.O.W) whichever is greater. (amended 12-20-01) (amended 1-29-2004)

2. At every public street intersection, excluding overpasses, there shall be a visual clearance triangle bounded by lines running down the road centerlines and a line connecting their endpoints. The length of the line down the road centerline shall be determined as follows:

300 feet on a Class A (State or Federal) Highway
200 feet on a Class B (County) Highway
150 feet on a Class C (Town) Highway

If a structure cannot comply with the vision clearance area requirements a variance may be granted by the Oconto County Board of Adjustment. No structure shall be placed or constructed within the visual clearance triangle. Furthermore, no trees or woody vegetation shall be planted that will grow in excess of 2 feet in height, as determined by the elevation plane of the existing roadbed surface. Existing trees shall be thinned and branched to a height of 6 feet to allow an unobstructed view across the visual clearance triangle. (amended 5-20-93, 5-15-97, amended 12-20-01)

3. There shall be a 75 foot setback established along the ordinary high-water mark of all navigable water bodies as described in Chapter 26 Shoreland Protection Ordinance.

4. Reduced principal structure setback: Front (road) setbacks may be reduced on the approval of the zoning administrator where there are principal buildings already located on the adjoining lots, where such buildings are within 250 feet of a common lot line and where such buildings are located closer to the same road than the present ordinance would allow. Averaging may also be used if the principal structure is located on a corner lot by using the structures on the adjoining lot and the lot adjoining that lot provided such buildings are within 250 feet of the closest lot line and such buildings are located closer to the same road than the present ordinance would allow. The administrator shall add the actual setback of non-conforming neighboring principal structures plus the required setback and divide by the number of items added to calculate the reduced setback line for the subject property. Where there is only one neighboring principal structure, averaging cannot take place. Measurement is to be done from the nearest straight, bearing wall to the setback line in question. Averaging cannot be done using decks, patios, or any similar objects, or using accessory structures. (amended 6-18-98, 9-21-00; Ord. 3172-16)

5. There shall be a sideyard setback parallel to the side lot lines of all lots from front to rear. The depth of this setback shall be 10 feet from principal buildings and 7.5 feet for accessory buildings on lots of 100 feet or more in width and 5 feet for accessory buildings on lots of less than 100 feet or as established in each zoning district. (amended 8-15-91)

6. Rear yard areas: There shall be a rear yard setback parallel to the rear lot line of 20 feet. (amended 5-15-97)

7. There shall be a setback parallel to a publicly owned vision clearance triangle of 10 feet. (added 6-22-00)

8. Where existing structures do not comply with the required road, side yard or rear setback, additions may be allowed by extending the present building line where such an extension does not create a more non-conforming setback. (amended 7-24-03; Ord. 3172-16)

**14.411 Temporary Uses**

1. Uses such as real estate field offices or shelters for materials and equipment being used in construction of a permanent structure may be granted a temporary permit by the Zoning Administrator. A mobile home, motor home or travel trailer may be used as a temporary use, provided that a sanitary and land use permit has been issued for the permanent use, provided the temporary use permit is not issued or renewed for more than one year. (amended 8-15-91)

2. Establishment of a temporary festival, concert, carnival, races, assemblage of campers, or similar activity on any site shall be a conditional use regardless of the zoning of the property and shall be made to comply with all applicable public assembly and sanitary standards as well as with conditional use standards addressing noise, traffic, health and public safety.

3. The allowance for sale of a mobile home, provided the temporary use permit is not issued for more than one year. A temporary use permit may not be renewed for more than one year. (added 8-15-91)

4. The allowance for the use of one mobile home for the temporary home for a care giver, elderly parent, etc., provided the temporary use permit is accompanied with an affidavit recorded on the property, stating that the mobile home will be removed as soon as the care giver, elderly parent, etc. ceases to live in the temporary structure. (added 6-18-98)

5. An existing dwelling may be used as a temporary residence while a new permanent residence is being built on the affected parcel provided that a sanitary and land use permit has been issued for the new permanent residence. The temporary residence must be removed within 30 days of the completion of construction of the new permanent residence; however, the maximum amount of time the temporary residence can remain on the property is one (1) year after the date the permit is issued for the permanent residence. (added 2-20-03)

6. A temporary authorization may be issued by the Zoning Administrator to operate a business on property zoned General Commercial (GC) that is classified as a conditional use prior to receiving a conditional use permit from the Board of Adjustment. In issuing the temporary authorization the Zoning Administrator may place additional restrictions as necessary in order to ensure the safety and compatibility with the surrounding area. A temporary authorization may be rescinded by the Zoning Administrator at any time in order to preserve the safety and compatibility with the surrounding area. Any temporary authorization that is granted by the Zoning Administrator cannot be issued or renewed for more than sixty (60) days. (added 2-20-03)

**14.412 Unclassified Uses**

Uses of land or premises that are not identified in this ordinance may be placed within a district by action of the Planning and Zoning Committee based on a finding that the use is substantially similar to uses allowable in the selected district and a finding that the unclassified use will be compatible with uses in that district. The Committee shall classify the use as permitted or conditional. Annually, the Committee shall initiate a zoning text amendment adding previously unclassified uses to the formal text of the zoning ordinance.

**14.413 Excavating, Filling, Recontouring, Ponds**

1. A grading permit shall be required under any of the following circumstances: (amended 5-20-93)

a. Prior to any excavating, filling, grading or recontouring of the surface of the land when the activity affects an area in excess of 10,000 square feet; or

b. Prior to similar activity affecting any area within the shoreland jurisdiction as provided in Chapter 26 Shoreland Protection Ordinance; and

c. Prior to excavating, filling, grading or recontouring activities involving in excess of 100 square feet on any lot or parcels that is covered to the extent of more than 50% thereof with buildings or paving.

2. Filling under and around structures for a distance of 25 feet is exempt from paragraphs 14.413 (1)(a) and (b).

3. The Zoning Administrator shall consider surface drainage patterns affecting persons, property and activities on the parcel and on other parcels, flooding potentials, protection of sanitary systems, erosion control, achievement of onsite surface water retention or detention and safe percolation and physical appearances in judging applications and in imposing necessary conditions. (amended 5-20-93)

4. A land use permit shall be required to build or alter a man-made pond, regardless of size or purpose. In judging such proposals, and in imposing conditions, the Zoning Administrator shall consider safety and stability of the pond and associated berms, treatment of spoils, seeding or sodding of lands adjoining the pond and physical appearances. All man made ponds shall be a minimum of 10 feet from any property line, except the road right-of-way where ponds must be setback a minimum of 30 feet. (amended 2-20-03) (amended 5-23-03)

   Any pond 1 acre or less or multiple ponds on a parcel that cumulatively affect one acre or less shall be considered a pond regardless of construction technique and the destination of the resultant material; however, the Zoning Administrator may place additional restrictions as necessary, including those on construction technique and the destination of the material, in order to ensure safety and compatibility with the surrounding area. For ponds larger than 1 acre in size or multiple ponds on a parcel that cumulatively affect more than one acre, material may not be shipped off the property unless: (added 12-20-01, amended 2-20-03)

   a. The property is zoned quarry overlay, a conditional use permit is granted and a reclamation permit is granted; or

   b. The material is to be used as barrow material for a public works project and is not a commercial source and the following conditions are met:

      (1) A reclamation plan showing the following is submitted and is incorporated as part of any permit granted:

         (a) The pond shall have minimum nominal side slopes of 5:1.

         (b) A description of the proposed earthwork, including final slope angles, high wall reduction, benching, terracing and other structural slope stabilization measures.

         (c) The methods of topsoil or topsoil substitute material removal, storage, stabilization and conservation that will be used during the project.

         (d) A re-vegetation plan, which shall include timing and methods of seed bed preparation, rates and kinds of soil amendments, seed application timing, methods and rates, mulching, netting and any other techniques needed to accomplish soil and slope stabilization.

         (e) Quantifiable standards for re-vegetation adequate to show that a sustainable stand of vegetation has been established. Standards for re-vegetation may be based on the percent vegetative cover, productivity, plant density, diversity or other applicable measures.

(f) A plan and, if necessary, a narrative showing erosion control measures to be employed during the project. These shall address how the project will be conducted to minimize erosion and pollution of surface and groundwater.

(2) A bond in the amount established by the Zoning Administrator is submitted to the Zoning Office at the time of permit application.

5. Wetland Scrapes
   a. Wetland scrapes receiving cost sharing or under conservation programs: These ponds require a plan from the Oconto County Land Conservation Department(LCD), Natural Resource Conservation Service(NRCS), Wisconsin Department of Natural Resources(DNR) or U.S. Fish and Wildlife Department, in addition to meeting all of the above requirements.

   b. Wetland scrapes that are not receiving cost sharing or not under conservation programs: These ponds do not require a plan from any of the aforementioned agencies, but the Zoning Administrator shall consider the safety and stability of the pond and associated berms, treatment of spoils, seeding or sodding of lands adjoining the pond and the physical appearance of the pond in order to insure that the pond is not detrimental to any other property owner or to the public before issuance of a permit, in addition to meeting all of the above requirements. (amended 7-24-03)

6. In addition to 1-5 above, all activity under these provisions shall be subject to Ch. NR 102 Water Quality Standards for Wisconsin Surface Waters and Ch. NR 103 Water Quality Standards for Wetlands. (added 5-20-93)

**14.414 Fences**

1. Parcels which abut lands on which livestock are kept shall be fenced with a fence satisfying the standards of Chapter 90 of the Wisconsin Statutes. Such fence shall be maintained, repaired or rebuilt as conditions warrant during such time period as the lands adjoining such fences are in farm use or in a use which involves the feeding or grazing of livestock.

2. Solid fences used for privacy or for decorative purposes shall be considered structures and shall require a zoning permit. Such structures shall not exceed 6 feet in height and shall not encroach upon a vision clearance area. The finished side of the fence shall face away from the property. Such structures may be located on the lot line where both property owners concur to jointly maintain the fence. Where concurrence is not obtained, the fence shall not be located closer than 3 feet from the property line. (amended 8-15-91, 5-15-97)

3. All cable, chain, rope and wire gates are hereby PROHIBITED. Existing gates are NOT GRANDFATHERED. (added 5-20-93, amended 12-17-98)

   a. Agriculture gates shall satisfy the standards of the respective provisions of Chapter 90 of the Wisconsin Statutes.

   b. Gates in conjunction with fences for privacy or for decorative purposes shall be constructed in such a manner that they are clearly visible, painted with reflectorized paint or provided with reflectorized markers on each horizontal and vertical member. Gates shall not exceed 6 feet in height.

**14.415 Application to Government Uses**

1. Except as provided under section 14.418 2., this ordinance applies to lands or buildings owned by, leased by or licensed by governmental entities and land uses undertaken by governmental entities are to be fully subject to the terms of this ordinance in the same manner as are private properties.

2. It is recognized that state and federal law affords some government operations an exemption from local zoning. Governmental entities claiming such exemption shall submit a written statement to the Zoning Administrator identifying the specific legal basis for their claimed exemption and describing the development they plan to undertake. The Zoning Administrator shall then determine whether to issue a letter verifying the exemption.

3. Government work on road right-of-ways or bridges shall be subject to approvals and permits under this ordinance only when new roads are being established.

**14.416 Community Living Arrangements**

1. Community living arrangements (group homes) as defined in Section 46.03(22), Wisconsin Statutes, shall be governed by the provisions and standards of Section 59.69(15), Wisconsin Statutes which generally provide as follows:

    a. Community living arrangements accommodating 1 - 8 persons, and foster home accommodating 4 or fewer children may locate as permitted in zoning districts where residences, mobile homes are allowed as permitted uses.

    b. Community living arrangements accommodating 9 - 15 persons may locate as permitted uses in any zoning district where residences, multiple-family are permitted uses and as conditional uses in any other residential district.

    c. Community living arrangements accommodating 16 or more persons may locate as conditional uses in any residential district.

    d. Conditional use reviews of community living arrangements shall examine the likely effect upon the health, safety or welfare of the residents of the town. (amended 12-17-98)

    e. Section 59.69(15)(i), Wisconsin Statutes, shall govern periodic reviews of such arrangements once permitted to locate.

    f. The standards and provisions of Section 59.69(15), Wisconsin Statutes, apply fully and supplement the provisions of this section.

**14.417 Home Based Business, Home Based Industry and Professional Offices in Homes**
(amended 12-17-98)

1. General Definitions:

    a. Home based business is a gainful business conducted by a member of a family from his or her home.

    b. Home based industry is a gainful industry conducted by a member of a family from his or her home.

    c. Professional office within a home is the conduct of professional activity from office space located within a residence.

2. The use of space within a residential structure or dwelling unit (except for a mobile home within a mobile home park) for these activities is allowable as a permitted accessory use so long as the following rules are complied with:

    a. A home based business may not exceed 20% of the area of one floor, may not employ more than one non-resident employee; shall not be disturbing to nearby residents. Stock in trade may be kept on the premises provided it is kept inside. Tradesmen such as painters, carpenters, electricians, plumbers and independent contractors may store the goods of their trade and vehicles at home, with use at their job site.

    b. A home based industry may not exceed 20% of the area of one floor, may not employ more than one non-resident employee; and shall not be disturbing to nearby residents. It is the intent to allow for small industry such as assembly of small items and the manufacture of items such as outdoor furniture and similar equipment. A home based industry is not allowed where the standards set forth in section 14.2004 apply.

    c. A professional office shall not occupy more than 20% of the area of any one floor of the residence and not more than one non-resident person shall be employed and the use shall not be disturbing to nearby residents.

3. Where a home based business, home based industry or professional office is disturbing to nearby residents a conditional use permit shall be required if a petition requesting a conditional use permit hearing before the Board of Adjustment is received and duly signed and acknowledged by abutting owners of 50% or more of the total perimeter of the parcel with the home based business, home based industry or professional office. Each signer of the petition shall state the frontage they own and shall include a description of their land.

4. The use of space within mobile homes located within mobile home parks for these activities shall be allowable only as a conditional use.

5. A conditional use permit shall be required to establish or maintain these activities within an accessory structure. Conditional use reviews shall examine whether the use in its appearance, level of activity, traffic generation and related features will disturb the residential tranquility and character of the neighborhood or whether the use is likely to evolve into a principal use to attract other similar uses that in combination would affect the neighborhood character. Conditions shall be applied to control such aspects of the operation and the conditional use approval may be limited to the particular operator. Where industrial standards apply, the home based industry shall be relocated to an appropriate industrial district.

**14.418 Lot Dimensions**

1. In determining whether lots satisfy specified lot width requirements, the lot width requirement can be satisfied at the front lot line, the front house line or by an average width.

2. In determining whether lots abutting navigable waters satisfy the minimum width specified for such lot, the following supplemental rule applies: The lot must be 100 feet or greater width at the ordinary high water mark in addition to 100 feet of average lot width.

3. In determining whether lots have the required minimum lot area, no part of a lot that is less than 30 feet in width shall be considered, and lands that have public roads built upon them or that part of another legal lot of record shall not be considered. (amended 12-17-98)

4. Lot depth may be satisfied by calculating the average distance between the front and rear lot lines.

5. All measurements are made on a horizontal plane.

**14.419 Parcel Size and Dimension Where Not Specifically Identified**

1. Generally, the text for each zoning district identifies specific lot size and dimensional standards for principal uses in the district. However, in many districts there are uses, permitted and conditional, that have no specified lot size dimensional standards within the text for that district. Such uses shall be governed by the standards of paragraph 14.420.

2. The applicant shall submit a site plan indicating lot dimensions and area, existing structures, intended new structures, onsite waste disposal areas (primary and replacement), traffic, parking, circulation areas, setbacks and yard spaces and other permanent features. The site plan shall be reviewed by the appropriate reviewing officer or unit (by the Zoning Administrator in the case of a permitted use; by the Board of Adjustment in the case of a conditional use). The reviewer must be satisfied that the lot is of a size and dimensional character to allow the intended land uses to function effectively and comfortably with no measurable burdens of a direct or indirect nature being cast upon neighboring or nearby property or public lands or facilities.

**14.420 Operational Standards**

No land use or aspect of land use, whether newly established or pre-existing, whether permanent or temporary, shall be conducted in a manner that results in pollution or contamination of waters (ground water or surface water), or of air, or emission or release of radioactivity or electrical disturbances, or noise, or glare of heat, or fire or explosive hazards or in conditions of crowding or congestion or in assemblies of persons or livestock without adequate provision for safety, health and sanitation, to the extent of constituting either a violation of applicable laws or regulations, or a condition or public or private nuisance which threaten the public health, safety, comfort or welfare or the right of users of other properties to reasonable enjoyment of their property. Any violations of the standards may be enforced as a zoning violation either prospectively or after the violation occurs, regardless of the legality of the basic land use.

**14.421 Utilities**

1. This section applies to:

   a. Electrical power generation facilities serving more than merely the site on which they are located; and

   b. Electrical transmission facilities; and

   c. Natural gas storage and transmission facilities; and

   d. Telephone lines and related facilities; and

   e. Telegraph lines and related facilities; and

   f. Cable T.V. lines and related facilities; and

   g. Public water and sewer lines and related facilities. (added 12-17-98)

2. Utility distribution systems (lines, transmission facilities and the like) serving residences, businesses, institutions and manufacturing facilities and neighborhoods wherein such uses are located are permitted uses in all zoning districts and are exempt from permit requirements. No general standards apply, but the systems may be subject to district regulations or subdivision standards.

3. Distribution systems that connect geographically diverse areas, rather than serving immediate neighborhoods, require a zoning permit to be established. Applications shall be made to the zoning administrator who shall determine whether the proposed facility presents any significant problems for existing land uses or allowed by zoning. If a finding of potential problems is made, the applicant shall be referred to the Board of Adjustment as a conditional use applicant. The board shall apply a standard and set conditions to assure minimal interference with allowable land uses as a result of the proposed utility installation.

4. Power generating facilities and towers are conditional uses in all districts. The board shall apply the standards of section 14.421 (3). in reviewing applications. (amended Ord. 3066-15)

5. Utility uses authorized by the Wisconsin Public Services Commission under section 196.491(3), Wisconsin Statutes are exempt from county zoning to the extent provided for in the law.

**14.422 Recreational Vehicles**

1. Recreational vehicles may be parked or stored on the owners home premises as an accessory use, provided no permanent living quarters or business use is conducted herein.

2. Camping trailers, truck campers, houseboats and motor homes may be permitted for their recreation uses in all districts excluding the Floodplain District except that they shall not be used for the purpose of permanent habitation. Such recreation vehicles shall not remain on any lot or premises more than 60 consecutive days. Any such vehicle may be left on the land for more than 60 days provided that a temporary use permit is obtained and an approved sanitary facility is provided. (amended 8-15-91)

3. The wheels or any similar transporting devices of any recreational vehicle shall not be removed except for repairs, nor shall any such recreational vehicle be otherwise fixed to the ground in any manner that would prevent ready removal.

**14.423 Footings and Foundation**

1. Footings and foundations which meet the requirements of SPS 321, Wisconsin Administrative Code are required for single and two-family residences, manufactured homes and mobile homes. (amended Ord. 3172-16)

2. A permit for footings/foundation may be issued prior to the issuance of a land use permit for the structure for which they will be the footings/foundation on any parcel regardless of the intended use of the structure or the minimum parcel size required by the applicable zoning district provided: (added 2-20-03)

   a. A sanitary permit has been issued by Oconto County for the affected parcel.

   b. The property owner signs a disclaimer acknowledging that there is no warranty or guarantee that the actual structure may be permitted.

   c. The footings/foundation meets all setback requirements.

   d. A fee is paid pursuant to Section 14.3004 of this ordinance.

   e. The structure for which they will be the footings/foundation is built within one year, unless an extension is granted. If the structure is not built within one year, or the extended period, the footings/foundation must be completely removed.

### 14.424 Greater Restrictions

Where a city or village zoning ordinance or other county ordinance are more restrictive than the provisions contained in this ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

### 14.425 Other Permit Requirements

Where other permits are required to meet state commercial or industrial building requirements, or Department of Natural Resources, or U.S. Army Corps of Engineers regulatory requirements, or any other state or federal requirements, said permit shall be obtained and made a part of any permit required under the provisions of this ordinance.

### 14.426 Physical Address Number

All buildings, premises, structures or uses designed for occupancy, a workplace, business, agriculture, forestry, private or public use, shall hereinafter be assigned a physical address number pursuant to the Physical Address Ordinance. Each applicant for a Sanitary or Land Use Permit shall complete and submit an application and fee for a physical address number. (added 5-20-93) (amended 1-29-2004)

### 14.427 Primary Dwelling

A parcel is permitted to have only one dwelling used for human habitation per parcel unless otherwise specifically permitted within a Zoning District. Any dwelling used for human habitation must contain a minimum of 700 square feet of living space. Two existing dwellings cannot be attached, combined or otherwise joined to each other. For structures constructed after January 1, 1997 additions to the structure will not be counted in determining if the 700 square foot minimum has been met. Furthermore, a dwelling may be used for human habitation in Oconto County only if: (added 5-15-97, amended 8-19-99, 2-20-03)

1. The dwelling has a minimum nominal width of 14 feet, and;

2. The dwelling has a nominal roof pitch of three (3) inches of rise per twelve (12) inches of run, and;

3. The dwelling was constructed no more than 15 years prior to the date of application. Additions to existing conforming structures that are 15 years or older are not prohibited by this ordinance. (amended 12-20-01, 2-20-03)

4. A dwelling that does not meet the criteria in 14.427 1., 2. and 3. may be used for human habitation as a conditional use if the dwelling has a nominal width of at least 14 feet.

### 14.428 Bunkhouses

A parcel is permitted to have one bunkhouse in addition to the primary dwelling if: (added 9-21-00)

1. The bunkhouse is not a rental unit, and;

2. There is a dwelling already on the property, and;

3. The bunkhouse is not made to be suitable for permanent human habitation, and;

4. The bunkhouse is no larger than 500 sq. ft., and;

5. The parcel is at least 27,500 sq. ft., and;

6. The bunkhouse meets all the required setbacks of a principal structure, and;

7. The bunkhouse has a minimum nominal width of 16 feet, and;

8. The bunkhouse has a nominal roof pitch of three (3) inches of rise per twelve (12) inches of run.

### 14.429 Livestock

1. Raising or maintaining animals shall be allowed in permitted districts in Oconto County as follows except as noted in sub 4:

   a. Raising or maintaining animals shall be allowed on property between 2 acres and 35 acres provided that the total number of animals units (AU) as determined by 14.429 (2) does not exceed one (1) AU per acre.

   b. Raising or maintaining animals shall be allowed on property larger than 35 acres with no limitations on the total number of animals units (AU) per acre.

2. The total cropland acreage owned or leased with a nutrient management plan by the property owner within a 5-mile radius of the operation in question shall be considered to be the property for the purposes of this section.

3. The total number of animal units for a given type of animal shall be calculated by multiplying the number of animals for each animal type by the appropriate animal equivalent factor from the table below and summing the products. The number of combined animal units shall be the sum of the number of animal units for each animal type. For animal types not listed below, the animal equivalency factor of animal units shall be based on live animal weights. In these cases, 1,000 pounds of live weight is equivalent to one animal unit.

| **ANIMAL TYPE** | **ANIMAL EQUIVALENCY FACTOR** |
|---|---|
| **Dairy Cattle** | |
| Milking and Dry Cows | 1.4 |
| Heifers (800 to 1200 lbs) | 1.1 |
| Heifers (400 to 800 lbs) | 0.6 |
| Calves (under 400 lbs) | 0.2 |
| **Beef Cattle** | |
| Steers or Cows (600 lbs to market) | 1.0 |
| Calves (under 600 lbs) | 0.5 |
| Bulls | 1.4 |
| **Swine** | |
| Pigs (55 lbs to Mkt) | 0.4 |
| Pigs (up to 55 lbs) | 0.1 |
| Sows | 0.4 |
| Boars | 0.5 |
| **Sheep** | |
| Per Animal | 0.1 |
| **Horses** | |
| Per Animal | 2.0 |
| **Ducks** | |
| Per Bird (Wet Lot) | 0.2 |
| Per Bird (Dry Lot) | 0.01 |
| **Chickens** | |
| Layers | 0.01 |
| Broilers | 0.005 |
| Broilers (continuous overflow watering) | 0.01 |
| Layers of Broilers (liquid manure system) | 0.033 |
| **Turkeys** | |
| Per Bird | 0.018 |
| **Rabbits** | |
| Per Animal | 0.1 |

4. Domesticated Chickens/Ducks (added Ord. 2066-15)

a. It is the purpose of this section to provide standards for the keeping of domesticated chickens/ducks. It is intended to enable residents to keep a small number of chickens/ducks on a non-commercial basis.

b. Definitions

1. Chicken – The common fowl (Gallus gallus) especially when young; also - its flesh used as food.

2. Pen – shall mean a wire enclosure connected to a coop for the purpose of allowing chickens/ducks to leave the coop while remaining in an enclosed, predator-safe environment.

3. Duck – Any of various swimming birds (family Anatidae, the duck family) in which the neck and legs are short, the feet typically webbed, the bill often broad and flat, and the sexes usually different from each other in plumage.

4. Coop – shall mean a structure for the sheltering of chickens/ducks. An existing shed or garage can be used for this purpose if it meets the standards contained in this section including the required setbacks from property lines.

c. Number and Type of Chickens/Ducks Allowed

1. The maximum number of chickens and/or ducks allowed is eight (8) per compliant lot.

2. Only female chickens are allowed, no roosters. Male or female ducks are allowed. There is no restriction on chicken or duck species.

d. Coop and Pen Construction

The chickens/ducks shall be provided with a covered coop and attached pen. Chickens/ducks shall not be allowed out of the coop or pen.

e. Location

1. Chicken/duck coops and pens shall not be located closer than fifty (50) feet to any lot line.

2. Chicken/duck coops and pens shall not be located closer than seventy-five (75) feet from the ordinary high water mark (OHWM) of any lake, river or stream.

3. Chicken coops and pens, pursuant to this section are allowed by permit in the R-1 Residential Single Family District.

4. Minimum lot size is 1.0 acres.

f. Conditions of permit

1. All food supplies shall be kept in a secure and rodent-proof container.

2. Coops and runs shall be kept clean, dry and in sanitary condition at all times in such a manner as to not disturb the use or enjoyment of adjoining property due to noise, odor or any other adverse impact.

3. The outdoor slaughtering of chickens/ducks is prohibited on residential property.

4. Rental property requires owner written consent to raise domesticated chickens/ducks.

5. Raising of chickens/ducks is prohibited inside of residence.

6. Permit is contingent upon a review process that includes informing all adjacent neighbors of the proposal. If 50% or more of neighbors object, the application will be denied.

**14.430 Exits**

Exits for homes, manufactures homes or mobile homes shall comply with SPS 321.03, Wisconsin Administrative Code. Additions to manufactured or mobile homes shall be of sufficient size and design to allow for access by rescue/emergency equipment. (added 2-20-03; amended Ord. 3172-16)

**14.431 Skirting and Tie Downs**

Skirting and tie-downs shall be required as specified in section 14.904 (1) of this ordinance for all mobile homes and manufactured homes. (added 2-20-03)

**14.432 Mobile Tower Siting (added Ord. 2066-15)**

1. Application – New Mobile Service Support Structure (Tower) and Mobile Service Facilities

   a. A Mobile Service Support Structure and Mobile Service Facility is permitted within any zoning district per WI Statute 66.0404 subject only to obtaining a land use permit for the siting and construction of a new mobile service support structure and mobile service facilities.

   b. A written permit application must be completed by any applicant and submitted to the Zoning Administrator. The application must contain the following information:

      1. The name and business address of, and the contact individual for, the applicant.

      2. The location of the proposed or affected support structure.

      3. The location of the proposed mobile service facility.

      4. Proof a physical address has been issued for the support structure

      5. Copy of easement or agreement with landowner if the support structure is not owned by the company.

      6. Must be located outside of the airport height district (three mile radius from Oconto Municipal Airport) or obtain an Airport Height Zoning Permit pursuant to Section 14.2300 Airport Height Limitation District.

      7. 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 or proposed modifications to an existing structure.

      8. 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 co-location, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that co-location within a two (2) mile radius would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.

   c. If an applicant submits to the county an application for a permit to engage in an activity described in this ordinance, which contains all of the information required under this section, 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 10 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.

d. 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:

    1. Review the application to determine whether it complies with all applicable aspects of the political subdivision's building code and, subject to the limitations in this section, zoning ordinances.

    2. Make a final decision whether to approve or disapprove the application.

    3. Notify the applicant, in writing, of its final decision.

    4. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

e. The county may disapprove an application if an applicant refuses to evaluate the feasibility of co-location within the applicant's search ring and provide the sworn statement described under paragraph 14.432(1)(b)(8).

2. Application –Class 1: Collocation on existing support structures with substantial modification.

a. A land use permit for the substantial modification.

b. A written and signed affidavit from an engineer submitted to the department stating the following;

    1. Number of antennas to be added and the total number of antennas.

    2. Total height of the structure.

    3. That the structure can support the amount of antennas and equipment.

    4. That the frequencies will not interfere with existing antennas on the tower.

c. Tower is located outside of the airport height district (3 mile radius from Oconto County Municipal Airport) or verifies the structure's height conforms to the requirements of Section 14.2300 Airport Height Limitation District.

For the purpose of this section "Substantial Modification" means the modification of a mobile service support structure, including the mounting of an antenna on such a structure that does any of the following:

    1. For structures with an overall height of 200 ft or less, increases the overall height of the structure by more than 20 ft.

    2. For structures with an overall height greater than 200 ft., increases the overall height of the structure by 10 percent or more.

    3. Measured at the level of the appurtenance added to the structure as a result of the modification, increase the width of the support structure by 20 feet or more, unless a larger area is necessary for collocation.

    4. Increases the square footage of an existing equipment compound to a total area of more than 2,500 square feet.

3. Application –Class 2: Collocation on existing support structures without substantial modification.

    a. A land use permit for the modification.

    b. A written and signed affidavit from an engineer submitted to the department stating the following;

        1. Number of antennas to be added and the total number of antennas.

        2. That the structure can support the amount of antennas and equipment.

        3. That the frequencies will not interfere with existing antennas on the tower.

4. Height, yard & other requirements.

    a. Height: Must meet the terms of Section 14.2300 Airport Height Limitation District if within 3 miles of the Oconto Municipal Airport.

    b. Guy wires and other equipment shall conform to the setback standards for commercial structures. Mobile Service Support Structures shall be setback from all lot lines the distance equal to the height of the mobile service support structure.

    c. 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 setback or fall zone area required that shall be used unless the county provides the applicant with substantial evidence that the engineering certification is flawed.

    d. Road Setbacks. See 14.410 (1).

    e. Vision Clearance Triangle. See 14.410(2).

    f. Water Setbacks. See 14.505.

5. Exemptions.

    The following are exempt from this Ordinance

    a. Structures for the support of television antennas and other receive-only antennas. The antenna use shall constitute ancillary or secondary use, not primary use, of the property.

    b. Structures for the support of amateur radio antennas that are owned and/or operated by a federally licensed amateur radio operator, provided that the antenna use constitutes ancillary or secondary use, not primary use, of the property.

    c. Structures for the support of mobile antennas for services providing public information coverage of news events or of a temporary or emergency nature.

    d. Telecommunications towers mounted on buildings that do not exceed 25 feet above the highest part of the building to which they are attached.

    e. Public safety towers owned and operated by federal, state, county, or other local municipal governments.

    f. Wireless internet service provider towers mounted on the ground that do not exceed 125 feet in height and which have a base which can be encompassed within a circle of 2-foot radius, excluding guy wires and associated anchors.

g. Wireless internet service provider towers mounted on structures that do not exceed 25 feet above the highest part of the structure to which they are attached.

## 14.500 RESERVED FOR FUTURE USE

(Shoreland standards removed and created as Chapter 26 Shoreland Ordinance 10-2016)

## 14.600 INTRODUCTION TO ZONING DISTRICTS

### 14.601 Districts

The zoning districts created by this ordinance are as specified in the following sections. (amended 5-15-97)

1. Boundaries of Districts: When uncertainty exists with respect to the boundaries of the various districts as shown on the zoning maps, the following rules shall apply:

   a. When width or lengths of boundaries are not clear, the scale of the map shall determine the approximate dimensions.

   b. District boundaries are normally plat boundaries, lot lines, section and quarter section lines, center lines of streets, highways, railroads or alleys and shorelines of lakes, streams, rivers and flowages.

2. The Board of Adjustment, in accordance with the provisions of this ordinance, shall hear and decide the precise location of the district boundary line when such line cannot otherwise be determined.

### 14.602 Principles for Location of Districts Land for Transition from one District to Another

1. The location of districts accounts for the existing uses of the land that have developed within the county. These districts have been classified primarily because of the present uses being made of the lands, but may include certain existing uses that would not normally be classified within a given district.

2. Districts may be mapped to include areas that may be developed to meet their future needs.

3. The principles for transition from one district to another shall apply to zoning amendments submitted in accordance with section 14.3300. The Planning and Zoning Committee shall consider these principles: (amended 5-15-97)

   a. The intent and purpose of the use district from which petitioned and the use district to which petitioned.

   b. The proposed uses of the lands and its compatibility to the use district and the surrounding area.

   c. Protection of natural and man-made resources.

   d. Protection of the public against hazardous conditions; (Floodplain and Airport Height Regulations).

   e. Protection of the public by applying zoning concepts to districts for purposes such as agriculture, single and multiple family housing, mobile home parks, commercial and manufacturing operations, and to allow more inclusive zoning concepts in districts such as the Rural Residential district. (amended 6-18-98)

   f. Insure proper land use by applying proper environmental planning by considering the following objectives:

      (1) The preservation of adequate open spaces for present and future use and recreational use.

      (2) The maintenance of natural or undeveloped lands and buffer zones between developed areas.

(3) The protection of scenic and historically valuable sites.

(4) The protection of forests, wilderness and wildlife and maintenance of other factors that insure balance of ecological systems by not developing forests, wetlands, beaches, estuaries and shorelands.

(5) The prevention of buildings in hazardous areas such as steep slopes, floodplains or wetlands.

(6) The maintenance of highly productive farmland.

(7) The prevention of erosion and unnecessary destruction of ground-cover.

(8) The minimizing of pollution of the water, land and air by proper location of industries and waste disposal sites.

(9) The minimizing of the demand for energy and use of the automobile by planning of existing community development.

(10) The building and expansion of developments of sufficiently high density to be served economically by transit and shipping facilities.

## 14.700 RESIDENTIAL SINGLE-FAMILY DISTRICT (R-1)

### 14.701 Purpose

This district provides attractive areas for development of single-family residences and protection of such residences from incompatible land uses.

### 14.702 Permitted Uses

1. Cemeteries
2. Churches
3. Community buildings
4. Municipal Parks
5. Residence, manufactured home
6. Residence, single-family
7. Schools

### 14.703 Conditional Uses

**(amended 5-15-97)**

1. Bed and Breakfast Establishments
2. Duplexes (added 5-15-97)
3. Day care centers, more than 8 children (added 5-15-97, amended 6-18-98)
4. Utility towers (added 5-15-97)
5. Firework sales (added 5-15-97)
6. Firearm sales and/or service (added 5-15-97)
7. Private Parks (added Ord. 3066-15)

### 14.704 Standards

**(amended 5-15-97)**

1. The minimum parcel size and dimensions for pre-existing lots shall be as shown below
   a. Lots of record in the County Register of Deeds as of July 20, 1966
2. The minimum parcel size and dimensions for new lots shall be as follows:
   a. Sewered lots - 10,000 sq. ft. in area with a minimum building width of 66 feet
   b. Unsewered lots - 20,000 sq. ft. in area with a minimum building width of 100 feet
3. Lots shall meet the standards and other requirements of the Oconto County Land Division Ordinance.

## 14.800 RESIDENTIAL MULTIPLE-FAMILY DISTRICT (R-2)

**(amended 6-18-98)**

### 14.801 Purpose

The purpose of this district is to accommodate residential development at higher densities than single-family densities, and to provide necessary supporting services and facilities. This district should be mapped as demand warrants at locations that have the size and physical capacity to handle multiple-story, multiple single family dwellings or multiple-unit buildings, greater area of paving and parking and higher intensity activity. The sites should be attractive for human occupancy and should be buffered from high intensity commercial, industrial or transportation activity. Buffer areas or open space should be provided between this district and other residential districts, agriculture and forest areas. (amended 2-20-03)

### 14.802 Permitted Uses

1. Community buildings
2. Churches
3. Golf courses
4. Municipal Parks
5. Residence, manufactured home
6. Residence, single-family
7. Residence/condominium, up to four family units
8. Schools
9. Residence, up to four single family dwellings (added 2-20-03)

### 14.803 Conditional Uses

1. Clinics
2. Hospitals
3. Nursing homes
4. Residence/condominium, over four family units
5. Bed and Breakfast Establishments
6. Day Care Centers, more than 8 children (added 5-15-97, amended 9-21-00)
7. Utility towers (added 5-15-97)
8. Firework sales (added 5-15-97)
9. Firearm sales and/or service (added 5-15-97)
10. Residence, over four single family dwellings (added 2-20-03)
11. Private Parks (added Ord. 3066-15)

### 14.804 Standards

**(amended 5-15-97)**

1. The minimum parcel size and dimensions for lots shall be as follows:

    a. Sewered lots - 10,000 sq. ft. in area with a minimum building width of 66 feet

    b. Unsewered lots - 30,000 sq. ft. in area with a minimum building width of 100 feet

2. The standards for conditional uses shall be as follows:

    a. Site characteristics and design, general. The Board of Adjustment shall carefully study the site and its environs in relation to the proposed development. In order to grant approval, the board must conclude that the site and site design satisfies the purpose of this district and is capable of affording reasonable comfort and amenity to the proposed residents and that the development will fit compatibly within the neighborhood. Furthermore, the Board of Adjustment must ensure that at least 500 sq. ft. of useable open space per dwelling unit (not including areas occupied by structures or parking) is provided. The Board of Adjustment also must ensure that there is adequate room for replacement of in ground waste disposal systems.

## 14.900 MOBILE HOME PARK DISTRICT (R-3)

### 14.901 Purpose

This district is intended to regulate the design and arrangement of mobile home parks and the residential use of mobile homes therein.

### 14.902 Permitted Uses

1. Churches
2. Community buildings
3. Golf courses
4. Parks
5. Residence, mobile home or residence, manufactured home located within the mobile home park
6. Residence, single-family for the owner or operator

### 14.903 Conditional Uses

1. Mobile home sales involving storage and display of units for sale on a sales lot separate from the portion of property devoted to the mobile home park use.
2. Home occupation, Home Based Business, Home Based Industry and Professional Office in Homes (See section 14.417)
3. Utility towers (added 5-15-97)

### 14.904 Standards

1. For individual mobile homes located within the mobile home park, the dimensional standards shall be as contained in the county approved plot plan for the park. In addition, these standards shall apply:

    a. All mobile home and manufactured homes must have permanent foundations which meet the requirements in Wis. Admin. Code SPS 321.40. (amended Ord. 3172-16)

    b. Each mobile home shall be equipped with skirting that conceals from view, the frame, support columns or piers, crawl space storage area and utility connections of the mobile home. Skirting shall be of durable all-weather construction manufactured for the purpose of covering the undercarriage area. Skirting shall be fashioned in accordance with manufacturer's instructions and provided with adequate ventilation.

    c. Each mobile home stand shall be equipped with tie-down facilities and tie-downs shall be appropriately attached to the mobile home:

        (1) Tie-down hardware shall be resistant to weathering and deterioration at least equivalent to that provided by a coating of zinc or steel strapping of not less than .30 ounces per square foot of surface coated.

        (2) Tie-downs and anchors when installed and connected, shall be capable of resisting an allowable working load equal to or exceeding 4,800 pounds.

(3) Tie-downs shall be placed not more than 24 feet on center beginning from the front line of the mobile home stand and not more than 6 feet open-end spacing shall be provided at the rear line of the mobile home stand unless additional ground anchors are installed.

(4) Diagonal ties between anchors and mobile homes shall be provided in conjunction with every vertical tie-down.

2. For mobile home parks: (amended 12-17-98)

   a. Minimum parcel size for the park shall be 6 acres

   b. Maximum number of mobile home stands, 3 per gross acre

   c. The distance from any mobile home stand to the boundary line of the mobile home park shall not be less than 40 feet and this buffer area shall contain earth mounds, walls, solid or louvered fencing, open fencing with appropriate planting, or a 70% visually solid year-round buffer 6 feet in height.

   d. The distance from any mobile home stand to any internal street right-of-way, walkway, common parking area or other common area shall be 10 feet minimum.

   e. All drives, parking areas and walkways shall be hard-surfaced.

   f. One (1) acre of the gross mobile home park site shall be devoted to recreational facilities.

   g. Each individual mobile home shall be located only on an individual permanent foundation which meets the requirements in Wis. Admin. Code SPS 321.40. A mobile home permanent foundation coverage shall be defined as the outline of the actual mobile home and the associated indoor living and service area. The permanent foundation shall provide for practical placement on and removal from the lot of mobile homes and retention of the home in a stable condition and in satisfactory relationship to its surroundings. Each permanent foundation shall be constructed of appropriate materials, graded, placed and compacted so as to be durable and adequate for the support of the maximum anticipated loads during all seasons. Mobile home permanent foundations shall include provisions for supports and anchors. (amended Ord. 3172-16)

   h. The minimum width of each mobile home lot shall be 40 feet. The minimum depth shall be 100 feet. (amended 7-22-99)

   i. Automobile parking spaces shall be provided within the mobile home park in sufficient numbers to provide 2 spaces for each mobile home stand plus an additional car space for 4 stands to provide for guests, parking and delivery and service vehicles. At least one car space shall be located on each lot.

   j. Accessory structures owned by and servicing the uses of a mobile home stand shall comply with the standards on maximum lot coverage. Such structures shall not be used as independent living units with permanent provisions for sleeping, cooking and sanitation. Such structures shall be designed and maintained in a manner that will enhance the appearance of the mobile home development.

   k. Mobile home stands shall not occupy an area in excess of 1/3 of their respective lot area. The sum of the stand area and the area occupied by on lot parking and accessory structures shall not exceed 1/2 of the lot area.

3. For permitted uses other than mobile homes, the provisions of section 14.419 applies.

4. For mobile home sales, the provisions of section 14.1604 applies.

## 14.1000 COMMUNITY SERVICE DISTRICT (CS)
**(added 12-17-98)**

### 14.1001 Purpose
This district provides for areas of use for community services.

### 14.1002 Permitted Uses

1. Cemeteries
2. Churches
3. Community buildings
4. Clinics
5. Residence, single family, or residence, manufactured home
6. Parks
7. Schools
8. Fire, police, rescue and ambulance protection facilities
9. Utilities

### 14.1003 Conditional Uses

1. Hospitals
2. Nursing Homes and personal care facilities
3. Utility towers
4. Communication facilities
5. Correctional facilities
6. Community garages and storage facilities
7. Airports
8. Multiple-family homes, only for staff personnel

### 14.1004 Standards

1. The minimum parcel size and dimensions for pre-existing lots shall be as shown below:
   a. Lots of record in the County Register of Deeds as of July 20, 1966
2. The minimum parcel size and dimensions for new lots shall be as follows:

   Sewered lots - 10,000 sq. ft. in area with a minimum building width of 66 feet

Unsewered lots - 20,000 sq. ft. in area with a minimum building width of 100 feet

3. Lots shall meet the standards and other requirements of the Oconto County Land Division Ordinance.

## 14.1100 PARK AND RECREATION DISTRICT (PR)

### 14.1101 Purpose

This district provides for recreational oriented establishments, as well as encouraging the maintenance of natural resources.

### 14.1102 Permitted Uses

1. Agricultural production and forestry as part of a recreational complex
2. Boat launching facilities
3. Community buildings
4. Golf courses
5. Park, playground or playfield
6. Parking lot
7. Residence, single-family; residence, manufactured home, or multiple-family homes, only for staff personnel, provided that the dwelling units are located on the recreational parcel and not on separate lots.
8. Wildlife preserve

### 14.1103 Conditional Uses

**(amended 12-17-98)**

1. Amusement and recreational services
2. Commercial facilities accessory to the permitted uses
3. Campgrounds, (private, recreational and religious)
4. Fish hatchery
5. Marina and boat livery
6. Resort
7. Shooting ranges
8. Stables
9. Winter sports area (commercial)
10. Paint ball facilities (added 5-15-97)
11. Utility towers (added 5-15-97)

**14.1104 Standards**

1. The minimum size of a parcel containing one or a combination of the permitted uses in this district shall be 5 acres.

2. No principal or accessory structure shall be located fifty (50) feet of the lot line of an adjoining residential property.

3. The perimeter of the site shall be screened to effectively block views from adjoining residential property.

4. Marinas and boat liveries shall be governed by the standards of section 14.505 (3)

5. In addition, the Board of Adjustment shall review applications and shall determine that the proposed use will not conflict with other neighboring uses or with the public's rights in navigable waters. The basic character of the use and the projected intensity of the use shall not exceed the carrying capacity of the site or the roads, waters or natural resources or service systems that serve the site.

## 14.1200 FOREST DISTRICT (F)

### 14.1201 Purpose

This district provides for commercial production of trees, the conduct of forestry practices and related uses on large tracts of land that are well suited to these activities. The intent is to encourage forestry and also to recognize the value of forested areas as a recreational resource.

### 14.1202 Permitted Uses

**(amended 7-22-99) (amended Ord 1743-08)**

1. Agricultural production; crops, livestock, or both
2. Forestry, forestry services, logging operations, sawmills, (portable only) and planning mills (portable only)
3. Hunting, trapping and game propagation
4. Municipal Parks
5. Residence, single-family
6. Residence, manufactured home
7. Residence, mobile home
8. Firewood Processing Facility: Processing less than 20 cord of wood per year into firewood for wholesale or retail sales. (amended Ord # 1743-08)

### 14.1203 Conditional Uses

**(amended 7-22-99) (amended Ord #1649-07) (amended Ord #1743-08)**

1. Community Buildings
2. Community garages and storage facilities
3. Kennels (added 1-19-95)
4. Landfills
5. Sawmills (permanent)
6. Shooting ranges
7. Utility towers (added 5-15-97)
8. Firearm sales and/or service (added 5-15-97)
9. Firewood Processing Facility: Processing 20 cord of wood or more per year into firewood for the wholesale or retail sales. (amended Ord 1743-08)
10. Private Parks (added Ord. 3066-15)

### 14.1204 Standards

1. No residence may be established within areas included within the Wisconsin Forest Crop Program, County Forest Lands or State Forest Lands.

2. The minimum parcel size for pre-existing lots shall be as shown below: (amended 5-15-97, 7-22-99)

   a. Legal lots of record in the County Register of Deeds as of July 22, 1999 and zoned on the official Oconto County Zoning Maps prior to July 22, 1999. (amended 6-18-98, 12-17-98) Forest

3. The minimum size for new lots shall be as follows: (added 12-17-98)

   a. Minimum parcel size for new lots shall be 10.0 acres. (amended 7-22-99)

## 14.1300 RURAL RESIDENTIAL (RR)

**(amended 6-18-98)**

### 14.1301 Purpose

This district provides for a mixture of farming, forestry and non-farm residential uses in those rural areas that are not suited for large scale agricultural use or large scale forestry practices.

### 14.1302 Permitted Uses

1. Agricultural production, crops, livestock and forestry
2. Auctions, temporary
3. Residences, manufactured homes
4. Residences, single family
5. Animal shelters, barns and sheds. These structures housing less than 10 animals units (AU) per acre as determined by 14.429 2. shall be located not less than 50 feet from any side or rear lot line. The distance these buildings shall be set back from streets and highways shall be as provided in section 14.410 of the ordinance. Animal shelters, barns and sheds with 10 animals units (AU) per acre or more as determined by 14.429 2. will need to comply with the Oconto County Animal Waste Management Ordinance. (amended 5-15-97, 2-20-02) (amended 5-23-03)
6. Structures for uses associated with an accessory to permitted or approved conditional uses
7. Utilities

### 14.1303 Conditional Uses

1. Additions to, expansions of or continued operations of pre-existing uses
2. Conditional uses in the A District
3. Conditional uses in the F District
4. Residences, mobile home
5. Residences, two-family
6. Bed and Breakfast Establishments
7. Day care centers, more than 8 children (added 5-15-97, amended 6-18-98)
8. Utility towers (added 5-15-97)
9. Conditional uses in the R-1 District (added 5-15-97)
10. Firework sales (added 5-15-97)
11. Firearm sales and/or service (added 5-15-97)

### 14.1304 Standards

**(amended 5-15-97, 12-17-98)**

1. Minimum parcel size for pre-existing lots shall be as shown below: (amended 6-18-98, 12-17-98)

   a. Lots of record in the County Register of Deeds as of January 1, 1997 and zoned Rural Residential (RR) on the official Oconto County Zoning Maps prior to January 1, 1997.

2. The minimum size for new lots shall be as follows: (added 12-17-98)

   a. Minimum parcel size for new lots shall be 2.0 acres.

3. Other permitted and conditional uses. The appropriate provisions of section 14.400 shall apply.

## 14.1400 AGRICULTURAL DISTRICT (A)

### 14.1401 Purpose

This district is designed for agricultural uses of land devoted to the growing of crops and the raising of livestock.

### 14.1402 Permitted Uses

(amended Ord. 1743-08)

1. Agricultural production crops, livestock, forestry (See SIC Manual).

2. Structures for uses associated with an accessory to permitted or approved conditional uses.

3. Auctions, temporary

4. Christmas tree sales and roadside stands limited to one stand or sales site per farm used solely for the sale of products on the premises or nearby premises.

5. Residences, single-family, residences, mobile home. It is permissible to allow more than one structure for human habitation on a farm provided that the dwelling unit is occupied by a person who, or a family, at least one member of which earns a substantial part of his/her livelihood from farm operations on the parcel and/or is a parent or child of the farm operator or spouse of the farm operator. However, in no case may there be more than 3 structures for human habitation located on one parcel. (amended 5-15-97)

6. Maple syrup processing facilities which produce not more than 2,000 gallons per season

7. Utilities

8. Animal shelters, barns and sheds. These structures housing less than 10 animals units (AU) per acre as determined by 14.429 2 shall be located not less than 50 feet from any side or rear lot line. The distance these buildings shall be set back from streets and highways shall be as provided in section 14.410 of the ordinance. Animal shelters, barns and sheds with 10 animals units (AU) per acre or more as determined by 14.429 2 will need to comply with the Oconto County Animal Waste Management Ordinance. (added 8-15-91, amended 5-15-97, 2-20-03, 5-23-03)

9. Firewood Processing Facility: Processing less than 20 cord of wood per year into firewood for wholesale or retail sales. (amended Ord # 1743-08)

### 14.1403 Conditional Uses

1. Institutional uses:

    a. Communication facilities

    b. Correctional facilities

    c. Fire protection facilities

    d. Hospitals and clinics

    e. Nursing homes and personal care facilities

    f. Schools

2. Governmental uses:

    a. Airports

    b. Community buildings, garage and storage facilities

    c. Parks

3. Religious uses:

    a. Churches

    b. Religious schools

4. Agriculturally related uses: (amended 5-15-97)

    a. Agricultural services

    b. Housing for migrant workers

    c. Kennels/Catteries (added 1-19-95)

    d. Manufacture or processing of foods and beverages where the operation is substantially related to the agricultural production of the area

    e. Maple syrup processing facilities which produce in excess of 2,000 gallons per season

    f. Mixing and manufacturing of feeds and feed ingredients, other than for personal use.

    g. Sales, rental and servicing of farm supplies and equipment

    h. Sawmills, portable

Private Uses: (added 5-15-97) (amended Ord # 1743-08)

    a. Air strips for private use by property owner

    b. Utility towers

    c. Firework sales

    d. Firearm sales and/or service

    e. Firewood Processing Facility: Processing 20 cord of wood or more per year into firewood for the wholesale or retail sales. (amended Ord # 1743-08)

**14.1404 Standards**

1. Permitted Uses: The minimum parcel size in this district is 10 contiguous acres. (amended 5-15-97, 12-17-98)

2. Conditional Uses: Conditional uses may be approved only if the Board of Adjustment finds that the use will not conflict with agricultural uses on surrounding lands and that the location is necessary after consideration of possible alternative locations.

3. Standards for rezoning of lands out of the A district - The County Board may approve petitions for rezoning lands out of the agricultural district only upon a finding that such a rezoning is in the public interest after consideration of the following factors:

a. Adequate public facilities exist to serve the development or will be provided.

b. Provisions of these facilities and services will not be an unreasonable burden to local governments.

c. Land is suitable for development.

d. The development will not cause unreasonable air or water pollution, soil erosion or adverse effects on rare or irreplaceable natural areas.

e. Potential conflict with remaining agricultural land and uses in the area.

f. Need for the proposed development in the location specified

g. Availability of alternative locations

h. Productivity of the agricultural lands that are involved or affected

i. Whether the development as proposed is located to minimize the amount of agricultural land converted

## 14.1500 LARGE SCALE AGRICULTURAL DISTRICT (LA)

(added 5-15-97)

### 14.1501 Purpose

This district is designed for large scale agricultural uses of land devoted to the growing of crops and the raising of livestock.

### 14.1502 Permitted Uses

1. Agricultural production crops, livestock, forestry (See SIC Manual).

2. Structures for uses associated with an accessory to permitted or approved conditional uses.

3. Auctions, temporary

4. Christmas tree sales and roadside stands limited to one stand or sales site per farm used solely for the sale of products on the premises or nearby premises.

5. Residences, single-family, residences, mobile home, provided that the dwelling unit is occupied by a person who, or a family, at least one member of which earns a substantial part of his/her livelihood from farm operations on the parcel and/or is a parent or child of the farm operator or spouse of the farm operator. However, in no case may there be more than 3 structures for human habitation located on one parcel.

6. Maple syrup processing facilities which produce not more than 2,000 gallons per season

7. Utilities

8. Structures, animal shelters, barns and sheds. These structures shall be located not less than 50 feet from any side or rear lot line. The distance these buildings shall be set back from streets and highways shall be as provided in section 14.410 of the ordinance. (amended 5-23-03)

### 14.1503 Conditional Uses

1. The following agriculturally related business and service establishments:

    a. Agricultural services

    b. Housing for migrant workers

    c. Kennels/Catteries

    d. Manufacture or processing of foods and beverages where the operation is substantially related to the agricultural production of the area

    e. Maple syrup processing facilities which produce in excess of 2,000 gallons per season

    f. Mixing and manufacturing of feeds and feed ingredients

    g. Sales, rental and servicing of farm supplies and equipment

    h. Sawmills, portable

2. Private Uses:

    a. Air strips for private use by property owner

    b. Utility towers

**14.1504 Standards**

1. Permitted Uses: The minimum parcel size to establish a residence or farm operation is 35 contiguous acres. In its entirety, a farm operation may consist of several parcels not contiguous and one or more of these parcels may individually be less than 35 acres in size. There must, however, be at least one contiguous parcel 35 acres or larger within the farm operation. A parcel is not contiguous if separated by land owned by other persons, unless the intervening land is a river or stream, a transportation corridor or a utility corridor. Lands in rivers and streams, within utility corridors or right-of-ways are not subtracted from the required acreage of the parcel. Lands within transportation corridors or right-of-ways are not subtracted from the required acreage of the parcel. Lands within transportation corridors or right-of-ways are subtracted from the required acreage only if the fee title to such corridor or right-of-way is vested in a governmental entity and only if the adjoining farmland is not liable for property taxes on such corridor or right-of-ways. Those dwelling units that are permitted uses in the district must have lots of at least one acre and be at least 150 feet in width.

2. Conditional Uses: Conditional uses may be approved only if the Board of Adjustment finds that the use will not conflict with agricultural uses on surrounding lands and that the location is necessary after consideration of possible alternative locations.

3. Standards for rezoning of lands out of the LA district - The County Board may approve petitions for rezoning lands out of the Large Scale Agricultural district only upon a finding that such a rezoning is in the public interest after consideration of the following factors:

    a. Adequate public facilities exist to serve the development or will be provided.

    b. Provisions of these facilities and services will not be an unreasonable burden to local governments.

    c. Land is suitable for development.

    d. The development will not cause unreasonable air or water pollution, soil erosion or adverse effects on rare or irreplaceable natural areas.

    e. Potential conflict with remaining agricultural land and uses in the area.

    f. Need for the proposed development in the location specified

    g. Availability of alternative locations

    h. Productivity of the agricultural lands that are involved or affected

    i. Whether the development as proposed is located to minimize the amount of agricultural land converted

## 14.1600 NEIGHBORHOOD COMMERCIAL DISTRICT (NC)

(added 2-20-03)

### 14.1601 Purpose

This district is created to highly regulate an exclusive commercial use on one or more parcels in an area predominately zoned residential, agricultural or forest. Owners of parcels petitioning for inclusion into this district shall declare their intended use and this use shall remain as the only use until discontinued or petitioned for change. The district is also intended to allow for additional conditions to be placed upon any business.

### 14.1602 Permitted Uses

1. Residence single-family. (amended 5-23-03)

### 14.1603 Conditional Uses

1. Retail or wholesale business involving sales of goods and/or services, unless otherwise noted within this ordinance.

### 14.1604 Standards for Conditional Uses

1. Minimum parcel size: Applicants shall submit a plot plan showing principal and accessory structures, fencing, paving, landscaping, screening, lighting, storage areas and parking, and plans for management of surface waters. The plot plan must demonstrate that the site has sufficient and usable space for all these identified features and for vehicular and pedestrian circulation to and within the site. A permit shall be denied if the Board of Adjustment is not satisfied that the site and the plot plan as indicated can provide such adequate and functional spacing, operations and surface water management.

2. Parking: Off-site parking and loading. See section 14.2900.

3. Front yard (road) setback: See section 14.410.

4. Sideyard setback: None, where the abutting property is zoned Restricted Commercial, General Commercial, Light Industrial or Industrial, 10 feet where abutting property is in any other zone or district provided by this ordinance.

5. Rear yard setback: 10 feet where abutting property is zoned General Commercial, Light Industrial or Industrial, 50 feet where abutting property is in any other zone or district provided by this ordinance.

6. All state plan approvals are obtained for public buildings and made part of the zoning permit.

7. Careful examination shall be made of potential problems of:

    a. Attractiveness or physical appearances

    b. Egress

    c. Ingress

    d. Maintenance

e. Safety on nearby roads

f. Traffic

g. Waste management

8. The Board of Adjustment shall attach conditions as necessary to assure safety, compatibility and attractiveness.

**14.1605 Standards for rezoning of Lands into Neighborhood Commercial District**

1. The petitioner shall submit a plan detailing all aspects of the proposed use.

2. The showing of a need for a rural location for the proposed use.

3. The relationship of the proposed use to other adjacent commercial uses.

4. The suitability of the land for the installation of a sanitary system to serve the proposed use.

**14.1606 Zoning District Substitution**

The Planning and Zoning Committee, at its discretion, may substitute a Neighborhood Commercial rezone request for a General Commercial zoning based on information received during a public hearing.

## 14.1700 RESTRICTED COMMERCIAL DISTRICT (RC)

(added 7-22-99)

### 14.1701 Purpose

This district is created to regulate an exclusive commercial use on one or more parcels in an area predominately zoned residential, agricultural or forest. Owners of parcels petitioning for inclusion into this district shall declare their intended use and this use shall remain as the only use until discontinued or petitioned for change.

### 14.1702 Permitted Uses

Retail or wholesale businesses engaged in sale of the following goods or services:

1. Retail or wholesale business involving sales of goods and/or services, unless otherwise noted within this ordinance.

### 14.1703 Conditional Uses

1. Conditional Uses in the General Commercial District

### 14.1704 Standards for Permitted Uses

1. Minimum parcel size: Applicants shall submit a plot plan showing principal and accessory structures, fencing, paving, landscaping, screening, lighting, storage areas and parking, and plans for management of surface waters. The plot plan must demonstrate that the site has sufficient and usable space for all these identified features and for vehicular and pedestrian circulation to and within the site. A permit shall be denied if the Zoning Administrator is not satisfied that the site and the plot plan as indicated can provide such adequate and functional spacing, operations and surface water management.

2. Parking: Off-site parking and loading. See section 14.2900.

3. Front yard (road) setback: See section 14.410.

4. Sideyard setback: None, where the abutting property is zoned General Commercial, Light Industrial or Industrial parcel, 10 feet where abutting property is in any other zone or district provided by this ordinance.

5. Rear yard setback: 10 feet where abutting property is zoned General Commercial, Light Industrial or Industrial, 50 feet where abutting property is in any other zone or district provided by this ordinance.

6. All state plan approvals are obtained for public buildings and made part of the zoning permit.

### 14.1705 Standards for Conditional Uses

1. Standards 14.1604 (1) through (6) shall be applied by the Board of Adjustment.

2. In addition, careful examination shall be made of potential problems of:

    a. Attractiveness or physical appearances

    b. Egress

c. Ingress

d. Maintenance

e. Safety on nearby roads

f. Traffic

g. Waste management

3. The Board of Adjustment shall attach conditions as necessary to assure safety, compatibility and attractiveness.

**14.1706 Standards for rezoning of Lands into Restricted Commercial District**

1. The petitioner shall submit a plan detailing all aspects of the proposed use.

2. The showing of a need for a rural location for the proposed use.

3. The relationship of the proposed use to other adjacent commercial uses.

4. The suitability of the land for the installation of a sanitary system to serve the proposed use.

**14.1707 Zoning District Substitution**

The Planning and Zoning Committee, at its discretion, may substitute a Restricted Commercial rezone request for a General Commercial zoning based on information received during a public hearing.

## 14.1800 GENERAL COMMERCIAL DISTRICT (GC)

(amended 5-15-97)

### 14.1801 Purpose

This district provides locations for primarily retail and wholesale trade establishments engaged in sales of merchandise or service or both. The intent is to allow firms and operations whose primary function is selling to retail customers or clients. Processing of materials may be conducted as subordinate to retail or wholesale sales. It is the policy of Oconto County to promote economic development and a strong local economy. It is recognized, however, that most commercial uses should be located in the urban communities where the full range of needed services can be afforded to such uses. (amended 5-15-97)

### 14.1802 Permitted Uses

Retail or wholesale businesses engaged in sale of the following goods or services: (amended 5-15-97, 7-22-99)

1. Auto service stations
2. Banks and similar services
3. Business and professional offices and studios
4. Community buildings, such as town halls, fire stations, police stations, etc.
5. Dental and medical clinics
6. Hotels/motels
7. Laundromats/cleaners
8. Residence, single-family, or manufactured homes, but only as accessory to principle use
9. Restaurants/taverns (eating and drinking places)
10. Agricultural crop production and grazing (added 7-22-99)

### 14.1803 Conditional Uses

1. Institutional (penal, correctional, religious, mental, orphanage or of a similar nature)
2. Utility towers (added 5-15-97)
3. Auto Reclamation Yard. Providing that no more than 25 unlicensed vehicles are kept on the premise which are not kept in an enclosed building. (added 6-18-98)
4. Retail or wholesale business involving sales of goods and/or services, unless otherwise noted within this ordinance. (amended, 7-22-99)
5. Equipment sales and service (farm, automobiles, mobile homes, machinery, etc.). (amended 7-22-99)
6. Animal shelter, animal grooming facilities, kennels and catteries (amended 9-21-00)
7. Mini-Warehouses and Mini-Storage (amended 7-22-99)
8. Transportation Services (Ord. 3117-15)

**14.1804 Standards for Permitted Uses**

1. Minimum parcel size: Applicants shall submit a plot plan showing principal and accessory structures, fencing, paving, landscaping, screening, lighting, storage areas and parking, and plans for management of surface waters. The plot plan must demonstrate that the site has sufficient and usable space for all these identified features and for vehicular and pedestrian circulation to and within the site. A permit shall be denied if the Zoning Administrator is not satisfied that the site and the plot plan as indicated can provide such adequate and functional spacing, operations and surface water management.

2. Parking: Off-site parking and loading. See section 14.2900.

3. Front yard (road) setback: See section 14.410.

4. Sideyard setback: None, except 10 feet where the parcel abuts land zoned agricultural, residential or conservancy. (amended 8-15-91)

5. Rear yard setback: 10 feet where abutting property is zoned General Commercial, Light Industrial or Industrial, 50 feet where abutting property is in any other zone or district provided by this ordinance. (amended 8-15-91, 5-15-97)

6. All state plan approvals are obtained for public buildings and made part of the zoning permit.

**14.1805 Standards for Conditional Uses**

1. Standards 14.1804 (1) through (6) shall be applied by the Board of Adjustment.

2. In addition, careful examination shall be made of potential problems of:

   a. Attractiveness or physical appearances

   b. Egress

   c. Ingress

   d. Maintenance

   e. Safety on nearby roads

   f. Traffic

   g. Waste management

3. The Board of Adjustment shall attach conditions as necessary to assure safety, compatibility and attractiveness.

**14.1806 Standards for rezoning of Lands into General Commercial District**

1. The showing of a need for a rural location for the proposed use.

2. The relationship of the proposed use to other adjacent commercial uses.

3. The suitability of the land for the installation of a sanitary system to serve the proposed use.

### 14.1807 Zoning District Substitution

1. The Planning and Zoning Committee, at its discretion, may substitute Restricted Commercial for a General Commercial rezone request based on information received during a public hearing. (added 3-23-06)

## 14.1900 LIGHT INDUSTRIAL DISTRICT (LI)

**(added 5-15-97)**

### 14.1901 Purpose

This district provides locations for retail and wholesale trade establishments engage in sales of merchandise which is primarily produced, manufactured or assembled on the premise. The intent is to allow firms and operations whose primary function is manufacturing to sell to retail customers or clients. It is the policy of Oconto County to promote economic development and a strong local economy. It is recognized, however, that most commercial and industrial uses should be located in the urban communities where the full range of needed services can be afforded to such uses.

### 14.1902 Permitted Uses

Retail or wholesale businesses engaged in sale of goods produced primarily on-site

### 14.1903 Conditional Uses

1. Conditional uses in the General Commercial District

2. Conditional uses in the Industrial District

### 14.1904 Standards for Permitted Uses

1. Minimum parcel size: Applicants shall submit a plot plan showing principal and accessory structures, fencing, paving, landscaping, screening, lighting, storage areas and parking, and plans for management of surface waters. The plot plan must demonstrate that the site has sufficient and usable space for all these identified features and for vehicular and pedestrian circulation to and within the site. A permit shall be denied if the Zoning Administrator is not satisfied that the site and the plot plan as indicated can provide such adequate and functional spacing, operations and surface water management.

2. Parking: Off-site parking and loading. See section 14.2900.

3. Front yard (road) setback: See section 14.410.

4. Sideyard setback: None, except 10 feet where the parcel abuts land zoned agricultural, residential or conservancy.

5. Rear yard setback: 10 feet where abutting property is zoned General Commercial, Light Industrial or Industrial, 50 feet where abutting property is in any other zone or district provided by this ordinance. (amended 12-17-98)

6. All state plan approvals are obtained for public buildings and made part of the zoning permit.

### 14.1905 Standards for Conditional Uses

1. Standards 14.1904 (1) through (6) shall be applied by the Board of Adjustment.

2. In addition, careful examination shall be made of potential problems of:

    a. Attractiveness or physical appearances

    b. Egress

    c. Ingress

    d. Maintenance

e. Safety on nearby roads

f. Traffic

g. Waste management

3. The Board of Adjustment shall attach conditions as necessary to assure safety, compatibility and attractiveness.

**14.1906 Standards for rezoning of Lands into Light Industrial District**

1. The showing of a need for a rural location for the proposed use.

2. The relationship of the proposed use to other adjacent commercial uses.

3. The suitability of the land for the installation of a sanitary system to serve the proposed use.

## 14.2000 INDUSTRIAL DISTRICT (I)

### 14.2001 Purpose

The Industrial District is established to accommodate manufacturing and related processing activities.

### 14.2002 Permitted Uses

1. Electrical and electronic machinery, equipment and supplies
2. Fabricated metal products
3. Food and kindred products (Not including meat products)
4. Furniture and fixtures
5. General manufacturing
6. Instrument manufacturing
7. Leather and related products
8. Lumber and wood products
9. Machinery
10. Printing, publishing and allied industries
11. Rubber and plastic products
12. Textile products, apparel
13. Stone, clay and glass products
14. Transportation equipment
15. Transportation services

### 14.2003 Conditional Uses

**(amended 12-17-98)**

1. Chemicals and allied products
2. Concrete products
3. Landfills
4. Generation of electrical power
5. Manufacturing and distribution of gas
6. Meat products
7. Paper mills
8. Petroleum refinery and related industries

9. Primary metal industries

10. Salvage/Junk Yard

11. Storage or processing of industrial wastes

12. Utility towers (added 5-15-97)

13. Retail/Wholesale sales (added 6-18-98)

**14.2004 Standards**

1. Minimum parcel size: Applicants shall submit plot plans showing principal and accessory structures, fencing, paving, landscaping, screening, lighting, storage areas and parking, and plans for management of surface waters. The plot plan must demonstrate that the site has sufficient and usable space for all these identified features and for vehicular and pedestrian circulation to and within the site. A permit shall be denied if the Zoning Administrator is not satisfied that the site and the plot plan as indicated can provide such adequate and functional spacing, operations and surface water management.

2. Parking: Off-site parking and loading. See section 14.2900.

3. Front yard (road) setback. See section 14.410 (1).

4. Side yard setback: 50 feet.

5. Rear yard setback: 10 feet where abutting property is zoned Industrial, Light Industrial or General Commercial, 50 feet where abutting property is in any other zone or district provided by this ordinance. (amended 5-15-97)

6. All state plan approvals are obtained for industrial buildings and facilities and made a part of the zoning permit.

7. Operational standards:

    a. Air pollution: All activities that emit any fly ash, dust, fumes, vapors, mists, gases, liquids or solid particles, SHALL meet all state and federal (EPA) standards and requirements.

    b. Fire and Explosive Hazards: All activities involving the manufacturing, utilization, processing or storage of flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and with adequate fire-fighting and fire-suppression equipment and devices that are standard in the industry. All materials that range from active to intense burning shall be manufactured, utilized, processed and stored only in completely enclosed buildings which have non-combustible exterior walls and an automatic fire extinguishing system.

    c. Glare and Heat: All operations producing intense glare and heat shall be conducted within a completely enclosed building. Exposed sources of light shall be shielded so as not to be visible outside their premises.

    d. Odors: No activity with the exception of agricultural activity shall emit any odorous matter of such nature or quantity as to be unhealthful outside its premises.

    e. Radioactivity and Electrical Disturbances: No activity shall emit or release radioactivity or electrical disturbances outside its premises that are dangerous or would adversely affect the use of neighboring premises.

f. Vibration: No activity shall emit vibrations that are discernible without instruments outside its premises.

g. Water quality protection: No activity shall locate, store, discharge or permit the discharge of any treated, untreated or inadequately treated liquid, gaseous or solid materials that may be harmful to human, animal, plant or aquatic life. All discharges from any activity SHALL meet all state and federal (EPA) standards and requirements.

h. Noise: All noise shall be so muffled or otherwise controlled so as not to become objectionable due to intermittence, duration, beat frequency, impulse character, periodic character or shrillness.

## 14.2100 CONSERVANCY DISTRICT (C)

### 14.2101 District Boundaries and Purpose

1. District Boundaries. This district shall include all wetlands which are designated as wetlands on the most recent version of the Wisconsin Wetland Inventory as depicted on the Department of Natural Resources Surface Data Viewer. Where an apparent discrepancy exists between the wetland district boundary shown on the Wisconsin Wetland Inventory maps and actual field conditions, the Zoning Administrator shall contact the appropriate district office of the Department of Natural Resources to determine if the wetland boundary as mapped 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 Zoning Administrator shall have the authority to immediately grant or deny a zoning permit in accordance with the regulations based on the Department determination as to whether the area is wetland. The Zoning Administrator shall subsequently initiate a map amendment to correct the discrepancy within a reasonable period of time. (amended 5-21-92, 5-15-97, 12-17-98; Ord. 3172-16)

2. Purpose. This district provides for the conservation and protection of natural resources. This district includes swamps, marshlands, wetlands, river and lake shores which have particularly sensitive natural resource features and other lands of natural resource value. The purpose of this district is to maintain safe and healthful conditions, to prevent water pollution, to protect fish spawning grounds and aquatic life and to preserve shore cover and natural beauty. Development in this district should be limited and when development is permitted, it should occur in a manner that minimizes its adverse impacts. This district is applied as an overlay district, and these provisions shall be in addition to any underlying zoning district requirements. This district is seldom suitable as building sites for the following reasons:

    a. Septic systems will not function because of high groundwater.

    b. Water supplies are often polluted by septic tank wastes that have not been adequately absorbed by the soil.

    c. Foundations and roads crack due to poor support capabilities and frost action.

    d. Flooding is common in spring and other times of high-water.

    e. Wetlands provide fish spawning and wildlife habitat, and the natural plant and animal communities found in wetlands provide ecological balance to a watercourse. Wetlands help to prevent water pollution and flooding problems.

### 14.2102 Permitted Uses

1. The following uses shall be allowed subject to the general shoreland zoning regulations in Chapter 26 Shoreland Protection Ordinance, the provisions of Chapters 30 and 31 of the Wisconsin Statutes, and the provisions of other state and federal laws, if applicable:

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

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

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

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

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

        (5) The cultivation of agricultural crops.

(6) The construction and maintenance of duck blinds.

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

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

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

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

   d. The construction and maintenance of piers, docks and walkways, including those built on pilings.

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

**14.2103** Uses which require the issuance of a Land Use Permit under 14.3003 (6) and which may include limited filling, flooding, draining, dredging, ditching, tiling or excavating but only to the extent specifically provided below: **(amended Ord. 3172-16)**

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

   a. The road cannot, as a practical matter, be located outside the wetlands; and

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

      (1) The road is designed and constructed as a single lane roadway with only such depth and width as is necessary to accommodate the machinery required to conduct agricultural and silvicultural activities; and

      (2) Road construction activities are carried out in the immediate area of the roadbed only; and

(3) Any filling, flooding, draining, dredging, ditching, tiling or excavating that is done is necessary for the construction or maintenance of the road.

2. The construction and maintenance of non-residential buildings used solely in conjunction with raising of waterfowl, minnows or other wetland or aquatic animals or uses solely for some use permitted in the Conservancy District, if such building cannot, as a practical matter be located outside the wetland is not designed for human habitation, and provided that:

   a. Any such building does not exceed 500 sq. ft. in floor area; and

   b. Only limited filling or excavating necessary to provide structural support for the building is authorized.

3. The establishment and development of public and private parks and recreational areas, public boat launching ramps and attendant, access roads, natural and outdoor educational areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, fish hatcheries, provided that:

   a. Any private development is used exclusively for the permitted use and the applicant received a permit or license under ch. 29, Wis Stats. where applicable;

   b. 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 14. 2103 (1) and;

   c. Ditching, excavating, dredging, dike and dam construction in public and private parks and recreational areas, natural and outdoor educational 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 habitats and to otherwise enhance wetland values.

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

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

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

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

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

   b. Any filling, excavating, ditching or draining that is to be done must be necessary for such construction or maintenance and must be done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the wetland. (amended 4-17-90)

6. In addition to the above, all activities under these provisions shall be subject to Ch. NR 102 Water Quality Standards for Wisconsin Surface Waters and Ch. NR 103 Water Quality Standards for Wetlands. (added 5-20-93)

**14.2104 Prohibited Uses**

Any use not listed in section 14.2102 and 14.2103 is prohibited, unless that portion is rezoned by an amendment of this ordinance in accordance with the requirements of section 59.69 (5) (e) Wisconsin Statutes, Chapter NR 115 Wisconsin Administrative Code and sections 14.2105 and 14.3300 of this ordinance.

### 14.2105 Re-Zoning Lands in the Conservancy District within the Shoreland Jurisdiction

For all proposed text amendments and map amendments to the conservancy district within the shoreland jurisdiction shall conform to standards defined in Ch. 26.305 Shoreland Protection Ordinance. (amended Ord. 3172-16)

### 14.2106 Re-zoning Lands in the Conservancy District beyond the Shoreland Jurisdiction

All decisions on the proposed map amendments to the conservancy district beyond the shoreland jurisdiction shall be in accordance with section 14.3300 of this ordinance.

## 14.2200 RESERVED FOR FUTURE USE

(Floodplain standards removed and created as Chapter 21 Floodplain Ordinance 9/2010)

## 14.2300 AIRPORT HEIGHT LIMITATION DISTRICT (AH)

### 14.2301 Purpose

This district is intended to regulate the height shown on the map dated 11/15/76 entitled "Height Limitation Zoning Map, Oconto Municipal Airport, Oconto, Wisconsin". This district shall be employed as an overlay district to describe the area in which heights are limited. See Appendix IV.

### 14.2302 Height Limitations

Except as otherwise provided in this ordinance, no structure shall be constructed, altered, located or permitted to remain after such construction, alteration or location and no trees shall be allowed to grow to a height in excess of the height limit indicated on Height Limitation Zoning Map.

### 14.2303 Use Restrictions

1. Activities, notwithstanding the provisions of section 14.2303, no use may be made of land in any district in such a manner as to create electrical interference with radio communications between the airport and aircraft, or make it difficult for pilots to distinguish between airport lights and others, or result in glare in the eyes of pilots using the airport, or impair visibility, in the vicinity of the airport or otherwise endanger the landing, taking off or maneuvering of aircraft.

2. Exceptions: The restrictions continued in section 14.2303 shall not apply to objects which are less than thirty five (35) feet in height above ground level at the object site within Sections 23, 24, 25, 26, and 27, T28N, R21E, Oconto County, Wisconsin; or to structures less than seventy (70) feet in height above ground level within the remaining area to three (3) miles from the airport boundary.

## 14.2400 ADULT ENTERTAINMENT OVERLAY DISTRICT (AEOD)

### 14.2401 Purpose

The Adult Entertainment Overlay District is to regulate the location of such establishments.

### 14.2402 Permitted Uses

No principal uses shall be permitted as a matter of right within this district. All uses shall be conditional uses.

### 14.2403 Conditional Uses

1. Adult Bath Houses

2. Adult Body Painting Studios

3. Adult Bookstores

4. Adult Cabarets

5. Adult Massage Parlors

6. Adult Motion Picture Theaters

7. Adult Modeling Studios

8. Adult Novelty Shops

### 14.2404 Intent/Definitions

1. Intent: It is the intent of this section to protect the health, safety and morals of the citizens of Oconto County and to further preserve the quality of family life and to preserve the rural and urban characteristics of its neighborhoods and to prevent adverse and deleterious effects contributing to the downgrading of neighborhoods, and also mindful of the effects of adult entertainment upon minors and such entertainment and also mindful of the criminal activity and disruption of public peace associated with such establishments, therefore, it is the intent of this section to regulate the location of such establishments of adult entertainments. By the enactment of this section, the Oconto County Board of Supervisors does not intend to give any explicit, implicit or tacit approval or condone activity relating to adult entertainment.

2. Definitions: For this purpose of this section:

    a. Specific sexual activities is defined as:

        (1) Human genitals in a state of sexual stimulation or arousal.

        (2) Acts of human masturbation, sexual intercourse or sodomy.

        (3) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

    b. Specified anatomical areas is defined as:

        (1) Less than completely and opaquely covered.

(a) Human genitals, pubic region

(b) Buttock

(c) Female breast below a point immediately above the top of the areola.

(d) Human male genitals in a discernibly turgid state even if completely and opaquely covered.

b. Adult Bookstore. An establishment having as a substantial or significant portion of its stock and trade distinguished or characterized by the emphasis on matter depicting, describing or relating to specific sexual activities or specified anatomical areas as defined herein, or an establishment with a segment of section devoted to the sale or display of such material.

c. Adult Motion Picture Theaters. An enclosed building used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas as defined herein for observation by patrons therein.

d. Adult Bath Houses. An establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy, that is not operated by a medical practitioner or a professional physical therapist licensed by the State of Wisconsin and which establishment provides to its patrons an opportunity for engaging in specified sexual activities as defined in this section.

e. Adult Massage Parlors. An establishment or business with or without sleeping accommodations which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, not operated by a medical practitioner or professional physical therapist licensed by the State of Wisconsin and which establishment provides its patrons the opportunity to engage in specified sexual activity as defined in this section.

f. Adult Modeling Studios. An establishment or business which provides the services of modeling for the purposes of reproducing the human body wholly or partially in the nude by means of photography, painting, sketching, drawing or otherwise.

g. Adult Body Painting Studios. An establishment or business wherein patrons are afforded an opportunity to paint images of a body which is wholly or partially nude. For purposes of this section, the adult body painting studio shall not be deemed to include a tattoo parlor.

h. Adult Cabaret. An establishment or business which features male and/or female topless and/or bottomless dancers, go go dancers, exotic dancers, strippers, burlesque shows, male or female impersonators, or similar entertainers.

i. Adult Novelty Shop. An establishment or business having as a substantial or significant portion of its stock and trade in novelty or other items which are distinguished or characterized by their emphasis on, or designed for, specified sexual activity as defined herein or stimulating such activity.

**14.2405 Standards**

1. This overlay district shall apply only to lands zoned as General Commercial District (GC).

2. Standards specified in section 14.2405 shall apply, except:

   a. Only one such overlay be located within a specific general commercial district.

   b. The presence of the adult entertainment establishment will not have a harmful influence on children residing in or frequenting the area.

c. That the establishment of an adult entertainment establishment will in no way contribute to the deterioration of the surrounding area.

d. An adult entertainment establishment shall be located: (added 5-20-93)

(1) 1 mile from any church;

(2) 1 mile from any school;

(3) 1 mile from any park or playground;

(4) ½ mile from any residence;

(5) ½ mile from any industrial use;

(6) ½ mile from any other commercial use.

**14.2406 Standards for Conditional Uses**

1. There shall be no sale of intoxicating beverages in this district.

2. Signs advertising any of the aforementioned adult uses shall conform to section 14.2800 of this ordinance with the exception, however, that no tower or portable signs or billboards shall be permitted on the premises, and with the further exception that signs will not depict illustrations or parts of the human body, and provided further that there shall be no flashing or traveling lights located outside the building.

3. Parking shall be provided as specified in section 14.2900. All parking areas shall be lighted.

4. There shall be no display windows on the premises.

5. The owner and/or operator of the adult entertainment establishment shall agree to comply with all State, Federal and Local laws and ordinances, including obscenity, liquor and cabaret laws, and shall further insure that minors are not permitted on the premises. Solicitation for purposes of prostitution shall be strictly prohibited.

6. In the case of adult cabarets, the hours of operation shall be limited to the same hours of operations for bars and taverns within that community within which the district is located.

7. In the case of adult motion picture theaters, the hours of operation shall be limited to the same hours of operations for bars and taverns within that community within which the district is located. All theaters shall be in compliance with section 134.46 of the Wisconsin Statutes. Outdoor adult motion picture theaters are hereby prohibited.

8. The Board of Adjustment may attach additional conditions as necessary to assure that all standards are met, compatibility within the district to other business, and compatibility with adjacent zoning districts.

## 14.2500 QUARRYING DISTRICT (Q)

(amended 2-20-03)

### 14.2501 Purpose

The quarrying district provides for the conduct of extraction of sand, gravel, rock, marl, clay and similar materials. This district shall be employed as an overlay district to describe an area where quarrying may occur for a specified period of time. When the quarrying is finished, the overlay district shall be removed and the uses permitted by the underlying district allowed to continue. (amended 5-15-97)

### 14.2502 Permitted Uses

**(amended 5-15-97)**

Any uses permitted in the underlying district during any time which quarrying has been approved as a Conditional Use.

### 14.2503 Conditional Uses

1. Quarrying
2. Building, temporary
3. Material processing equipment
4. Hot mix plant (added 9-21-00)
5. Concrete mixing plant (added 9-21-00)

### 14.2504 Standards

(amended 12-17-99)

1. Application for conditional use and approval: An application for conditional use shall contain a description of all significant aspects of the proposed operation, a description of all significant conditions within the proposed site, and an analysis of all significant impacts on the surrounding area. The application shall contain:

    a. Proof of ownership

    b. A legal description of the proposed site

    c. A Plat of Survey prepared by a Registered Land Surveyor showing the nonmetallic mining site including the general location, property boundaries, location of manmade features on or near the site, the area extent and the location of surface waters, existing topography as shown on contour maps of the site at 5 foot intervals unless another interval is approved by Oconto County and the existing drainage patterns. (amended 2-20-03)

2. The applicant shall provide an operations plan, which shall describe the phases of the proposed operation to include:

    a. Use of equipment

    b. Storage or stock-piling of material

    c. Ingress and egress

    d. Protection of water, surface and sub-surface

e. Landscaping

f. Screening

3. The applicant shall provide a reclamation plan which meets the standards of the Oconto County Non-Metallic Mining Ordinance. (amended 2-20-03)

4. The Board of Adjustment may set forth conditions regarding appropriate setback and other dimensional requirements, particularly with reference to avoiding a nuisance effect on surrounding residential uses. The minimum setback for a non-metallic mining operation from a lot line is 30 feet unless all affected property owners jointly concur in writing to a reduced setback. (amended 2-20-03)

5. The initial grant to carry on a quarrying operation shall not be effective for more than 5 years. The Board of Adjustment may extend a conditional use permit for 3 additional years at one time, provided all conditions have been met. Conditions may be modified as part of an extension application. Fees for an extension shall be the same as for the initial application.

## 14.2600 METALLIC MINING EXPLORATION DISTRICT (MME)

### 14.2601 Purpose

The purpose of this district is to provide for the conduct of exploration for metallic materials. This district shall be employed as an overlay district to describe an area where exploration may occur for a specified period of time. When the exploration is finished, the overlay district shall be removed and the uses permitted by the underlying district allowed to continue. In the event metallic minerals are found, a petition for zoning amendment to a "mining district" shall be required for the specified site on which the mining is to take place.

### 14.2602 Permitted Uses

1. Any uses permitted in the underlying district during any time in which the exploration is being conducted.

2. Above surface exploration (electronic)

3. Surface exploration (aerial and electronic)

### 14.2603 Conditional Uses

1. Application for conditional use and approval: An application for conditional use shall contain a description for all significant aspects of the exploration, a description of all significant conditions within the exploration area and an analysis of all significant impacts on the surrounding area. The application shall contain:

   a. Easements to surface rights or use of the lands

   b. A legal description of the lands

   c. A topographic map, outlining the lands to be explored. Contour interval is to be specified by the County.

   d. An exploration license, issued by the DNR under NR 130, Wisconsin Administrative Code.

2. The applicant shall provide an exploration plan, which shall describe the phases of the exploration. The sub-surface phase shall include:

   a. An approved application, issued by the DNR under NR 130.05 or NR 131.06, Wisconsin Administrative Code

   b. Use of equipment

   c. Storage and/or stockpiling of materials

   d. Ingress and egress (road, temporary)

   e. Protection of water, surface and sub-surface

   f. Construction and use of temporary buildings

   g. Cutting of trees and/or removal of other vegetation

3. The applicant shall provide a reclamation plan which shall describe as a minimum:

a. Reclamation Plan under the Wisconsin Administrative Code

b. Uses of land after full reclamation

4. The applicant shall provide financial guarantee by bonding, conditioned upon faithful performance of the requirements of the conditional use permit, Wisconsin Administrative Code and the Wisconsin Statutes. The Board of Adjustment shall set the amount of the bonding, sufficiently to insure full reclamation from the exploration activities.

5. The initial grant to carry on exploration activities shall not be effective for more than 5 years. The Board of Adjustment may extend a conditional use permit for 3 additional years at one time, provided all conditions have been met. Conditions may be modified as part of an extension application. Fees for an extension shall be the same as for the initial application.

## 14.2700 MINING DISTRICT (M)

### 14.2701 Purpose

The purpose of this district is to provide for the conduct of mining for metallic minerals. This district, as it applies to actual mining and processing, is intended to be an overlay district and should include enough land area to accommodate the principal (mining) use and to afford adequate buffering and land for accessory uses.

### 14.2702 Permitted Uses

Any uses permitted in the underlying districts. Agriculture and forestry uses are encouraged to continue during the mining phases.

### 14.2703 Conditional Uses

1. Manufacturing or processing operations
2. Mining of metallic minerals
3. Shipping operations

### 14.2704 Standards

1. Application for conditional uses and approval: An application for a conditional use shall contain a description for all significant aspects of the mining, a description of all significant conditions within the mining area and an analysis of all significant impacts of the surrounding area, and:
    a. Proof of ownership
    b. A legal description of the lands
    c. A topographic map, out-lining the lands to be used for the mining activities. Contour interval to be specified by the county.
    d. A mining license, issued by the DNR under NR 132, Wisconsin Administrative Code.
2. The applicant shall provide a mining plan, which shall describe the phases of mining, which shall include:
    a. A mining plan, submitted in accordance with NR 132.07, Wisconsin Administrative Code
    b. Construction and uses of buildings
    c. Construction and uses of shipping facilities
3. The applicant shall provide a reclamation plan which shall describe as a minimum:
    a. Requirements of NR 132.08 Reclamation Plan, Wisconsin Administrative Code
    b. Uses of land after full reclamation
4. The applicant shall provide financial guarantee by bonding, conditioned upon faithful performance of the requirements of the conditional use permit, Wisconsin Administrative Code and the Wisconsin Statutes. The Board of Adjustment may accept the bond required by the DNR under NR 132.09,

provided Oconto County is assured that the amount of the bonding is sufficient to insure full reclamation from the mining activities. If assurances are not made, the Board of Adjustment shall set the amount of the bonding.

5. The initial grant to carry on mining activities shall be for a specified period. The Zoning Administrator shall review the annual reports made to the Department of Natural Resources. If the reports indicate compliance to the provisions of the conditional use permit, the uses shall continue. If the Department of Natural Resources required modification by the applicant requiring modification to the terms of the permit, the Board of Adjustment shall review the permit. The Zoning Administrator, in conjunction with the Department of Natural Resources under NR 132.13 may enter and make the necessary inspections to insure compliance with the provisions of the conditional use permit. The board of adjustment may extend a conditional use permit for additional specified periods of time. Fees for an extension shall be the same as for the initial application.

## 14.2800 SIGNS

**(revised 8/15/05)**

### 14.2801 Purpose

It is the intent of this ordinance to permit the careful planning, future growth and efficient maintenance of our public roadways, while protecting the natural beauty and amenities of our landscape by regulating the placement of signs throughout the County. It is further the intent to promote safety, convenience, and enjoyment of public travel, to accentuate the natural beauty of Oconto County, to protect the public investment in roadways, to regulate the erection and maintenance of advertising signs, displays and devices adjacent to public roadways and waterfront property and to aide in the free flow of commerce.

### 14.2802 Sign Permits

1. No sign shall be located, erected, moved, reconstructed, extended, enlarged or structurally altered without an approved County sign permit unless specifically exempted by this ordinance.

2. Where it is necessary, sign permits may require local, state or federal permits prior to county approval.

3. Fees. A fee set pursuant to section 14.3004 shall be submitted to the zoning administrator when application is made for a sign permit.

### 14.2803 Prohibited Signs

The following signs shall be prohibited:

1. Any sign which interferes with the vision of motor vehicle operators or faces or shines directly upon any residential property. Illuminated signs which are not shielded as to prevent beams or rays of light from being directed at any portion of the traveled ways of public roadways and which are of such intensity or brilliance as to cause glare or to impair the vision of the operator of any vehicle, or which otherwise interferes with any operator's operation of a vehicle is prohibited.

2. Rotating, moving or flashing signs, except reader boards 32 sq ft or smaller. (amended 6-22-00)

3. Signs which are of a size, location, movement, content, coloring or manner of illumination which may be confused with or construed as traffic control devices, or which hide from view any traffic or street sign or signal, or which obstruct the view in any direction at a street or road intersection.

4. Advertising signs, posters, placecards and circulars on any public right-of-way or public property, except those placed or approved by a unit of government.

5. Signs mounted, placed in, attached or painted on trailers, boats, motorized vehicles when used as additional advertising signs on or off premise. Automobiles, semi-trailers and trucks used in ordinary course of business are exempt from this provision.

6. No signs shall be permitted in a vision triangle except on-premise signs attached to a building.

7. No signs shall be permitted within the Residential and Mobile Home Park Districts, except for signs exempted under section 14.2804 and 14.2805 (2).

8. No signs shall be permitted so as to be visible from the water as noted in section 14.509 (5).

**14.2804 Sign Exemptions**

1. Signs not larger than 6 sq. ft in gross area used for the purpose of “no hunting”, “no trespassing”, farm identification, temporary political campaign, temporary real estate, church bulletin, temporary construction signs, or similar signs.

2. A sign permit shall not be required to attach a sign to a vertical building wall of a commercial establishment providing the sign will not extend higher than the lowest point of the roof line of the building to which it will be attached or will not extend above the gable roof line. Such signs are exempt from the separation requirements of this section.

3. Home Based Business/Industry signs provided such signs are not larger than 16 sq ft.

4. Signs located within the road right of way, provided a permit is obtained from the Oconto County Highway Department.

5. Temporary promotional signs such as banners displayed for no more than 30 days for specific events sponsored by local governments or not-for-profit entities such as churches, chambers of commerce or service organizations provided written permission is issued in advance by the local town board and which addresses prompt removal following the event.

6. Official government signs and notices.

**14.2805 Standards**

1. All signs visible from State or Federal Highways are subject to the following standards:

   a. Signs can only be located in the Commercial and Industrial Districts:

   b. Sign Size and Spacing:

      (1) Signs visible from Hwy 41, Hwy 141, Hwy 41-141, Hwy 22 and Hwy 32 South of the Village of Suring.

         (a) Off-premise signs 300 sq ft in size or less, require a minimum of 1000 feet of separation between any other off-premise sign that is 300 sq ft or less in size.

         (b) Off-premise signs 301 sq ft to 572 sq ft in size, require a minimum of 2000 feet of separation between any other off-premise sign.

         (c) The maximum size for a sign is 572 sq ft.

         (d) The maximum size of a sign located on Highway 22 is 300 sq ft.

      (2) Signs visible from Hwy 32 North of the Village of Suring and Hwy 64:

         (a) Off premise signs shall not exceed 250 sq ft.

         (b) Off premise signs require a minimum of 5000 feet of separation between any other off premise sign.

         (c) On premise signs shall not exceed 128 sq ft.

         (d) Two signs shall be permitted per each business establishment including pedestal/post signs, ground signs, wall signs, and window signs. However, only one pedestal/post sign shall be allowed on any one lot.

c. Sign Height and Under Clearance:

(1) The maximum height of any sign is 35 feet from the nominal natural grade, unless otherwise noted in this ordinance.

(2) The minimum nominal under clearance is 10 feet, except for ground mounted signs 100 sq ft or less in size.

d. Abandoned signs shall be removed from the property or brought into compliance with current standards no more than 180 days after a notice of removal is issued by the Oconto County Zoning Office. A sign is abandoned or discontinued if for a period of 180 days or longer it is composed of obsolete advertising matter or is without advertising matter or is in need of substantial repair, provided that any period of involuntary discontinuance which occurs during the period a highway is closed shall not be considered. A sign is abandoned if the name of the owner does not appear thereon and if the name and address of the current owner are not readily ascertainable from records on file with the Oconto County Zoning Office.

e. Land Use Permits for on-premise and off-premise signs can only be issued if:

(1) The property has an existing conforming commercial business; or,

(2) A permit has been issued for a proposed commercial business. However, any sign constructed on the property must be removed immediately, or will be subject to the provisions of 14.2807 of this chapter, if the commercial business has not been constructed by the time the permit expires. Pre-existing legally permitted signs are exempt from this provision.

(3) The requirements of this section do not apply to signs being relocated as part of a highway expansion project.

f. Signs shall be setback a minimum of 10 feet from a side lot line.

g. Signs shall be engineered to withstand 30 pounds per square foot of wind loading.

h. No sign or billboard shall be erected in the vision clearance triangle.

i. Signs shall also receive a permit from the Wisconsin Department of Transportation according to applicable Wisconsin Statutes and Wisconsin Administrative Codes.

j. **Abrams Sign Overlay District**: Signs that are visible from Highway 41-141, Highway 41 and Highway 141 and are located within the defined boundary are further subject to the following: (amended 5-23-02)

(1) Boundary: This area shall be bounded by the Highway 41-141 Sampson Road Interchange on the South, the intersection of County E and Highway 141 on North and the intersection of Galuska Road and Highway 41 to the Northeast.

(2) Off-premise advertising signs or billboards (temporary and permanent) shall not be allowed within the defined USH 41/141 Corridor.

(3) Standard WisDOT tourist information signs and business logo groupings as currently used along the Interstate and State highway system shall be allowed within the highway right-of-way.

(4) Sign height:

(a) Sign height on the four corner properties of a highway interchange: The property that is bounded on one side by the on/off ramp and on one side by the intersecting overpass or underpass road, may have a maximum sign height of 65 feet as measured from the highway road grade just below the overpass or from the underpass road grade just below the highway overpass. No more than one 65 foot high sign is allowed per property and

each sign must be located no farther than 300 feet from the intersection of the above described rights-of-way.

(b) All other sign heights and under clearances shall be as stated in 14.2805 (1)(c).

(5) The maximum size for a multi-tenant pedestal/post or ground mount sign is 400 sq. ft. The sign area may advertise the complex and/or advertise individual tenants; however, any sign area allocated to an individual tenant or the complex name may not exceed 200 sq ft.

(6) The maximum size for an individual business pedestal/post or ground mount sign is 200 sq. ft.

(7) The maximum size for any wall, window, door, or canopy sign should not exceed 20 sq. ft.

(8) No more than two ground signs or one ground sign and one pedestal sign shall be permitted per lot. Only one pedestal/post sign shall be allowed on any one lot. Additional signage shall be allowed on the building, windows, doors, or canopies necessary to advertise a business.

(9) Sign area shall be considered to be the area graphically defined by color and/or a definitive border design. In the case of individual letters and/or logos painted on or attached to permanent buildings, the sign area shall be defined as the area of the smallest rectangle which can encompass the sign's verbiage and/or logo. A "double-sided" sign where the printed messages are arranged 180 degrees from each other (back to back) and mounted on the same supporting structure shall be considered as one sign.

(10) Municipal, gateway identity, or local business directory signs should not be considered off-premise signs and should be designed to set the standard for sign design within the Town of Abrams.

k. **Stiles Sign Overlay District**: Signs that are visible from Highway 141 and Highway 22 and are located within the defined boundary are further subject to the following restrictions: (added 12-20-01)

(1) Boundary: this area shall be bounded by the Highway 141/Timberline Road intersection on the south, Highway 141/Olson Road intersection on the north, the Highway 22/Younger Road intersection on the west, and the Highway 22/Watercrest intersection on the east.

(2) Off-premise advertising signs or billboards larger than 300 sq. ft. (temporary and permanent) shall not be allowed within the defined US Highway 141 and Highway 22 corridors.

(3) Standard Wis DOT tourism information signs and business logo groupings as currently used along Interstate and State Highway System shall be allowed within the Highway right-of-way.

(4) Two signs shall be permitted per each business establishment including pedestal/post signs, ground signs, wall signs, and window signs. However, only one pedestal/post sign shall be allowed on any one lot.

(5) In the case of multi-tenant buildings on one lot, each business shall not be allowed two signs per establishment. Instead, two signs shall be allowed to advertise the complex, such as "Community Shopping Center" or "Highway Professional Offices". Then, individual establishments shall be allowed directional signage on the building, windows, or doors in order to advertise the location of each business.

(6) Individual business identification signs shall not exceed 128 sq. ft., and the top edge of the sign shall be no higher than 35 feet. A "double-sided" sign where the printed messages are arranged in a "V" or 180 degrees from each other (back to back) and mounted on the same supporting structure shall be considered as one sign.

(7) Signs shall be set back from property lines in order for maintenance and repair without crossing a neighboring property line.

(8) Municipal or gateway identify signs should not be considered off-premise signs.

l. **Little Suamico Sign Overlay District**: Signs that are visible from Highway 41-141, and are located within the defined boundary are further subject to the following: (added 2-20-03)

(1) Boundary: This area shall be bounded by the Highway 41-141 Brown Road interchange on the south, & Geano Beach Road on the north.

(2) Off-premise advertising signs or billboards (temporary and permanent) require a minimum of 2000' between any other off-premise sign and shall not be larger than 200 sq. ft. per sign.

(3) Standard WisDOT tourist information signs and business logo groupings as currently used along the Interstate and State highway system shall be allowed within the highway right-of-way.

(4) Sign height:

(a) Sign height on the four corner properties of a highway interchange: The property that is bounded on one side by the on/off ramp and on one side by the intersecting overpass or underpass road, may have a maximum sign height of 65 feet as measured from the highway road grade just below the overpass or from the underpass road grade just below the highway overpass. No more than one 65-foot high sign is allowed per property and each sign must be located no farther than 300 feet from the intersection of the above-described rights-of-way.

(b) All other sign heights and under clearances shall be as stated in 14.2805 (1)(c).

(5) The maximum size for a multi-tenant pedestal/post or ground mount sign is 400 sq. ft. The sign area may advertise the complex and/or advertise individual tenants; however, any sign area allocated to an individual tenant or the complex name may not exceed 200 sq. ft.

(6) The maximum size for an individual business pedestal/post or ground mount sign is 200 sq. ft.

(7) No more than two ground signs or one ground sign and one pedestal sign shall be permitted per lot. Only one pedestal/post sign shall be allowed on any one lot. Additional signage shall be allowed on the building, windows, doors, or canopies necessary to advertise a business.

(8) Sign area shall be considered to be the area graphically defined by color and/or a definitive border design. In the case of individual letters and/or logos painted on or attached to permanent buildings, the sign area shall be defined as the areas of the smallest rectangle, which can encompass the sign's verbiage and/or logo. A "double-sided" sign where the printed messages are arranged 180 degrees from each other (back to back) and mounted on the same supporting structure shall be considered as one sign.

(9) Municipal, gateway identity, or local business directory signs should not be considered off-premise signs and should be designed to set the standard for sign design within the Town of Little Suamico.

2. Signs advertising a municipality may be located in any district and shall not exceed 128 sq. ft.

3. All signs that are not visible from a State or Federal highway are subject to the following standards:

a. Sign size and spacing located on County Highways:

(1) Off premise signs shall require a minimum of 300 feet of separation between any other off premise sign.

(2) Signs advertising a place of worship may be located in any district and shall not exceed 40 sq. ft. in the Residential Districts, 360 sq. ft. in the Commercial and Industrial Districts and 64 sq. ft. in any other zoning district.

(3) Signs advertising a business located in the Commercial and Industrial Districts shall not exceed 360 sq. ft.

(4) Signs located in any zoning district other than noted in section 14.2804 and 14.2805 (2) shall not exceed 64 sq. ft.

b. Sign size and spacing located on Town Highways:

(1) Off premise signs shall require a minimum of 150 feet of separation between any other off premise sign.

(2) Signs advertising a place of worship may be located in any district and shall not exceed 40 sq. ft. in the Residential Districts, 280 sq. ft. in the Commercial and Industrial Districts, and 64 sq. ft. in any other zoning district.

(3) Signs advertising a business located in the Commercial and Industrial Districts shall not exceed 280 sq. ft.

(4) Signs located in any zoning district other than noted in section 14.2804 and 14.2805 (2) shall not exceed 64 sq. ft.

c. Sign Height and Under Clearance shall be as stated in 14.2805 (1) (c).

4. In no case shall any sign be located closer than three (3) feet from the road right of way, unless otherwise noted.

5. Off-premise signs shall be setback a minimum of 300 feet from any residence, On premise signs shall be setback a minimum of 75 feet from a residence on a parcel other than where the sign is located. There is no required setback from a residence located on the parcel where the sign is located. Signs used to advertise a place of worship which may be located within 100 feet of a residence.

6. Off-premise signs shall be located a minimum of 100 feet from any on-premise sign; however, on-premise and off-premise signs may be co-located on the same support structure.

7. Ground mount signs shall not exceed 100 sq ft in size unless otherwise permitted within this ordinance.

8. Entrance signs, not to exceed two, may be located at the entrance to a recorded residential subdivision or industrial park. Such entrance signs shall be used to identify the name of the residential subdivision or industrial park, and may identify the contents of the residential subdivision or industrial park specifically identifying the name of any owners or business contained in said residential subdivision or industrial park. Each sign shall not exceed 32 sq ft in size and 10 ft in height. Individual establishments shall be allowed directional signage on the building, window, or doors in order to advertise the location of each business.

**14.2806 Conditional Use Permits**

Any sign other than permitted under the provisions of this ordinance, or any sign not covered by this ordinance may be erected only after application for a Conditional Use Permit has been filed with the Zoning Administrator, a public hearing is held and a Conditional Use Permit is granted in writing by the Board of Adjustment. The applicant requesting permission to erect the sign must, in the application, show the location, size and type of sign to be constructed and the type of materials to be used in the construction. The Board shall consider the other sign standards of this ordinance and Wisconsin Administrative Code before granting any approval. The Board may set conditions on such approval.

**14.2807 Sign Removal**

The Zoning Administrator may order that signs

1. Be in conformance with this section, or be removed.

2. Which are deteriorated, not legible, or obsolete, shall be repaired, upgraded or removed by the owner. Should the owner fail to comply with the order to remove the sign within ten (10) days from date of issuance, the county will remove said sign at the owner's expense. A minimum fee for removal will be $10.00. Any fee above $10.00 shall cover the actual cost of removal.

## 14.2900 PARKING AND LOADING SPACE REQUIREMENTS

### 14.2901 Purpose

It is the intent of these requirements to assure that all land uses provide adequate vehicle parking spaces on their premises and to prevent imposition of burdens on public roads or neighboring properties due to hazardous driveway or parking arrangements or other causes of traffic blockage.

### 14.2902 Uses, Number of Spaces Required

The number of spaces listed below shall be provided for each listed land use:

| Uses | Number of Spaces Required |
|---|---|
| Dwellings, including mobile homes | 2 for each dwelling unit |
| Hotels, Motels or Resorts | 1 for each guest room or unit |
| Hospitals, Boardinghouses | 1 space for each 2 beds and 1 for each 3 employees |
| Sanitariums, Nursing Homes, Rest Homes | 1 space for each 5 beds and 1 space for each 3 employees |
| Medical and Dental Offices | 6 spaces for each doctor |
| Churches, Theaters, Auditoriums, Town Halls, Funeral Parlors, Community Centers, Vocational Schools and other places of public assembly | 1 space for each 4 seats or 1 space for 28 sq. ft. of floor area if no permanent seats are provided in the main Auditorium or seating area. |
| Elementary Schools | 1 space for each employee |
| High Schools | 1 space for each 500 sq. ft. of floor area |
| Restaurants, Bars, Places of entertainment, Repair Shops, Retail and Service Stores | 1 space for each 150 square of floor area |
| Manufacturing and Processing Plants and Warehouses | 1 space for each 3 employees |
| Banks, Business, Governmental and Professional Offices | 1 space for each 3 employees |
| Bowling Alleys | 5 spaces for each alley |
| Automotive Services, Drive-In Retail Establishments | 1 space for each 2 employees, plus adequate space for customer parking. |

### 14.2903 Uses not Listed

When a particular use is not listed, the parking requirement for a similar use shall apply.

### 14.2904 Combination of Uses

When two or more uses are combined, the total parking requirement shall be equal to the sum of the spaces required for each individual use.

### 14.2905 Parking Space Specifications

1. All required parking spaces shall contain a rectangular area with a minimum width of ten (10) feet and a minimum length of eighteen (18) feet. Usable garage spaces can serve to satisfy parking requirements.

2. Except for one and two-family residences, all parking spaces shall be permanently marked by painted lines, parking blocks, posts or other suitable markers.

3. Each required parking space shall be arranged with respect to driveways in such a way as to allow safe and easy entrance and exiting of a standard safe and easy entrance and exiting of a standard size passenger car without moving any other properly parked vehicle.

4. The parking area shall be arranged with an internal driveway which permits access to all parking spaces and the public streets. No parking space shall have direct access to a public street except via the internal driveway, and no parking space shall be arranged to require or encourage the vehicle to back onto a public street. Sufficient waiting area shall be provided so that at peak periods of use vehicles waiting to enter the premises to park or use drive-up facilities shall not line up on a public right-of-way, block a required parking space, or block an entrance or exit to a required parking area.

### 14.2906 Driveways Serving Required Parking Spaces

1. Driveways at point of contact with a public road shall have a minimum width of ten (10) feet and a maximum width of thirty (30) feet.

2. No direct access by private driveways shall be permitted to any state of federal highway without written permission of the County Highway Department.

3. When connected driveways provide access to more than one street, driveways and parking areas shall be designed in a way which does not encourage vehicles to cross the property in order to take short-cuts or evade stop signs or other traffic control devices.

4. Driveways shall be located and designed to be as safe as practical and to cause the minimum interference with the orderly flow of traffic on public streets. This includes, but is not limited to, consideration of the following:

    a. Clear visibility for at least 100 feet in each direction on streets with a speed limit of 30 miles per hours or slower, or visibility of 300 feet on all other public streets.

    b. Driveways shall generally be placed directly in line with a driveway on the opposite side of the street.

    c. Location of driveways with respect to intersections, turning lanes and other driveways.

    d. Effect on traffic flow on public streets.

### 14.2907 Off-Street Loading Requirements

All commercial and industrial buildings shall be provided with sufficient off-street loading spaces so that no public street, road or alley need be blocked by such activities.

## 14.3000 ADMINISTRATION

### 14.3001 Purpose

This section contains provisions on the administration and enforcement of the requirements of the Oconto County Zoning Ordinance. The provisions of this section applies, as indicated, to all parts of this ordinance.

### 14.3002 Agencies and Offices Involved in Ordinance Administration and Enforcement; Definitions of Roles and Responsibilities

1. Oconto County Board of Supervisors: The Oconto County Board of Supervisors are responsible for the enactment, amendment and repeal of the Oconto County Zoning Ordinance. The Oconto County Board of Supervisors appropriates funds in support of the Office of the Zoning Administrator, the Planning and Zoning Committee, and the Oconto County Board of Adjustment.

2. The Planning and Zoning Committee: The Planning and Zoning Committee is a committee of the County Board, created pursuant to section 59.69 (2) of the Wisconsin Statutes, and serves as the County Planning Agency pursuant to section 236.02 (1) of the Wisconsin Statutes. This committee is responsible for over-seeing the office of the Zoning Administrator and for other functions assigned to it by this ordinance or by state statutes.

3. The Oconto County Board of Adjustment: The Oconto County Board of Adjustment is a board created by action of the Oconto County Board of Supervisors pursuant to section 59.694 of the Wisconsin Statutes. The Board of Adjustment is responsible for hearing and deciding administrative appeals, variance applications and applications for conditional uses as provided in this ordinance.

4. Office of the Oconto County Zoning Administrator: The office of the Zoning Administrator is an administrative department of the county government created by the Board of Supervisors. The office is headed by a Zoning Administrator appointed by the Board of Supervisors on the recommendation of the Planning and Zoning Committee. The office shall also consist of such other personnel as shall be provided for the office. In addition to duties and responsibilities specified elsewhere in this ordinance, the Zoning Administrator shall be responsible for directing the work of the office, and for making periodic reports as required on the activities of the office, and for training and educational activities to assure that persons connected with ordinance administration area able to keep abreast of developments in the field of county land use ordinances.

    a. The Zoning Administrator subject to approval of the Planning and Zoning Committee shall appoint at least one (1) deputy in each town which shall elect to become subject to the County Zoning Ordinance.

    b. Deputy Zoning Administrators shall hold office during the term of the Zoning Administrator and shall be removable at the will of the Zoning Administrator

    c. Deputy Zoning Administrators Compensation for time and travel shall be determined by the County Board. All time and travel shall be approved by the Zoning Administrator.

### 14.3003 Duties of the Zoning Administrator, Records, Inspections, Determinations, Permits, Fees

In addition to the duties specified elsewhere in this ordinance, the Zoning Administrator shall be responsible for the following administrative duties:

1. Advising Applicants: The Zoning Administrator shall advise applicants for permits and approvals as to the provisions of this ordinance and shall assist them in preparing activities.

2. Keeping Records: The Zoning Administrator shall keep records of applications received, committee, board or office actions on such applications, permits issued, inspections made, enforcement actions undertaken and other similar activities.

3. Making Inspections: The Zoning Administrator shall make such inspections of premises as are required to determine compliance of land use activities within the terms of this ordinance. The Zoning Administrator, or his/her designee, shall have access to any structure, land or water between the hours of 8:00 A.M. and 4:00 P.M. for the purpose of performing said duties or at other times set by mutual agreement by the property owner or his/her agent and the administrator. Access may be at any time upon determination that an emergency exists. (amended 5-15-97)

4. Making Determinations: The Zoning Administrator shall make those administrative decisions and determinations as are specifically assigned to the administrator by terms of this ordinance.

5. Determine whether or not specific ordinance requirements shall be waived and a permit should be issued in situations where the applicant alleges that he or she is handicapped or disabled and is entitled to reasonable accommodations under the Federal Fair Housing Act, 42 U.S.C> ss 3601-3631, or the Wisconsin Open Housing Law, s. 106.04, Wisconsin Statutes, or where the owner of a place of public accommodations alleges that certain zoning restrictions must be waived in order to make the public accommodations accessible to the disabled. (added 7-22-99)

6. Permits, Approvals and Fees: The Zoning Administrator shall receive applications for the following permits and shall process the applications and the fees collected in the following manner:

   a. Zoning Permit:

      (1) When required: A zoning permit shall be required to be issued before any of the following may occur: (amended 12-17-98)

         (a) Before any building or structure, not exempted below, is erected, moved or structurally altered; and

         (b) Before any new development in the shoreland jurisdiction as required by Wisconsin Administrative Code; and

         (c) Before any building or structure or any parcel or tract of land is substantially changed as to use, provided however; that

         (d) Zoning permits shall not be required for structural alterations involving ordinary up-keep and maintenance.

      (2) Zoning permits shall be issued only if the parcel is in compliance with the Oconto County Land Division Ordinance.

      (3) Application and issuance: Application for zoning permits shall be made on forms furnished by the Zoning Administrator. Issuance of a sanitary permit is a pre-condition to issuance of a land use permit whenever applicable. When a connection is to be made to a sanitary sewer, an approval letter from the affected sanitary district shall be included with the zoning permit application. Permits shall be issued if the application and information obtained through field inspections, if any, causes the Administrator to conclude that the proposed use will comply with all applicable regulations. (amended 5-15-97, amended 7-22-99), (amended 3-23-06)

      In situations where the applicant is requesting that certain zoning restrictions be waived in order to provide equal housing opportunities, or access to public accommodations, for a handicapped or disabled person the application shall include:

         (a) the nature of the handicap or disability;

         (b) an explanation of the need for a waiver of specified zoning restrictions.

(c) a discussion of alternative solutions that have been considered, if any.

(4) Information required on zoning permits issued for sites in or adjacent to the floodplain:

(a) An approved floodplain permit as required in Chapter 21 Oconto County Floodplain Ordinance.

(5) The zoning administrator shall issue a zoning permit that waives specified zoning ordinance requirements if the zoning administrator determines that both of the following conditions have been met: (added 7-22-99)

(a) the accommodations (i.e., the waiver of zoning restrictions) that has been requested, or another less extensive accommodation, is necessary to afford equal housing opportunity, or equal access to public accommodations, for disabled or handicapped persons, and is the minimum accommodation that will give the handicapped or disabled persons adequate relief.

(b) the accommodation will not unreasonably undermine the basic purposes that the zoning ordinance seeks to achieve.

(6) If the zoning administrator issues a zoning permit to a handicapped or disabled person, or to the owner of a place of public accommodation, that waives certain specified zoning requirements, the permit shall state that: (added 7-22-99)

(a) Issuance of the permit is required by the Federal Fair Housing Act, and the Wisconsin Open Housing Law, or the Americans with Disabilities Act.

(b) Where appropriate, the zoning administrator shall attach to the permit the condition that the building addition or other structure (such as entrance ramps) that is authorized by the permit must be constructed in such a way that it can easily be removed when the handicapped or disabled person no longer occupies the property. If such a condition is attached to the permit, the property owner is required by this ordinance to notify the zoning administrator no later than 30 days after the handicapped or disabled person vacates the property.

(7) In cases where the zoning administrator issues a permit to a handicapped or disabled person that is conditioned upon the building addition or other structure being removed when the handicapped or disabled person no longer occupies the property, the permit shall not become effective until the owner of the property signs an affidavit, and records it at the County Register of Deeds Office, that gives notice that the building addition or other structure authorized by the permit is only authorized for the period of time that a handicapped or disabled person occupies the property. (added 7-22-99)

(8) Fees: A fee set pursuant to section 14.3004 shall be submitted to the Zoning Administrator when application is made for a land use permit.

b. Grading Permits:

(1) When required: A grading permit shall be required before undertaking the activities described in section 14.413.

(2) Application and issuance: Applications for grading permits shall be made on forms furnished by the Zoning Administrator. Permits shall be issued if the application and information obtained through field inspections, if any, causes the Administrator to conclude that the proposed activity will comply with all applicable regulations.

(3) Fees: A fee set pursuant to section 14.3004 shall be submitted to the Zoning Administrator when application is made for a grading permit.

c. Applications for Administrative Appeals, Conditional Use Permits and Variances:

(1) When required:

(a) Administrative Appeals: Appeals to the Board of Adjustment may be taken by any persons aggrieved or by an officer, department, board or bureau of the municipality affected by any decision of the Zoning Administrator. Such appeal shall be taken within 30 days by filing with the Zoning Administrator and with the Board of Adjustment, a notice of appeal specifying the grounds thereof.

(b) Conditional Use Permits: Upon application for a use specifically listed as Conditional Use under the terms of this ordinance.

(c) Variances: Upon application for permitted uses, where deviation of the dimensional standards of this ordinance must apply in order for a permit to be issued in such use.

(2) Application and referral: Applications for administrative appeals, conditional use permits and variances shall be made to the Zoning Administrator on forms provided by him. Upon completion, the applications shall be referred to the Board of Adjustment for processing and disposition.

(3) Fees: A fee set pursuant to section 14.3004 shall be submitted to the Zoning Administrator when applications are made.

(4) Sanitary and Zoning Permits for Conditional Use and Variance: Issuance by the Board of Adjustment of a Conditional Use Permit or Variance shall not relieve the applicant of the obligation to obtain sanitary and zoning permits.

(5) Effect of Posting of Permits: Permits are issued on the basis of approved plans and applications, and authorize only the use; arrangement and construction set forth in such approved plans and application, and no other use, arrangement or construction is authorized. Use, arrangement or construction in non-compliance with that authorized shall be deemed a violation of this ordinance.

(6) Permits shall be placed in a prominent location on the premises during construction, alteration or moving, per instructions contained thereon.

(7) Permits are valid for one (1) year, except the Zoning Administrator may grant an extension for a period not to exceed six months upon showing of a valid cause. Two years shall be the maximum completion time for a project dwelling. No habitation shall be allowed in the basement of an incomplete dwelling. (amended 2-20-03)

**14.3004 Fees**

1. Fees shall be approved by resolution adopted by the Oconto County Board of Supervisors.

2. Late Filing Fee: Where work has begun or has been completed before a permit has been obtained or appropriate administrative approvals obtained, all applicable fees will be doubled. (amended 3-23-06)

3. Fee exempt organizations as defined in section 14.303 shall be exempt from paying application fees for conditional use permits, petitions for grant of variance, zoning amendments and contested case hearings. (added 9-21-00) (amended 1-29-2004)

4. All fees received by the Zoning Administrator are non-refundable and shall be placed in the County Treasury.

5. Postponement/rescheduling of a public hearing due to applicants error in submittal or absence from the public hearing, shall be charged a fee to cover administration costs for re-notice of the public hearing. (amended Ord # 1743-08) (amended Ord # 1743-08)

## 14.3100 BOARD OF ADJUSTMENT

### 14.3101 General Operating Rules for the Board of Adjustment

1. Appointment and Term: The Board shall consist of five members and shall be appointed for staggered three year terms, commencing on July 1 by the Chair of the County Board of Supervisors. Vacancies shall be filled in like manner for the unexpired term of any member whose term becomes vacant. Members shall all reside in the county and outside the Cities and Villages of Oconto County, and no two members shall reside in the same town.

2. Operating Rules:

   a. The Board shall choose its own Chair, Vice-Chair and Secretary at the first meeting after July 1st of each year.

   b. The Board shall meet at the call of the Chair or at such other times as the Board may determine.

   c. The Board shall comply with all requirements of the Wisconsin Open Meeting Law in the conduct of the business before it. The nature of the Board's proceedings are quasi-judicial. The Board may, therefore, deliberate in closed session, after a hearing on the matter, provided legal requirements are complied with.

   d. The Board may conduct site inspections of premises and the surrounding areas which are the subject of matters before the Board, provided that when the Board as a unit or individual members are engaged in such site inspections, they shall not allow interested parties to present arguments and materials shall be received only at hearings before the Board.

   e. The Board shall conduct a public hearing on all administrative appeals, conditional use and variance matters before it and shall cause a Class 2 notice under chapter 985 of the Wisconsin Statutes to be published and shall give due notice of the hearing to all parties in interest, the town clerk and the town chairman. The Board of Adjustment Chairman shall administrator oaths to parties testifying and may compel attendance of witnesses by subpoena.

      (1) Due notice to parties in interest shall mean that the office of the Zoning Administrator will mail, by ordinary postage, reasonable advance notice of all hearings and meetings on any pending matter to the applicant, to the clerk of any city or village located within 1.5 miles of the property involved in the application, and to other parties who have been made to known to the office, their specific interest in the matter and their request to receive such notices, and the office of the Zoning Administrator may mail, by ordinary postage, notice of the public hearing to owners of record of properties which are located within 300 feet of the parcel involved in the application. (amended 5-15-97)

      (2) Failure of the office to mail advance notice to parties in interest shall not invalidate or prejudice the proceedings, providing the Board concludes that the parties who subsequently complain of having been sent or of not receiving notice did, in fact, know of the proceedings and had reasonable opportunity to attend or be represented, or to convey their views prior to the Board's decision. (amended 4-17-90)

   f. All testimony before the Board by persons other than Board members and written or documentary evidence or material pertaining to matters before the Board shall be received at the hearings conducted by the Board, provided, however, that the content of relevant ordinance or statutory materials shall be deemed to be before the Board in all cases and need not be entered into the

record. All parties in interest shall be afforded reasonable opportunity to comment on all materials or information so received. Board members who are in possession of facts which may have a bearing on the matter before the Board shall enter same into the record of the hearing and opportunity shall be allowed for comments on such entries.

g. If, following the close of hearing, the Board finds it necessary or desirable to receive additional information, evidence or arguments which may have a bearing upon the Board's decision, it shall reconvene a public hearing, with notice given in the same manner as for the initial hearing, for the purpose of so doing.

h. The Board shall deliberate on matters before it. The concurring vote of a majority of the Board shall be necessary to approve any administrative appeal, conditional uses or variance before the Board. The vote of each member on each matter decided by the Board shall be recorded in the minutes. If a member is absent or if a member fails to vote, such fact shall similarly be recorded. The minutes of the Board shall show the Board's decisions and the votes of members thereon. Each decision of the Board shall be accompanied by written reasons in support of the decision, which written statement shall be signed or acknowledged by the members and entered into the minutes.

i. All Decisions by the Board shall be made in accord with the standards of this ordinance. The Board shall decide all matters before it within a reasonable time.

j. The Board shall cause complete records to be kept of its examinations on matters before it, of public hearings, site inspections, decisions and other official actions, which shall be immediately filed in the County Zoning Office and shall be a public record.

k. To insure procedural and legal due process, the rules adopted as Appendix No. 1 shall be used for all proceedings of the Board.

**14.3102 Powers of the Board of Adjustment, Administrative Appeals**

1. Appealable Matters:

   a. Decisions by the Zoning Administrator which consists of interpretations of the terms of the Oconto County Zoning Ordinance and which are made in the course of determining whether a permit of approval will be issued by said administrator are appealable to the Board of Adjustment as administrative appeals.

   b. Decisions by the Zoning Administrator to issue an enforcement demand or to commence other ordinance enforcement activities, where the Administrator has determined that violation of the ordinance exists, is appealable to the Board of Adjustment as an administrative appeal.

   c. Decision by the Planning and Zoning Committee which consists of interpretations of the terms of the Oconto County Zoning Ordinance and which are made in the course of determining whether a permit or approval will be issued by the Zoning Administrator, are appealable to the Board of Adjustment as administrative appeals.

2. Procedures for Initiating an Administrative Appeal:

   a. Eligible appellants: Administrative appeals may be initiated by any person aggrieved by the decision or interpretation being appealed, or by any officer, department, board or committee of the county government. An aggrieved appellant must have a legally recognizable interest which is or will be affected by the action of the zoning authority in question.

   b. Time for appeals: An appeal shall be commenced within 30 days after the making of the decision or interpretation being appealed.

c. Initiating an appeal: An appeal shall be commenced by filing with the office of the Zoning Administrator, a notice of appeal specifying the decision appealed form the grounds for appeal, the relief requested and payment of the fee specified by section 14.3004. Upon receipt of such a notice, the Zoning Administrator shall immediately notify the Board of Adjustment, the Corporation Counsel, the Planning and Zoning Committee and shall transmit to the Board all papers and files which constitute the record of the decision being appealed.

d. Stays: An appeal of a decision to issue a permit or approval or to issue an enforcement demand or to commence other ordinance enforcement proceedings shall cause the permit or approval action to be suspended or shall stay further enforcement prosecution unless the Zoning Administrator and/or Corporation Counsel shall file with the Board of Adjustment a certificate, supported by a statement of facts, alleging that suspension or stay will cause imminent peril to life or property. If such a certificate is filed, proceedings shall not be stayed except upon a restraining order, which may be granted by the Board of Adjustment or by a court of record on application on notice to take the officer from whom the appeal is taken and on due cause shown.

e. Decisions by the Board of Adjustment: Following a public hearing and other investigation, the Board shall decide the matter based upon whether the decision, determination or interpretation being appealed was in ERROR. The Board may reverse or affirm, wholly or partly, or may modify the decision appealed from, and may make such decision as ought to have been made, and to that end shall have all powers of the officer from whom the appeal is taken. All decisions by the Board on administrative appeals shall be based upon the terms of the ordinance and evidence as to legislative intent.

**14.3103 Powers of the Board of Adjustment, Conditional Uses**

1. Nature of Conditional Uses: Certain uses are of such nature or their effects are so dependent upon specific circumstances as to make impractical the determination in advance of where and when and under what conditions they should be permitted. Provision has been made in this ordinance for the determination of such cases as conditional uses. Conditional uses are land uses listed as such in each zoning district. They may be established in such district only upon approval by the Board of Adjustment.

2. Application for Approval of a Conditional Use: Any person holding an interest in lands within an area included within a zoning district may apply for a conditional use approval by filing an application and fee as specified in section 14.3004 conditional use approval application can include single parcels of land or groupings of parcels, contiguous or non-contiguous. The application shall be transmitted by the Zoning Administrator to the Board.

3. Board Review and Decision: Following a public hearing and other investigations, the Board shall decide the matter based upon the following standards:

   a. Whether the use is listed as a conditional use in the zoning district where the lands are located, or is a use which is not assigned by this ordinance to any zoning district and which is similar in character to uses allowed in the district in which the site is located and which is compatible with the purpose and intent of such zoning district.

   b. Where the regulations of the zoning district in which the lands are located contain specific standards for the class of the conditional use under consideration, those standards shall be applied by the Board.

   c. In addition or where the zoning district contains no standards unique to that district or use, the Board shall apply the following standards:

      (1) No grant of a conditional use shall violate the spirit or intent of this ordinance.

(2) No conditional use shall be allowed which would be contrary to public health, safety or general welfare, or which would be substantially adverse to property values in the neighborhood affected.

(3) No use shall be permitted by conditional uses that would constitute a nuisance by reason of noise, dust, smoke, odor or other similar factors.

4. Conditions: The Board of Adjustment may make the granting of an application for a conditional use contingent upon such expressed conditions as it considers necessary to further the aims of this ordinance. These conditions may include, but are not limited to, specifications of:

   a. The period of time in which all or part of the use may be permitted.

   b. Setback and yard dimensions

   c. Specified sewage disposal and water supply facilities

   d. Landscaping and planting screens

   e. Operational controls

   f. Sureties

   g. Deed restrictions

   h. Location of structures, docks, piers or signs

   i. Location and amount of parking facilities

   j. Type of construction

   k. Type of shore cover

   l. The obtaining of other permits required by the State of Wisconsin, federal government agencies and other county requirements based upon other ordinances, as conditions that must be met before issuance of said permit.

**14.3104 Powers of the Board of Adjustment, Variances**

1. Nature of Variances: Variances are a relaxation of the dimensional standards of the zoning ordinance. In a variance case, the terms of the ordinance are not in dispute. An applicant for a variance acknowledges that the ordinance forbids the development for which approval is sought. Two avenues of relief can be pursued in such a case. One is for the applicant to seek an amendment to the ordinance. The second possible avenue of relief, one that is available only under strictly defined circumstances, is to seek a variance. Variances are an available form of relief only where the use in question is allowed in the zoning district, but the dimensional standards (setbacks, minimum lot area, building height, etc.), block or hinder the desired form of development. Where dimensional standards create a hardship which can be relieved by modifying the standards for that parcel of land without destroying the basic intent of the ordinance, a variance is the appropriate means of granting the relief. The variance procedure allows the impact of general rules to be varied in response to unusual circumstances without involving the County Board of Supervisors in amendment procedures for each such localized situation. The Board may authorize in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest where, owing to special conditions affecting a particular property, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. A variance:

   a. Shall be consistent with the spirit and purpose of this ordinance.

b. Shall not permit a lower degree of flood protection in the floodplain area than the flood protection elevation.

c. Shall not be granted because of conditions that are common to a group of adjacent lots or premises.

d. Shall not be granted unless it is shown that the variance will not be contrary to the public interest and will not be damaging to the rights of other persons or property values in the area.

e. Shall not be granted for actions which require an amendment to this ordinance or the map(s).

f. Shall not have the effect of granting or increasing a use of property which is prohibited in a particular zoning district.

g. Shall not be granted solely on the basis of economic gain or loss.

h. Shall not be granted for a self-created hardship.

i. Must be due to unique property condition and not to the circumstances of the applicant.

j. Shall not allow any alteration of a historic structure, including its use, which would preclude its continued designation as a historic structure. (added 12-17-98)

2. Applications for Variances: Applications for variances in the applicable zoning regulations may be filed with the Zoning Administrator, along with payment of the application fee specified in section 14.3004.

3. Board Review and Decisions: Following notice and a public hearing and other investigations, the Board shall decide the matter based upon the following standards:

   a. No variance may be granted which would have the effect of allowing in any district, a use not permitted in that district.

   b. No variance may be granted which would have the effect of allowing a use of land or property which would violate state laws or administrative rules.

   c. Subject to the above limitations, variances may be granted where strict enforcement of the terms of the ordinance result in an unnecessary hardship and where a variance in the standards will allow the spirit of the ordinance to be observed, substantial justice to be accomplished and the public interest not violated.

4. Provisions:

   a. Provisions shall be attached in writing to all approved variances where such provisions will achieve compliance with the standards of this ordinance.

   b. Provisions may include, but are not limited to, specifications of section 14.3103 (4) of this ordinance.

**14.3105 Save for future reference.**

**14.3106 Court Review**

Any person or persons, jointly or severally aggrieved by any decision of the Board of Adjustment, or any taxpayer, or any officer, department, board of bureau of the county may, within 30 days after the filing of the decision in the office of the Board, commence an action seeking the remedy available by certiorari, as provided by 59.694 (10) and 801.02(5), Wis. Stats

**14.3107 Certiorari**

The court shall not stay the decision appealed form, but may, on application with notice to the Board grant a restraining order.

**14.3108 Return Writ**

The Board of Adjustment shall not be required to return the original papers acted upon it, but it shall be sufficient to return certified or sworn copies thereof.

**14.3109 Court Decision**

If it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take such evidence as it may direct and report the same to the court with findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

**14.3110 Costs**

Costs shall not be allowed against the Board unless it shall appear to the Court that it acted with gross negligence, or in bad faith, or with malice in making the decision appealed from. All issued in any proceeding under this section shall have preference over all civil action and proceedings.

## 14.3200 VIOLATIONS

### 14.3201 Declaration of Unlawful Conduct, Activities and Conditions

1. Violation of Land Use Ordinance, General:

    a. It shall be unlawful for any building or structure to be erected, constructed, placed, moved or structurally altered, or for any use of land, premises, building or structure to be established or changed in violation of the provisions of this ordinance.

    b. It shall be unlawful to fail to comply with any standard of this ordinance or with any condition or qualification placed upon the issuance of a permit or approval or variance granted, in due course, under this ordinance.

### 14.3202 Liability

1. Owners of lands or properties, occupiers of land or premises, and agents of owners or occupants including, without limitation because of enumeration, building contractors, surveyors, plumbers, installers, soil technicians, road builders, grading and excavating contractors and their agents, are responsible for compliance with all provisions of this ordinance which bear upon their area of competency and responsibility.

2. This ordinance applies fully to all governmental and quasi-public and quasi-governmental lands, developments and activities unless specifically exempted by state or federal law.

### 14.3203 Investigation of Compliance, Notice of Violations

1. The Zoning Administrator is responsible for inspecting and investigating compliance of land use activities within the terms of this ordinance.

2. If, upon such investigation, the Zoning Administrator becomes aware of a condition which he concludes is or is likely to become unlawful as defined in section 14.3201, the administrator shall immediately notify the parties to the situation whom he deems to be responsible and potentially liable, pursuant to section 14.3202.

    a. A demand that the condition that is alleged to constitute the present of potential violation be halted, prevented from occurring or remedied; or

    b. A statement that a complaint on the condition and demand for prosecution has been or will be transmitted to the district attorney and/or to enforcement officials, state agencies or both.

### 14.3204 Prosecution, Injunctions and Penalties in Court Proceedings

1. It shall be the duty of the Corporation Counsel to expeditiously prosecute all violations of this ordinance reported by the Zoning Administrator.

2. Nothing in this section shall be deemed to prevent private prosecutions of violation pursuant to section 59.69 (11) or other sections of the Wisconsin Statutes or common law. (amended 4-17-90)

3. The following forfeitures and penalties are hereby established for violations of this ordinance:

a. For violations specified in section 14.3201, a forfeiture of not less than $10.00 and not more than $300.00 shall be imposed upon conviction or adjudication, plus the cost of prosecution for each violation. (amended 12-1-98)

b. Each day a violation exists or continues shall be a separate offense.

4. As a substitute for or an addition to forfeiture actions, the Corporation Counsel may, on behalf of the county, seek enforcement of any and all parts of this ordinance by court actions seeking injunction orders or restraining orders, or orders for restoration of the site.

### 14.3205 Other Enforcement Provisions

Where a conditional use or a variance has been approved subject to specified conditions, and where such conditions are not complied with, the Board of Adjustment may entertain and conduct a hearing upon a petition to revoke the conditional use approval or variance. Such hearing and action upon a petition shall follow procedures similar to those followed in considering the granting of such a use or variance. A finding of non-compliance with the conditions originally imposed shall be grounds for revocation.

## 14.3300 AMENDMENT PROCEDURES

### 14.3301 Purpose

To set forth the procedures for the adoption and amendment of the text of this ordinance and the zoning maps adopted by this ordinance.

### 14.3302 The Oconto County Zoning Ordinance is adopted by the County Board of Supervisors

1. The Board may, by a single ordinance, repeal an existing county zoning ordinance and re-enact a comprehensive revision thereto. A "Comprehensive Revision" as used herein means a complete re-writing of an existing zoning ordinance which changes numerous zoning provisions and alters or adds zoning districts.

2. The County Board may amend the regulations of an ordinance or change the district boundaries.

3. Amendments may be to the text of the ordinance and/or to the zoning maps adopted by this ordinance.

### 14.3303 Petition for Zoning Amendment

A petition for amendment of this ordinance may be made by:

1. Any property owner in the area to be affected by the amendment.

2. The Town Board of any towns wherein the ordinance is in effect.

3. By any member of the County Board.

4. By the Planning and Zoning Committee.

### 14.3304 Petition for Zoning Amendment, Filing

A petition for amendment shall be filed as follows:

1. A Petition for Zoning Amendment shall be completed within the office of the Zoning Administrator.

2. A fee as specified in section 14.3004 shall be paid upon the filing of the Petition. (amended 9-16-93, 9-21-00, 05-23-03) (amended 1-29-2004)

3. The completed Petition shall be filed with the county clerk, who shall:

   a. Immediately refer it to the Planning and Zoning Committee for their consideration, report and recommendations.

   b. Immediately send a copy of the Petition to the county supervisor(s) of any affected district.

   c. Report all petitions referred under this section to the county board at its next succeeding meeting.

**14.3305 Action by the Planning and Zoning Committee**

Upon receipt of such a petition, the Planning and Zoning Committee shall:

1. Call a public hearing thereon.

2. Provide notice of the time and place of such hearing by publication within the county of a Class 2 notice, under chapter 985 of the Wisconsin Statutes.

3. Provide notice by registered mail to the town clerk of each town affected by the proposed amendment, at least 10 days prior to the date of such hearing.

4. Provide notice by ordinary mail to the petitioner and parties of interest. (amended 5-15-97)

5. Provide notice by ordinary mail to state agencies, federal agencies other county agencies and Cities and Villages where and when appropriate, i.e., Floodplain Zoning, Shoreland Zoning and Extra-territorial Zoning.

6. The Planning and Zoning Committee may notify all landowners within 300 feet of the affected parcel by ordinary mail. (added 5-15-97)

**14.3306 Action by Affected Town Board(s)**

If an affected town disapproves of the proposed amendment, the board shall:

1. File a certified copy of the resolution adopted by the town board disapproving of the petition, with the Planning and Zoning Committee.

2. This resolution must be filed prior to, at or within 10 days after the public hearing, in the office of the Zoning Administrator.

**14.3307 Action by the Planning and Zoning Committee, Approval, Modifying or Disapproval**

1. If the town board affected in the case of an amendment relating to the location of boundaries of districts, files a disapproving resolution, or the town boards of a majority of the towns affected in the case of all other amendatory ordinances file such resolutions, the Planning and Zoning Committee may not recommend approval of the petition without change, but may only recommend approval with change or recommend disapproval.

2. As soon as possible after the public hearing, the Planning and Zoning Committee shall act subject to section 14.3307 (1) on such petition by either:

   a. Approve the petition

   b. Modify and approve the petition; or

c. Disapprove the petition.

3. If the committee approves, modifies and approves the petition, it shall cause an ordinance to be drafted effectuating its determination and shall submit such proposed ordinance directly to the county board with its recommendations.

4. If the decision recommends denial of the petition, it shall report that recommendation directly to the county with the reason for such action.

5. Proof of publication of the notice of the public hearing held by the Planning and Zoning Committee and proof of the giving of notice to the town clerk of such hearing shall be attached to either report.

6. Town board resolutions filed under section 14.3306 shall be attached to either report.

**14.3308 Action by the County Board of Supervisors**

Upon receipt of the report by the Planning and Zoning Committee, the County Board may:

1. Adopt the ordinance as drafted

2. Adopt the ordinance with amendments

3. Deny the petition for amendment

4. Refuse to deny the petition as recommended by the committee, in which case, it shall refer the petition back to the committee with directions to draft an ordinance to effectuate the petition and report the same back to the County Board.

5. Upon report required by section 14.3308 4, the board may:

   a. Adopt the ordinance

   b. Reject the ordinance

**14.3309 Protest Provisions for Zoning Map Amendments**

In case a protest petition against a proposed amendment is filed with the county clerk at least 24 hours prior to the date of the meeting of the county board at which the report of the Planning and Zoning Committee is to be considered, duly signed and acknowledged by the owners of 50% or more of the area proposed to be altered, or by abutting owners of over 50% of the total perimeter of the area proposed to be altered included within 300 feet of the parcel or parcels to be rezoned, action on such ordinance may be deferred until the zoning agency has had a reasonable opportunity to ascertain and report to the county board as to the authenticity of such ownership statements. Each signer shall state the area of frontage owned by him and shall include a description of the land owned by him. If such statements are found to be true, such ordinance shall not be adopted except by the affirmative vote of three-fourths of the members of the County Board of Supervisors present and voting. If such statements are found to be untrue to the extent that the required frontage or area ownership is not present, such protest may be disregarded.

**14.3310 Action by the County Clerk**

If any such amendatory ordinance makes only the change sought in the petition and if the petition was not disapproved at or within 10 days after the public hearing by the town board of the town affected in the case of an ordinance relating to the location of district boundaries or by the town boards of a majority of the towns affected in the case of all other amendatory ordinances, it shall become effective on passage. The County Clerk shall:

1. Record in his office of the date on which such ordinance becomes effective.

2. Notify the town clerk of all towns affected by such ordinance of such effective date.

3. Insert such effective date in the proceedings of the county board.

4. Any other such amendatory ordinance when so adopted, shall within 7 days thereafter, be submitted in duplicate by registered mail to the town clerk of each town in which lands affected by such ordinance are located.

**14.3311 Action by the Town Board(s), Veto**

1. Text amendments:

    a. Within 40 days of adoption, the town board may file certified copies of resolutions disapproving such amendments with the county clerk; or

    b. Within a shorter time, file certified copies of resolutions approving the amendments.

    c. If a majority of towns file an approving resolution, a text amendment shall thereupon be in effect in all of the towns affected by the ordinance.

2. Map amendment:

    a. Within 40 days of adoption, Town Boards may file certified copies of resolutions disapproving the amendment with the county clerk; or

    b. Within a shorter time, file certified copies of a resolution approving the amendment.

    c. If the Town Board does not submit a veto resolution, the amendment becomes effective 40 days from adoption.

**14.3312 Action of the County Clerk, Records and Publication**

1. Record in his office, receipt of all disapproving and approving resolutions.

2. File in the office of the Zoning Administrator, a copy of such resolutions and related correspondence, which shall become a part of the records Planning and Zoning Committee.

3. Record in his office, the dates on which such ordinances or amendments become effective.

4. Report said activity to the County Board.

5. Cause such ordinance amendment or report to be published in accordance with appropriate statutes.

**14.3313 Limitation of Actions**

A landowner, occupant or other person affected by this ordinance or an amendment, who claims that the ordinance or amendment is invalid because procedures prescribed by the statutes or the ordinance were not followed, shall commence an action within the time provided by section 893.73(1) of the Wisconsin Statutes, except this law does not apply unless there has been at least one publication of a notice of a zoning hearing in a local newspaper of general circulation and unless there has been held a public hearing on the ordinance or amendment at the time and place specified in the notice.

**14.3314 Shoreland and Floodplain Zoning**

All provisions of section 59.694 of the Wisconsin Statutes apply to this ordinance and any amendment, but the provisions enumerated in sections 14.500 and 14.2100 within this ordinance and their amendments shall not require approval or be subject to disapproval of a Town Board.

**14.3315 Standards for Rezoning**

1. Decisions on petitions for rezoning of areas in the Agriculture District to other districts, shall consider the following:

    a. Availability of adequate public facilities to serve the proposed land use change; and

    b. Reasonableness of the burdens on local government for providing the needed services; and

    c. Suitability of the land for development; and

    d. Prospects that the development may cause unreasonable air or water pollution, soil erosion or adverse affects on valued natural areas; and

    e. Effect of loss of agricultural lands; and

    f. Relationship of the proposed uses to the use of agricultural lands adjacent thereto.

2. Decisions on petitions for rezoning of areas in any zoning district to any other zoning district within the Shoreland Zoning Jurisdiction of Oconto County, shall consider the following:

    a. Availability of adequate public facilities to serve the proposed land use change; and

    b. Reasonableness of the burdens on local government for providing the needed services; and

    c. Suitability of the land for development; and

    d. Relationship of the proposed uses to the area, existing housing, existing business and existing adjacent zoning; and

    e. Need for the proposed uses; and

    f. Effect by the proposed uses on the adjacent waters.

3. Save for future reference.

4. Decisions on petitions for rezoning of one zoning district to another zoning district allowed by this ordinance, shall consider the following: (amended 12-17-98)

    a. Existing zoning and use of the lands; and

    b. Proposed zoning and uses of the lands; and

    c. Need for the proposed uses; and

    d. Availability of adequate public facilities to serve the proposed land use change; and

    e. Reasonableness of the burdens on local government to provide needed services; and

    f. Suitability of the proposed uses to the existing uses adjacent thereto; and

    g. Relationship of the proposed uses to the existing uses adjacent thereto; and

h. Relationship of the zoning amendment to the Oconto County Sanitary Ordinance; and

i. Relationship of the zoning amendment to the Oconto County Land Division Ordinance. (amended 6-18-98)

5. Conditions on Rezoning:

a. The Planning and Zoning Committee may recommend and the County Board may adopt an ordinance affecting an amendment of the zoning district map containing the condition that the change in the map will take effect on such date occurring within twelve (12) months of the date of the County Board approval of the amendment when the first onsite inspection for building location is made and approved for the project sought to be established, and in the event such approved inspection has not occurred by the twelve (12) month time period, the possibility of making effective the rezoning will then be terminated.

b. The Planning and Zoning Committee may recommend and the County Board may adopt an ordinance effecting an amendment of the zoning district map containing the condition that the change in map will take effect on such date occurring within six (6) months of the date of county board approval of the amendment when a restrictive covenant has been recorded binding the property to conditions specified in the amending ordinance, and in the event such covenant is not recorded by the end of the six (6) month time period, the possibility of making effective the rezoning will then be terminated.

c. Restrictive covenants shall be between the persons who petition for the zone change, county and town, and the affected adjacent property owners. Conditions specified to be in such required covenants shall be related to the purpose of the ordinance. They may include, as specified cases warrant, limits of permissible uses to less than the full range of uses otherwise allowable in the district into which the land is being placed. Enforcement rights over such covenant controls shall be afforded to the county, then town and owners of property within 300 feet of the site. The covenant controls shall be amendable or repealable upon petition of the owner of the lands subject to the controls, and approval of the County Board after a hearing similar to a rezoning hearing. A rezoning of lands to a different zoning district shall also act to repeal the covenant controls. Except as provided above, the covenants shall run with the land.

d. Other similar controls appropriate to handling by covenant provisions may also be imposed.

## 14.3400 RECONSIDERATION

### 14.3401 Re-Submission

No application, petition or appeal which has been dismissed or denied by the Board of Adjustment, Planning and Zoning Committee or County Board shall be considered again within one (1) year of the decision without material alteration or revisions, except by motion to reconsider made by a member voting with the majority and passage by a 3/4 vote of the committee or board. "Material alteration" shall be determined by the committee or board.

### 14.3402 Re-Hearing

No re-hearing of any matter shall be held except by motion to rehear made by a member voting with the majority and passage by a 3/4 vote of the committee or board, upon a finding that substantial new evidence is submitted which could not reasonably have been presented at the previous hearing. Requests for rehearing shall be in writing and shall state the reasons for the request and be accompanied by necessary data and diagrams. Re-hearings shall be subjected to the same fee and notice requirements as original hearings.

### 14.3403 Rules

To insure procedural and legal due process, the rules adopted as Appendix No. II shall be used for all proceedings of the Planning and Zoning Committee.

## 14.3500 VALIDITY, ADOPTION AND EFFECTIVE DATE

### 14.3501 Validity

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

2. Invalidation by a court of any part of this ordinance shall not invalidate the rest of the ordinance.

3. Force and effect:

    a. Following passage and publication by the County Board of Supervisors, the Oconto County Zoning Ordinance shall be in full force and effect within the Shoreland and Wetland portion of the Conservancy District of the County.

    b. This ordinance shall be in full force and effect throughout each town upon adoption as provided in section 59.69 of the Wisconsin Statutes.

4. This ordinance is not intended to repeal, abrogate or impair any existing easement, covenants or private deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

### 14.3502 Severability

If any of the provisions of this ordinance, or amendments thereto or the application thereof to any lot, building or other structure or tract of land are declared by a Court to be invalid or ineffective in whole or in pat, or to be inapplicable to any person or situation, the effect of such decision shall be limited to the provision or provisions which are expressly stated in the decision to be invalid or ineffective, or to the lot, building or other structure or tract of land immediately involved in the controversy; such judgment shall not affect the application of the provisions of this ordinance to any other property, building or structure not specifically included in such judgment.

### 14.3503 Adoption

1. Upon passage by the Oconto County Board of Supervisors, this ordinance becomes effective; and

2. This ordinance, the Oconto County Zoning Ordinance (the comprehensive revisions), provides that the previous Oconto County Zoning Ordinance of 1934, as amended November, 1980, shall remain in effect for a period of one (1) year; or

3. Until this ordinance is adopted by the respective town board, whichever period is shorter; or

4. If a town board does not adopt this ordinance within one (1) year, neither the Oconto County Zoning Ordinance of 1934 as amended November, 1980, nor this ordinance shall be in effect in that town, except as related to the Shoreland, and Wetland provisions.