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Richland County Zoning Ordinance

Number 5

Adopted by
Richland County
Board of Supervisors

INCLUDING AMENDMENTS
THROUGH 6/24/16

Print

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ORDINANCE No. 2003-16

An Ordinance Creating Richland County Comprehensive Zoning Ordinance #5

The County Board of Supervisors of Richland County Wisconsin, does hereby ordain as follows.

SECTION I. GENERAL PROVISIONS

A. STATUTORY AUTHORIZATION

This Zoning Ordinance is adopted pursuant to section 59.69, Wisconsin Statues.

B. COMPLIANCE

The use of any land or water, the size, shape, and placement of lots; the use, size, type, and location of structures on lots; the regulation of billboards, mobile homes, trailers, quarries, and junk yards; and the subdivision of lots shall be in full compliance with the terms of this Ordinance and other applicable regulations. Buildings and signs shall require a zoning permit unless otherwise expressly excluded by the requirements of this Ordinance.

C. ABROGATION AND GREATER RESTRICTIONS

1. The Richland County Zoning Ordinance, adopted March 15, 1966, is hereby repealed.

2. It is not intended by this Ordinance to repeal, abrogate, annul, impair or interfere with any other ordinance, easements, deed restrictions, permits, agreements, rules, or regulations previously adopted; however, where this Ordinance or any amendment thereto imposes greater restrictions, the more restrictive shall prevail.

D. INTERPRETATION

In this interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall not be deemed a limitation or repeal of any other powers granted by Wisconsin Statutes.

E. SEPARABILITY

It is hereby declared to be the intention of the County Board that the several provisions of this Ordinance are separable in accordance with the following:
If any court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgment shall not affect any other provisions of this Ordinance not specifically included in said judgment.

If any court of competent jurisdiction shall adjudge invalid the application of any Provision of this Ordinance to a particular property, building or structure not specifically included in said judgment.

F. SITE REQUIREMENTS

1. Only one principal structure, as defined by this Ordinance, shall be permitted on a lot. However, additional principal structures shall be permitted providing the minimum lot size, lot width, and yard requirements for each zoning district are met.

2. All lots shall abut upon or have irrevocable recorded access to a public road, street, or highway. After this ordinance is adopted by the township, all newly created right-of-ways shall have a width of not less than three rods or 49.5 feet.

G. STANDARD DISTRICT REGULATIONS

1. Setback Requirements on Highways and Roads

The following provisions apply to lands abutting a public road, street, or highway so as to lessen conflicts and congestion and to promote the safety and efficiency of such transportation facilities:

a. Classification of Highways: The public roads, streets, and highways of Richland County are hereby divided into the following five (5) zoning classifications in relation to the Richland County Functional and Jurisdictional Highway Plan Update of 1995, as said Plan shall be amended from time to time by the Southwestern Wisconsin Regional Planning Commission. The highways so classified are shown on the attached Highways Zoning Classification map.

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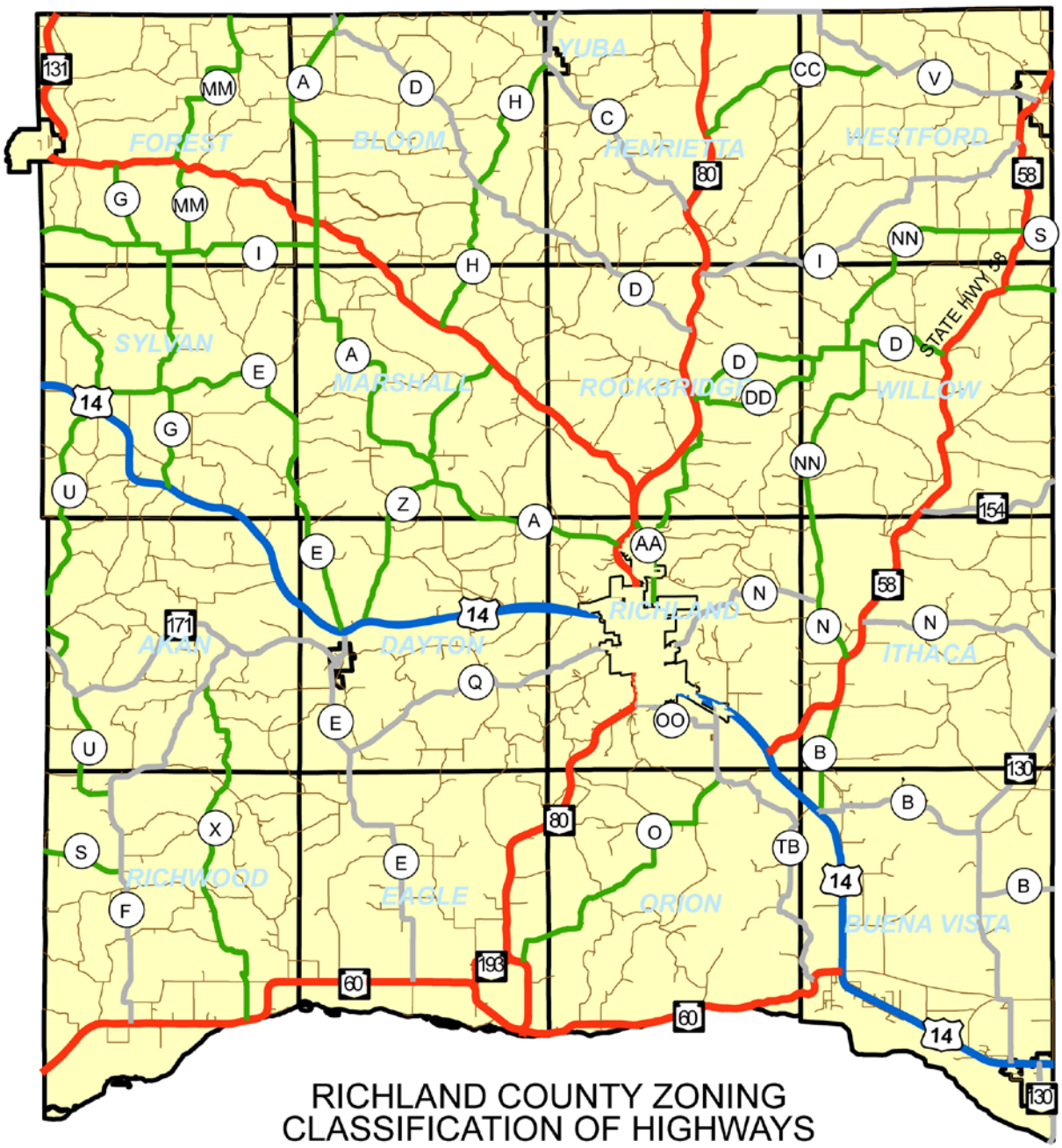

RICHLAND COUNTY ZONING
CLASSIFICATION OF HIGHWAYS

ZONING CLASSIFICATION	FROM CENTERLINE	HIGHWAY CLASSIFICATION
Class A Highway (Blue)	150'	Principal Arterial Highways
Class B Highway (Red)	130'	Minor Arterial Highways
Class C Highway (Gray)	110'	Major Collector Highways
Class D Highway (Green)	90'	Minor Collector Highways
Class E Highway (Brown)	70'	Local Highways, Town Roads, Public Roads and streets other than those listed above

b. **Minimum Highway Setbacks**: Unless otherwise permitted in this Ordinance, all buildings, structures, and other objects shall be set back from abutting public highways so as to comply with the following minimum requirements, or otherwise permitted or modified by the approval of the plat of a legal subdivision or a particular provision of this Ordinance.

(1) Setbacks from public highways shall be not less than the horizontal distances set forth in this subsection and measured from either the near existing right-of-way line or the center-line of the abutting roadway or the centerline of the near pair of travel lanes, whichever is more restrictive. The more restrictive of the two measurements shall prevail.

ZONING CLASSIFICATION	SETBACK FROM RIGHT-OF-WAY	SETBACK FROM CENTERLINE
Class A Highways	70 feet	150 feet
Class B Highways	60 feet	130 feet
Class C Highways	50 feet	110 feet
Class D Highways	40 feet	90 feet
Class E Highways	30 feet	70 feet

(2) The above listed highway setback requirements are subject to the following conditional modifications. Where such conditions occur, the County Zoning Administrator may permit a setback that meets the following requirements.

(a) When an existing principal structure or building fronts on the same side of the abutting highway and within 200 feet on both sides of the proposed structure, the highway setback may be modified to the average of the setbacks existing on the two abutting structures.

(b) Where two (2) or more principal structures or buildings front on the same side of the abutting highway and within 400 feet in one direction from the subject site, the highway setback may be modified to the average of the setback on the near existing structure and the required setback for the appropriate class of highway.

(3) Vision Corners: In each quadrant of every at-grade intersection of a public road, street, or highway with another public road, street, or highway or with a mainline railroad, there shall be a vision corner consisting of a triangular area within which no structure, building, vegetation or other fixed object shall be permitted if the same would obstruct the highway users view across such vision corner or otherwise restrict said users ability to perceive an on-coming vehicle.

(a) All such vision corners shall be bounded by the centerlines of the intersecting roads, streets, highways or railroad tracks, on a straight line connecting points on said centerline and at the following horizontal

distances from their point of intersection. In case of multi-land or divided highway or a multi-track railroad, said centerline shall be construed to be the centerline of the near pair of travel lanes or the near pair of rails.

ZONING CLASSIFICATION	DISTANCE FROM INTERSECTION
Class A Highways	350 feet
Class B Highways	300 feet
Class C Highways	250 feet
Class D Highways	200 feet
Class E Highways	150 feet

(4) Access Restrictions: No direct public access shall be permitted to the rights-

of-way of any public road, street or highway except in compliance with the following provisions:

(a) No direct private access shall be permitted to the rights-of-way of two intersecting public roads, streets or highways within the following horizontal distances as measured from the point of intersection of the two right-of-way lines and along the right-of-way abutting the subject site. The distance shall be measured for each intersecting highway according to the class of highway listed below:

ZONING CLASSIFICATION	RESTRICTED DISTANCE
Class A Highway	500 feet
Class B Highway	400 feet
Class C Highway	300 feet
Class D Highway	200 feet
Class E Highway	100 feet

Public service roads designed to keep private access from entering directly onto Class A & B Highways may be located closer to the intersection than would otherwise be required.

(b) Lots and parcels of land requiring direct private access to the right-of-way of any public road, street or highway shall have a frontage along such right-of-way of not less than the following minimum distance: (The "frontage side" shall be construed as the side where the driveway enters.)

ZONING CLASSIFICATION	MINIMUM FRONTAGE
Class A Highway	400 feet
Class B Highway	200 feet
Class C Highway	200 feet
Class D Highway	100 feet
Class E Highway	Lot Width

(c) Vehicular entrances and exits serving drive-in-establishments which generate traffic volumes in excess of one-hundred (100) vehicles per day, shall be not less than one-hundred feet from any pedestrian entrance or exit serving a school, church, hospital, park, playground or other place of public assembly.

(5) Exceptions to Highway Requirements and Restrictions: The following structures and uses are excepted from the above listed highway setbacks, vision corner and access regulations.

(a) Signs placed by or under the direction of the appropriate highway agency for the guidance, direction, control or warning of traffic, including construction barricades and safety devices.

(b) The planting and harvesting of field crops, flowers, shrubs, hedges and the like and the use of open fences, equipment and machinery commonly associated with such planting or harvesting, provided the same shall be subject to such trimming, pruning cropping or control as may be deemed necessary by the highway agent having jurisdiction over the abutting highway.

(c) Communication and power transmission lines, poles and appurtenance structures, and underground structures provided the same are not capable of being used as a foundation for a prohibited above-grade structure.

(d) Temporary use of the above restricted areas may be permitted but such temporary permit shall be revocable, subject of particular conditions, and limited to not more than twelve (12) consecutive months.

(e) Minor readily removable structures such as open fences and small signs permitted by the Ordinance may be placed within setback lines provided all requirements of this Ordinance are met.

(f) Structures not conforming to the above setback, vision corner, and access requirements may be placed on lots platted and recorded prior to the adoption of this Ordinance by the township, by conditional use only.

2. Lot Size Requirements in the Residential and Commercial Districts.

a. Lots created after adoption of this Ordinance shall meet the minimum area requirements shown on the attached 'Yard, Area, and Width Requirements' Table. The dimensions of the building sites in the General Commercial and Single Family Residential Districts shall meet the following minimum requirements.

(1) Lots Not Served by Public Sewer

(a) The minimum lot area shall be 43,560 square feet and the minimum lot width 200 feet at the building line and 200 feet at water edge.

(b) There shall be a side yard for each principal building. The minimum width of one side yard shall be ten (10) feet. The minimum aggregate width of both side yards shall be twenty-five (25) feet.

(2) Lots Served by Public Sewer

(a) The minimum lot area shall be 10,000 square feet and the minimum lot width sixty-five (65) feet at the building line and sixty-five (65) feet at the water's edge.

(b) There shall be a side yard for each principal building. The minimum width of one side yard shall be eight (8) feet. The minimum aggregate width of both side yards shall be twenty (20) feet.

(3) Existing Lots Served by Public Sewer

(a) A lot which does not contain sufficient area to conform to the dimensional requirement of this Ordinance but which is at least fifty (50) feet wide and 7,500 square feet in area may be used as a building site providing that the use is permitted in the zoning district providing the title to the lot has been transferred prior to the effective date of this Ordinance and providing the lot is in separate ownership from abutting lands.

(4) Existing Lots Not Served by Public Sewer

(a) A lot which does not contain sufficient area to conform to the dimensional requirements of this Ordinance but which is at least sixty-five (65) feet in width at the building line and sixty-five (65) feet of the water's edge, and which is 10,000 square feet in area, may be used as a building site, providing it meets the requirements of the Sanitary Ordinance, providing that the use is permitted in the zoning district, providing the title to the lot has been transferred and notarized prior to the effective date of this Ordinance in the township, and providing the lot is in separate ownership from abutting lands.

(5) Substandard Lots

(a) A zoning permit for the improvement of a lot having lesser dimensions than those stated in (3) and (4) above shall be issued only after the granting of a variance by the Board of Adjustment.

(b) If two or more substandard lots with continuous frontage have the same ownership as of the effective date of this Ordinance, the lots involved shall be considered to be an individual parcel for the purposes of this Ordinance.

(6) Spacing Between Buildings

(a) No agricultural structure may be placed within 500 feet of an existing non-agricultural structure under separate ownership unless otherwise permitted by conditional permit, or no non-agricultural structure may be placed within 500 feet of an existing agricultural structure, under separate ownership unless otherwise permitted by conditional permit.

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TABLE 1
YARD, AREA AND WIDTH REQUIREMENTS

Zone	A-F	A-R	R-1	R-2	C-1	I
Side Yards: Principal Buldings (ft):	20	20	10	10	10*	20
Lot NOT served by public sewer (ft):	20	20	10	10	10*	20
Lot served by public server (ft):	-	20	8*	8*	8**	20
Side yards: Accessory & Building (ft):	10	10	5	5	5	5
Rear yard (ft):	50	50	40	40	20	20
Floor area dwelling minimum (Sq Ft)	600	960	960	960	500	-
***Minimum lot area agricultural (acres)	35	5	-	-	-	-
Lots NOT served by public sewer	-	5	2	2	1	1
Lots served by public sewer	-	5 acres	10,000 Sq. Ft.	10,000 Sq. Ft.	10,000 Sq. Ft.	10,000 Sq. Ft.
Minimum lot width lot NOT served by public sewer (ft):	200	200	200	200	200	200
Lot served by public sewer (ft):	-	200	65	65	65	65

*Although the minimum width of one side yard can be ten (10) feet, the minimum aggregate width of both side yards shall be twenty-five (25) feet.

**Although the minimum width of one side yard can be eight (8) feet, the minimum aggregate width of both side yards shall be twenty (20) feet.

***Maximum lot area in the Agricultural/Residential District is 34.99 acres.

3. Lot Size Requirements in the Agricultural and Forestry District

a. Lots created after adoption of this Ordinance shall meet the minimum area requirements shown on Table 1 "Yard, Area, and Width requirements." The dimension of the building sites in the Agricultural and Forestry Districts shall meet the following minimum requirements.

(1) The minimum lot area shall be 35 acres and the minimum lot width 200 feet at the building line.

(2) There shall be a side yard for each principal building and accessory building. The minimum side yard setback for principal buildings shall be 20 feet. The minimum side yard for accessory buildings shall be 10 feet.

(3) A lot which does not contain sufficient area to conform to the dimensional requirements of this section, but which is at least two hundred (200) feet in width at the building line, and which is 43,560 square feet in area, may be used as a building site, provided the use is permitted in the zoning district, providing the title to the lot has been transferred (and notarized) prior to the effective date of this Ordinance in the township, and providing the lot is in separate ownership from abutting lands, and providing it meets the sanitary ordinance.

4. Open Space Requirements

Every part of the required area of a yard shall be open to the sky. In this regard, the setback and yard requirements shall apply to all projections, such as sills, cornices, steps, porches, ornamental features, and fire escapes.

5. Structures Not Buildings

Structures which are not buildings and which are six inches or more in height from the surface of the ground shall be subject to the setback and other dimensional requirements of this ordinance. Excludes fences and public utility poles.

6. Accessory Uses and Structures

a. Any permanent, roofed structure serving as an accessory use if attached to the principal building by an enclosed structure shall be considered a part of the principal building. If such structure is a building and is not attached to the principal building it shall conform to the setback, and other dimensional requirements of the district within which it is located.

b. Accessory buildings permitted in residential districts, shall conform to the following requirements:

(1) No more than one accessory building shall be permitted on a lot, except by conditional permit.

(2) No accessory building shall have a floor area greater than 70 percent of the floor area of the principal building on the lot.

(3) No accessory building shall have a floor area in excess of 10 percent of the total lot area.

7. No large object other than licensed passenger motor vehicles, and major recreational equipment, may be stored on a lot in a Residential District, except within a garage or where it will at all times be completely shielded from view from the street or adjoining properties, by landscaping, walls, or fencing. No such equipment shall be used for living or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use. The storage of such equipment shall only be permitted adjacent to a residence and shall never be the principal use of an individual lot. The storage of such equipment prior to the adoption of this Ordinance shall be permitted to continue.

SECTION II. ZONING MAP AND DISTRICT BOUNDARIES

A. ZONING DISTRICTS

The lands of Richland County are hereby divided into the following districts:

1. **General Agricultural and Forestry (A-F)**
2. **Agricultural and Residential District (A-R)**
3. **Single Family Residential (R-1)**
4. **Single Family Residential (R-2)**
5. **General Commercial (C-1)**
6. **Industrial (I)**
7. **Conservancy (CON)**
8. **Scenic Resource (SR)**

B. ZONING DISTRICT BOUNDARIES

The locations and boundaries of the County's districts are shown on a single map officially designated "OFFICIAL ZONING MAP, RICHLAND COUNTY, WISCONSIN" and on separate township maps officially designated “DETAILED ZONING MAPS, RICHLAND COUNTY, WISCONSIN.” These maps together with all explanatory material and regulations thereon are an integral part of this Ordinance. In the event of a conflict between zoning district boundaries shown on the "Official Zoning Map, Richland County, Wisconsin" and the "Detailed Zoning Maps, Richland County, Wisconsin," the latter shall

govern and prevail. District boundaries are normally lot lines; section, quarter-section or sixteenth lines; center lines of street, highways, alleys, railroad right-of-way or such lines extended; unless otherwise noted on the zoning maps. Distances not specifically indicated on the zoning map shall be determined by the scale of the map. In accordance with Section 59.97(4) of the Wisconsin Statutes, zoning district boundaries shall be decided by the County Board. It shall be the policy of the county zoning committee to consult with individual township boards in decisions regarding district boundaries, before making recommendations to the county board. Questions regarding exact location of district boundaries shall be decided by the County Zoning Committee or its authorized representative. Decisions may be reviewed on appeal to the Board of Adjustment as provided in Section VII of this Ordinance.

The official zoning maps shall be certified by the chairman of the county board and attested by the county clerk. Copies of the official zoning maps together with a copy of this Ordinance shall be kept on file in the office of the county clerk. Any changes affecting zoning district boundaries shall be recorded on the applicable maps. All such changes shall be made in accordance with provisions of Section 59.69, Wisconsin Statutes.

Copies of the official zoning maps together with copies of this Ordinance shall be kept at the County Zoning Department, and shall be available for public inspection during office hours. Maps are available for a nominal fee from the County Zoning Department.

C. GENERAL AGRICULTURAL AND FORESTRY DISTRICT (A-F)

This district provides for the continuation of general agriculture and forestry practices. The intent is to preserve areas with adequate soil types, drainage, and topography for farming and forestry and to prevent uneconomical scattering of residential, commercial, and industrial development in such areas. For lot area, width and yard requirements refer to “Yard, Area and Width Requirements Table,” on Table 1. The intent of this district is to be in accordance with Chapter 91, Wisconsin Statutes.

1. Permitted Uses

   a. **General Farming**. No agricultural structure may be placed within 500 feet of an existing non-agricultural structure under separate ownership unless permitted by conditional use permit. Farm buildings hereafter constructed which house animals, barn yard or feedlots shall be at least one hundred (100) feet from any continuous flowing water and shall be located so that manure will not drain into any continuous flowing water. Such existing structures shall be considered non-conforming.

   b. One single family dwelling for the owner or operator, additional single family dwellings for his/her parents and children, provided such farmstead does not require more than a single access to a Class A, B, or C highway. Pre-existing farm homes and dwellings, except mobile homes, may be rented for residential use throughout the properly maintained life of the structure provided such structure generally complies with the provisions of the Residential R-1 lot.

   c. Customary accessory farm buildings including not more than one roadside stand for the sale of farm products produced on the premises. Any such stand

shall conform to setback, sign and other provisions of this Ordinance.

d. Woodlots, tree farms and other soil and water conservation practices.

e. Accessory uses permitted in the Single-Family Residential District.

f. Farm residences or structures which existed prior to the adoption of this Ordinance may be separated from a larger farm parcel if the separation is for purposes of farm consolidation.

g. Riding stables with less than 10 horses.

h. Adult family home.

i. Any agricultural use and uses consistent with agriculture.

History: Cr. 5-20-03, Eff. 2-15-05 No. 2005-5, add b., modify f.; Eff. 6-21-16 No. 2016-19, modify b.

2. Uses Authorized by Conditional Permit

a. Fur farms, pea vineries, dairy processing plants, and animal processing plants

b. Fruit or vegetable processing plants, provided plans for disposal of sewage and by-products are approved by the county public health office.

c. Cheese factories

d. Farm implement shops, sales, repair and storage.

e. Telephone buildings, (provided there is no service garage or storage yard), telephone, telegraph, and power transmission towers, poles and lines, including transformers, substations, relay and repeater stations, equipment housings and other necessary appurtenant equipment and structures; radio and television stations and transmission towers and micro-wave radio relay towers; municipal buildings.

f. Non-metallic mining operations: Construction Aggregate, subject to provisions of Section III and a plan has been approved per the requirements of the Richland County Non-Metallic Mining Ordinance.

g. Institutional Recreation Camps, Trailer Camps and Campgrounds.

h. Public airports.

i. Greenhouses.

j. Public and Private schools, churches, public parks and recreation areas, historic sites, and private landing strips.

k. Bed and Breakfast establishments, as defined in section 50.50(1) Wisconsin Statutes.

l. Temporary placement of a mobile home or manufactured home less than 24 feet wide placed on a foundation other than a basement, while a permanent dwelling is being constructed. Except in exceptional circumstances, temporary placement shall not exceed 3 years.

m. A family farm business if limited to existing farm residences or structures or portions of the existing farmstead that are not dedicated to agricultural uses.

n. Kennels, as long as they are located more than 1,320 feet from a dwelling other than one occupied or rented by the owner.

o. Replacement of an existing manufactured home less than 24 feet wide or an existing mobile home less than 24 feet wide with a replacement manufactured home less than 24 feet wide that has at least 1,000 square feet of floor space.

p. Placement of an agricultural structure within 500 feet of an existing non-agricultural structure under separate ownership.

q. A wind energy system

r. One mobile home or one manufactured mobile home less than 24 feet wide, incidental to a farming operation. If the party living in the mobile home no longer works on the farm, then the mobile home must be removed from the premises.

History: Cr. 5-20-03, No. 2003-16; Eff 3-16-04 No. 2004-11, Manufactured home; Eff. 2-15-05 No. 2005-5, repeal n., relettered o. and q. add q.; Eff. 3/15-05 No. 2005-7, o. p. and q. relettered, q. added; Eff. 4-25-06 No. 06-10, m. repealed, n. through q. relettered; Eff 10-28-08 No. 08-24, q. added; Eff. 5-20-14 No. 14-9, f. modified; Eff. 6-21-16, No. 16-19, r. added

3. Issuance of zoning certificates for tax credit purposes: certificates for tax credit purposes will be issued only for land which is following a conservation program which results in a soil loss less than "T" (allowable soil loss) as defined by the Soil Conservation Service, U.S.D.A. Developing and following an SCS farm conservation plan is suggested as a method of meeting this requirement. The Richland County SWCD supervisors will judge substantial compliance with this standard. Prior to finding a landowner in violation of this section, the SWCD supervisors shall notify the landowner in writing of any alleged violation specifying the grounds of the violation and shall afford the landowner an opportunity for a hearing. Violation of the soil conservation standard shall be considered a violation of the zoning ordinance and shall be sufficient reason for refusal to issue a zoning certificate for tax credit purposes.

4. **Standards for rezoning**: Decisions on petitions for rezoning areas zoned A-F shall be based on findings which consider the following:

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

b. Provision of these facilities will not be an unreasonable burden to local government.

c. The land proposed for rezoning is suitable for development and development will not cause unreasonable water or air pollution, soil erosion, or adverse effects on rare or irreplaceable natural areas.

d. Policies listed under Goal 6, page 75, Richland County Farmland Preservation Plan.

5. **Accessory uses**. No unlicensed or unregistered motor vehicles may be stored for more than 30 days in a manner in which said vehicle or vehicles shall be wholly or partially visible from any public street or highway.

History: Cr. 5-20-03 No. 2003-16; Eff. 3-15-05 No. 2005-7, Section 6 amended,

D. AGRICULTURAL AND RESIDENTIAL DISTRICT (A-R).

1. **Purpose**. The purpose of the Agriculture/Residential district is to provide for limited residential uses on rural lots between 5 and 34.99 acres. Residents of this district shall recognize this area as primarily agricultural and shall accept those environmental conditions associated with farming and its related uses.

2. **Lands included in this district**. This district is for the accommodation of rural parcels between 5 and 34.99 acres in size that are not part of larger farm operation.

3. **Permitted uses**.

a. One single family dwelling. When an existing dwelling is to be replaced with a new dwelling the existing dwelling may be occupied during the construction of the new dwelling, but the existing dwelling must be razed or otherwise removed within 6 months of the issuance of the Certificated of Compliance for the new dwelling.

b. Campers that are licensed and road ready and used for temporary parking and living purposes, as long as they are removed between December 1st to March 1st and as long as a parking permit has been issued by the Zoning Administrator, with the exception that any camper may be parked with no permit for 14 consecutive days in any one year.

c. Historical Sites.

d. Limited farming including feed and vegetable crops and other similar enterprises or uses, provided that no agricultural structure shall be placed within 500 feet of an existing non-agricultural structure other than that of the owner.

e. Forestry, beekeeping, plant nurseries, fish hatcheries and non-commercial greenhouses.

f. One temporary roadside stand per lot, not more than 300 square feet used solely for the sale of products at least 50% of which were produced on the premises.

g. Storage of campers or major recreational equipment. No such equipment shall be used for living or housekeeping purposes.

h. Signs per section III, F. 1., 2., 4. & 6.

i. Adult family home.

j. Community-based residential facility with 8 or fewer residents.

k. Placement of up to 4 animal units as set forth in the table in Section 1X3 on 5 to 12 acres and an additional animal unit for every additional 3 acres thereafter.

History: Cr. 5-20-03, No. 2003-16; Eff. 6-21-16, No. 16-19, d repealed, d-k relettered

4. **Permitted accessory uses**:

a. Garage and/or usual accessory buildings, except as provided in section 5n. herein.

b. Permitted Accessory uses in R-1 District

5. Uses authorized by conditional permit

a. Institutional recreation camps.

b. Group homes -- community based residential facilities.

c. Public and private schools, churches, public parks and recreational area, historical sites. Landing strips are not allowed.

d. One single family mobile home, provided that the mobile home and the land upon which it is located are owned in common.

e. Kennels as long as they are located further than 1,320 feet from a dwelling other than that occupied or rented by the owner.

f. Migrant labor camps.

g. Mobile home parks, subject to section III herein.

h. Shooting ranges.

i. Multi-family dwellings.

j. Non-metallic mining, including the removal of rock, gravel, decomposed

granite, sand, topsoil or other natural material from the earth by excavating, stripping, leveling or any other process whereby these materials are substantially removed from the site, subject to Section III herein.

k. Agriculture related business including, but not limited to, veterinary hospitals and clinics, seed sales, but excluding stockyards or farm implement sales or service and fertilizer or chemical sales.

l. Commercial greenhouses.

m. Governmental uses including, but not limited to, township halls and garages.

n. Livestock, poultry and State-licensed game farms.

o. Manufactured homes less than 24 feet wide after placement.

p. Temporary placement of a mobile home or a manufactured home less than 24 feet wide while a permanent dwelling is being constructed. Except in exceptional circumstances, temporary placement shall not exceed 3 years.

q. Community-based residential facility with 9 or more residents

r. Bed and breakfast establishments.

s. Family farm business.

t. A wind energy system.

u. Telephone buildings, (provided there is no service garage or storage yard), telephone, telegraph, and power transmission towers, poles and lines, including transformers, substations, relay and repeater stations, equipment housings and other necessary appurtenant equipment and structures; radio and television stations and transmission towers and micro-wave radio relay towers; municipal buildings.

History: Cr. 5-20-03 No. 2003-16; 2-15-05 No. 2005-5, repeal o., q. amended, p. through t. relettered; Eff. 3-15-05 No. 2005-7, Section 6 amended; Eff. 10-28-08 No. 08-24, u. added; Eff. 5-20-14 No. 14-9, j. modified; Eff. 5-19-15 No. 15-5, D. 3. (a) modified; Eff. 6-21-16 No. 16-19, u. added;

E. SINGLE FAMILY RESIDENTIAL DISTRICT (R-1)

This district is intended to provide for high quality, single-family, year-round residential development. It is preferred that this development be around existing villages and subdivisions. If this development takes place in a rural setting, the residents of this district shall accept those environmental conditions associated with farming and its related uses. For lot area, width, and yard requirements refer to Table 1.

1. **Permitted Uses**:

a. Single family dwellings

b. Historic sites.

c. Horticulture and gardening but not including commercial greenhouses.

d. Community based residential facility with 8 or fewer residents.

History: Cr. 5-20-03 No. 2003-16; Eff. 6-21-16, d repealed, e. renumbered to d.

2. **Permitted Accessory Uses**:

a. Private garages, carports, and boathouses when located on the same lot and not involving the conduct of a business, except as a permitted household occupation or conditional use, provided that no such structure shall be erected prior to the erection of the principal building to which it is necessary.

b. Permitted household occupations and professional offices when incidental to the principal residential use, situated in the same building, and carried on by the residential occupant, subject to the following conditions:

(1) Such use shall not occupy more than 20 percent of the classified floor area of the principal building in which it is located.

(2) Such use shall not employ more than one person not a resident on the premises.

(3) Any off-street parking area provided shall be maintained reasonably dustless, and adequately screened from adjoining residential properties.

(4) Such use shall not include the conduct of any retail or wholesale business on the premises, nor the removal of sand, gravel, stone, topsoil or peat moss for commercial purposes.

(5) Such use shall not include the operation of any machinery, tools or other appliances, or the outside storage of materials or other operational activity any of which would create a nuisance or be otherwise incompatible to the surrounding residential area.

3. **Uses Authorized by Conditional Use Permit**:

a. Rest homes and homes for the aged.

b. Hospitals.

c. Medical and dental offices.

d. Funeral homes.

e. Multiple family residences.

f. Rooming houses, boarding houses and tourist homes.

g. Radio and television stations and transmission towers and micro-wave radio relay towers and telephone buildings (provided there is no service garage or storage yard).

h. Farm buildings on an existing farm, provided that buildings in which farm animals are kept shall be at least 500 feet from the nearest residence on a non-farm lot. Farm buildings housing animals, barn yards or feed lots shall be at least one hundred (100) feet from any continuous flowing water and shall be so located so that manure will not drain into any continuous flowing water.

i. Mobile home parks, subject to the provisions of Section III of this Ordinance.

j. Golf courses.

k. Public park and recreation areas, churches, schools, public museums and art galleries for exhibition in artist's own work.

l. Municipal buildings.

m. Mobile home.

n. Bed & Breakfast establishments, as defined in section 50.50(1) Wisconsin Statutes.

o. Manufactured homes less than 24 feet wide after placement.

p. Temporary placement of a mobile home or a manufactured home less than 24 feet wide while a permanent dwelling is being constructed. Except in exceptional circumstances, temporary placement shall not exceed 3 years.

q. Community-based residential facility with 9 or more residents.

r. Telephone buildings, (provided there is no service garage or storage yard), telephone, telegraph, and power transmission towers, poles and lines, including transformers, substations, relay and repeater stations, equipment housings and other necessary appurtenant equipment and structures; radio and television stations and transmission towers and micro-wave radio relay towers; municipal buildings.

History: Cr. 5-20-03 No. 2003-16; Eff. 2-15-05 No. 2005-5, o. repealed, q. amended, p. through r. relettered, b. deleted, c. amended; Eff. 6-21-16, No. 16-19, r. added

F. SINGLE FAMILY RESIDENTIAL DISTRICT (R-2)

This district is intended to provide for high quality single family year round residential development in existing villages and subdivisions in order to make it more reasonable to provide these developments with the necessary municipal services, such as sewer and water facilities and fire protection. For lot area, width and yard requirements refer to table

on Table 1, R-1.

1. **Permitted Uses**:

   a. Single-family dwellings

   b. Historical sites

   c. Horticulture and gardening but not including commercial greenhouses.

   d. Community-based residential facility with 8 or fewer residents.

History: Cr. 5-20-03 No. 2003-16; Eff. 2-15-05 No. 2005-5, c. and d. relettered; Eff. 6-21-16 No. 16-19, d. repealed, e. relettered

2. **Permitted Accessory Uses**:

   a. Private garages, carports, and boathouses when located on the same lot and not involving the conduct of a business, except as a permitted household occupation or conditional use, provided that no such structure shall be erected prior to the erection of the principal building to which it is necessary.

   b. Permitted household occupations and professional offices when incidental to the principal residential use, situated in the same building, and carried on by the residential occupant, subject to the following conditions:

      (1) Such use shall not occupy more than 20 percent of the classified floor area of the principal building in which it is located.

      (2) Such use shall not employ more than one person not a resident on the premises.

      (3) Any off-street parking area shall be maintained reasonably dustless, and adequately screened from adjoining residential properties.

      (4) Such use shall not include the conduct of any retail or wholesale business on the premises, nor the removal of sand, gravel, stone, topsoil or peat moss for commercial purposes.

      (5) Such use shall not include the operation of any machinery, tools or other appliances, or the outside storage of materials or other operational activity any of which would create a nuisance or be otherwise incompatible to the surrounding area.

3. **Uses Authorized by Conditional Permit**:

   a. Public park and recreation areas, churches, schools, public museums and art galleries or exhibition in artist's own work.

   b. Temporary placement of a mobile home or a manufactured home less than

24 feet wide while a permanent dwelling is being constructed. Except in exceptional circumstances, temporary placement shall not exceed 3 years.

c. Community-based residential facility with 9 or more residents.

d. Telephone buildings, (provided there is no service garage or storage yard), telephone, telegraph, and power transmission towers, poles and lines, including transformers, substations, relay and repeater stations, equipment housings and other necessary appurtenant equipment and structures; radio and television stations and transmission towers and micro-wave radio relay towers; municipal buildings.

History: Cr. 5-20-03 No. 2003-16; Eff. 6-21-16 No. 16-19, d. added

G. GENERAL COMMERCIAL DISTRICT

This district is intended to provide for the orderly and attractive grouping, at convenient locations, of retail stores, shops, offices, and establishments serving the daily needs of the area. For lot area, width, and yard requirements refer to Table 1.

History: Cr. 5-20-03 No. 2003-16; Eff. 2-15-05 No. 2005-5, add Table 1;

1. **Permitted Uses**:

Community service facilities such as, but not limited to the following:

a. Retail stores and shops offering convenience goods and services.

b. Business and professional offices and studios.

c. Banks and savings and loan offices.

d. Commercial entertainment facilities.

e. Post offices.

f. Restaurants.

g. Dental, medical, and veterinary clinics.

h. Rooming and boarding houses.

i. Public and semi-public buildings and institutions.

j. Laundromat.

History: Cr. 5-20-03 No. 2003-16; Eff. 6-21-16 No. 16-19, j. repealed, k. relettered

2. **Permitted Accessory Uses**:

a. Garages for storage of vehicles used in conjunction with the operation of a business.

b. Off-street parking and loading areas.

c. One single family dwelling for the owner, proprietor, commercial tenant, employee or caretaker located on the same premises as the business.

3. **Uses Authorized by Conditional Permit include, but are not limited to the following**:

a. Rest homes and homes for the aged.

b. Hospitals

c. Funeral homes

d. Radio and television stations and transmission towers and micro-wave radio relay towers and telephone buildings (providing there is no service garage or storage yard).

e. Farm buildings on an existing farm, provided that buildings in which farm animals are kept shall be at least 500 feet from the nearest residence on a non-farm lot. Farm buildings housing animals, barn yards or feed lots shall be at least one hundred (100) feet from any continuous flowing water and shall be so located so that manure will not drain into any continuous flowing stream.

f. Wholesaling establishments.

g. Transportation terminals.

h. Drive-in establishments serving food or beverages to customers other than at a booth or table.

i. Car sales.

j. Farm implement sales.

k. Golf courses and golf driving ranges.

l. Outdoor theaters.

m. Miniature golf, go-kart, and amusement parks.

n. Lumber and building supply yards.

o. Small industrial establishments.

p. Taverns.

q. Auto service stations and maintenance facilities.

r. Mobile Home Sales.

s. Temporary placement of a mobile home or a manufactured home less than 24 feet wide while a permanent dwelling is being constructed. Except in exceptional circumstances, temporary placement shall not exceed 3 years.

t. Quarrying and mining operations, subject to the provisions of Section III.

u. Rental storage units.

v. Cheese Factory

w. Telephone buildings, (provided there is no service garage or storage yard), telephone, telegraph, and power transmission towers, poles and lines, including transformers, substations, relay and repeater stations, equipment housings and other necessary appurtenant equipment and structures; radio and television stations and transmission towers and micro-wave radio relay towers; municipal buildings.

History: Cr. 5-20-03 No. 2003-16; Eff. 2-15-05 No. 2005-5, s. repealed, t. amended, t. through v. relettered; Eff. 5-20-14 No. 14-9, t. modified; Eff. 1-20-15 No. 15.1, G. 3. v. added; Eff. 6-21-16 No. 16-19, w. added

H. INDUSTRIAL DISTRICT (I)

This district is intended to provide for any manufacturing or industrial operation which, on the basis of actual physical and operational characteristics, would not be detrimental to the surrounding area or to the county as a whole by reason of noise, dust, smoke, odor, traffic, physical appearance or other similar factors, and subject to such regulatory control as will reasonably insure compatibility in this respect. (No specific area for such development is proposed on the zoning map at this time). For lot area, width and yard requirements refer to Table I.

1. **Permitted Uses**:

a. Any use permitted in the Commercial District, except residences or rooming and boarding houses.

b. The following uses are in keeping with the standards stated in the preamble to this section.

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

(1) General warehousing.

(2) Lumber and building supply yards.

d. Wholesaling establishment.

e. Car sales.

f. Farm Implement Sales.

2. **Permitted Accessory Uses**:

a. Any accessory use permitted in the Commercial District, except residences.

b. Office, storage, power supply and other such uses normally auxiliary to the principal industrial operations.

3. **Uses Authorized by Conditional Permit**:

a. Junk or salvage yards.

b. Stock yards or slaughter houses.

c. Storage and mixing of cement, asphalt, or road oils.

d. Landfills and disposal sites.

e. Municipal sewer facilities.

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

g. Non Metallic mining operations: Construction Aggregate, Industrial Sand or both, subject to the provisions of Section III.

Cr. 5-20-03 No. 2003-16; Eff. 5-20-14 No. 14-9, f. modified; Eff. 6-17-14 No. 14-12, H 1. b. (1) repealed, (2) (3) renumbered (1) (2), H 3. f. added;

I. CONSERVANCY DISTRICT (CON)

This district is intended to be used to prevent destruction of natural or man-made resources and to protect water courses including the shorelands of navigable waters, and areas which are not adequately drained, or which are subject to periodic flooding, where development would result in hazards to health or safety, would deplete or destroy resources, or be otherwise incompatible with the public welfare. This district includes all wetlands areas designated as swamps or marshes on the United States Geological Survey Quadrangle map sheets.

Wetlands are any lands wet enough to support a growth of moisture-loving plants or aquatics and having an accumulation of organic matter, such as peat or muck. Wet soils can be the result of a high water table (as close to the surface as one foot, but frequently no closer than three feet) or a permeable layer within the soil causing slow seepage. A thick, dark colored topsoil along with a gray or highly mottled subsoil indicates wet soil conditions. Wetlands are seldom suitable for building for the following reasons: (1) Septic tank systems will not function because of high ground water: (2) Water supplies are often polluted by septic tank wastes that have not been adequately absorbed by the soil, (3) Foundations and roads crack due to poor support capabilities and frost action: (4) Flooding is often common in spring and other times of high water.

The filling or draining of a wetland, so as to substantially change the condition of the soil or lower the water table, may make it possible in some cases to install an adequate septic tank system. In such cases, the applicant shall present evidence proving that the suitability of the soil at the site has been altered at a public hearing as provided in Section IX, of this Ordinance. In such cases, the Board of Adjustment may grant permission to use this land for any use permitted in the adjacent land use district. The applicant shall have additional on-site investigations made, including percolation tests, obtain the certification of a soils specialist that specific areas lying within this district are suitable for the proposed facility; and meet the State Division of Health and other state regulations.

Upon consideration of these factors, the Board of Adjustment may attach conditions, without limitations because of specific enumeration, such as requirements for larger minimum lot size, modified soil absorption system; provisions of sewage holding tanks and methods of sewage collection; and other requirements it deems necessary to fulfill the purpose and intent of this Ordinance.

1. **Permitted Uses**:

   a. Public fish hatcheries.

   b. Soil and water conservation programs.

   c. Forest management programs.

   d. Wildlife preserves.

   e. Telephone, telegraph and power transmission towers, poles and lines, including transformers, substations, relay and repeater stations, equipment housings and other necessary appurtenant equipment and structures.

2. **Uses Authorized by Conditional Permits**:

   a. Public and private parks.

   b. Dams, plants for the production of electric power and flowage areas.

   c. Grazing where such activities will not be in conflict with the stated purposes of the district.

   d. Orchards and wild crop harvesting.

   e. Piers, docks, boathouses,

   f. Vegetable farming.

J. SCENIC RESOURCES DISTRICTS (SR)

This is an "overlay" district. It provides for special controls over and above those

which are defined in the respective districts enumerated in this Ordinance. These special controls are intended to protect the view of outstanding scenery and natural resources along certain roads and waterways.

Any regulations applicable to the underlying district shall be applicable to any use permitted in this district.

1. **Permitted Uses**:

a. **Any use permitted in the underlying districts, except for the following**:

(1) Trailer houses, mobile homes, or any portable living quarters.

(2) Dump sites, whether public or private, for ashes, trash, rubbish, sawdust, garbage, offal, storage of vehicle bodies or parts, storage of junked farm implements or any other unsightly or offensive material.

(3) Quarrying, removal or storage of any surface or sub-surface minerals or materials.

(4) Signs, billboards, outdoor advertising structures, or advertisements of any kind, except as provided in sub-paragraph b.

(5) One off-premise directional sign for a business not located directly adjacent to the highway provided such sign in no more than 24 square feet in area and provided such directional sign is located near the intersection where the traveling public must turn to get to the place of business.

b. **Signs**:

(1) One (1) on-premise sign of not more than 24 square feet in size may be erected and maintained to advertise the sale, hire, or lease of the property, or the sale and/or manufacture of any goods, products, or services upon the land.

(2) Off-premise signs shall be located no closer than 300 feet from the business or site advertised. One sign may be allowed from any direction to the business or site advertised. Such sign shall be no more than 24 square feet in area and shall be located approaching the intersection where the traveling public must turn to get to the place of business.

Cr. 5-20-03 No. 2003-16; Eff. 5-20-14 No. 14-9, 1. a. (3) modified

SECTION III. REGULATION OF SPECIAL USES

A. Mobile Homes Parks and Trailer Parks

1. Mobile Home Parks

Except for single mobile homes permitted in the Agricultural and Forestry Zoning

District, no mobile home shall be located on any premises which is situated outside of an approved mobile home park, except where permitted as a conditional use. No mobile home park shall be developed until the plans for the park have been approved by the County Zoning Committee and a Conditional Use Permit has been granted. Mobile Home Parks shall meet the requirements stated below:

Any person with two or more existing mobile homes on his premises shall submit a plan of his property to the County Zoning Department within three months of the effective date of this Ordinance, showing the location of all such mobile homes. Any mobile home development which meets the minimum requirements state below shall be designated as an "Approved Mobile Home Park" and the owner shall be permitted to locate additional mobile homes on approved mobile home sites. Those mobile home developments not able to meet these requirements shall be permitted to continue as "nonconforming uses", but shall be subject to the following conditions:

- No additional mobile homes shall be located on the premises.
- The replacement of an existing nonconforming mobile home with a different mobile home shall only be permitted by the Board of Adjustment subject to the provisions of Section VII of this Ordinance.

a. Minimum size shall be five (5) acres.

b. Maximum number of mobile home sites shall be six per acre.

c. Minimum dimensions of a mobile home site shall be fifty (50) feet wide by one hundred (100) feet long.

d. Minimum distance between mobile home trailers shall be fifteen (15) feet.

e. Minimum distance between mobile home and service road shall be ten (10) feet.

f. All drives, parking areas, and walkways shall be surfaced with dust-free material. There shall be two parking spaces for each mobile home.

g. No mobile home sales office or other business or commercial use shall be located on the mobile home park site. However, laundries, washrooms, recreation rooms maintenance equipment storage and one office are permitted.

h. In addition to the highway setback requirements and setback requirement from the high water mark, there shall be a minimum setback of forty (40) feet from all other exterior lot lines.

i. Mobile home parks shall comply with the sanitation regulations of the Richland County Sanitary Ordinance and the appropriate sanitary requirements of the Wisconsin Administrative Code. No mobile home site shall have an individual onsite soil absorption sewage disposal system.

j. No mobile home site shall be rented for a period of less than thirty (30) days.

2. Trailer Camps, Camp Grounds, and Camping resorts

The County Zoning Committee shall approve all plans for trailer camps and campgrounds. Such facilities shall meet the following conditions:

a. Each trailer or campsite shall be plainly marked and surfaced.

b. Maximum number of trailer or campsites shall be 15 per acre.

c. The minimum size of a travel trailer park or campgrounds shall be three (3) acres.

d. Minimum dimensions of a travel trailer or campsite shall be twenty-five (25) feet wide by forty (40) feet long.

e. Each travel trailer or camp site shall be separated from other travel trailer sites by a yard not less than fifteen (15) feet wide.

f. There shall be 1 ½ automobile parking spaces for each trailer or camp site.

g. In addition to the highway setback requirements and setback requirements from the high water mark, there shall be minimum setback of forty (40) feet from all other exterior lot lines.

h. Campgrounds shall comply with the requirements of Chapter HFS 178, Wisconsin Administrative Code, to the extent said Chapter is applicable.

i. No trailer or camping unit shall be located on one site for a period of more than thirty (30) days or an extension thereof not to exceed sixty (60) days. No trailer shall be stored in a trailer park, camping ground or camping resort.

B. OFF-STREET PARKING AND SERVICE AREAS

1. **Spaces Required**: Any building hereafter erected or placed on a lot shall be provided with off-street vehicle parking spaces for those using such building in accordance with the following regulations:

a. Each parking space required shall be at least 200 square feet in area, or approximately 10 feet by 20 feet in size.

b. Residential uses shall be provided with at least one (1) parking space for each dwelling unit.

c. Commercial and industrial uses as listed and permitted in the zoning districts, shall be provided, except as noted below, with one parking space for each 200 square feet of floor area.

- Restaurants, taverns, and similar establishments shall provide one (1) space for each one hundred fifty (150) square feet of floor area.
- Drive-in eating stands offering in-car service shall provide five (5) spaces for each

person employed to serve customers.

- Motel and tourist cabins shall provide one (1) space for each unit.
- Industrial uses and warehouses shall provide one (1) space for each two (2) employees on the premises at a maximum employment on the main shift.
- Service stations shall provide parking for all vehicles used directly in the conduct of the business; plus two (2) spaces for each gas pump; plus three (3) spaces for each grease rack.

The above parking requirements can be met by a public parking lot when possible.

2. **Paving:** Paving or dust-free surfacing is required of any non-residential off-street parking area having a capacity of more than four vehicles and located within 500 feet of a residential district.

3. **Setback**: No vehicle shall be parked within 10 feet of the existing street line.

4. **Off-Street Loading and Unloading**: Any commercial or industrial building hereafter erected or placed on a lot, shall be provided with sufficient off-street loading and unloading space so that no public streets or alleys need be blocked by such activities.

5. **Landscaping**: The Richland Zoning Committee may require landscaping of open areas established in connection with off-street parking and service.

C. NONMETALLIC MINING

The following apply to applications for Industrial Sand and Construction Aggregate Conditional Use Permits:
In considering applications for Industrial Sand and Construction Aggregate Conditional Use Permits, the County shall specifically analyze non-metallic mineral mining proposals in light of the County's interest in providing for the wise use of the natural resources of the county, aesthetic implications of the siting of such a mine at a given location and the impacts of such a mining operation on the general health, safety and welfare of the public. Each application shall be judged on its own merits. Subject only to the standards set forth in this section and in the zoning ordinance as a whole, it is impossible to prescribe the criteria upon which such a permit may be granted in each and every case.

a. **Application**: The committee shall determine if the nonmetallic mining site is in the public interest after consideration of the following:

   1. The nonmetallic mining site complies with all provisions of this chapter, Richland Co. Non-Metallic Mining Reclamation Ordinance, and Wis. Admin. Code Ch. NR 135.

   2. The establishment, maintenance, or operation of the conditional use permit shall not endanger the public health, safety, or general welfare, nor impair significant aesthetic, scientific, educational, or agricultural values.

   3. That the establishment, maintenance, or operation of the conditional use

permit will not substantially affect the existing use of adjacent properties and will not have a substantial adverse effect on the most suitable long term future use for the area.

4. That adequate utilities, access roads, drainage, traffic plans, and other site improvements are or will be provided.

5. That the nonmetallic mining use shall conform to all government regulations and standards pertaining to the activity, including air and water quality standards and storm and waste water permit discharge requirements.

6. That the noise, vibration, and dust levels be within the standards as established by this ordinance.

7. That an undeveloped buffer zone adjacent to extraction operations, commencing not less than 500 feet from a property line for industrial sand and 50 feet for construction aggregate, or up to 600 feet from an established residential building, 100 feet of the right-of-way of any railroad intersection, street road or highway, or such other distance as the Richland County Zoning and Land Information Committee finds necessary for the protection and safety of adjacent properties from mineral extraction sites, with a stable angle of repose being provided along property lines.

8. That the reclamation plan, which shall similarly be imposed as a condition of approval, will be enforceable and, as enforced, will result in the property being in a final condition which is reasonably safe, attractive and, if possible, conducive to productive new uses for the site.

9. **Storm water** runoff leaving the site will be controlled to limit sediment delivery to surface waters. Appropriate storm water discharge or construction site erosion permits must be obtained.

10. **Ground Water** Nonmetallic mining operations and reclamation shall be conducted in a manner that meets groundwater quality standards pursuant to Wis. Admin. Code Ch. NR 140. Non-metallic mining operations must at all times remain at least (10) feet above the water table level, unless an alternative level proposed by the applicant and established by water table elevation monitoring is approved by the County. The County may require monitoring wells to establish the groundwater level prior to the commencement of non-metallic mining operations on a site. (See Ground Water Monitoring Section) In addition the applicant must demonstrate that the operation does not pose a legitimate risk as determined by the County to water table level or groundwater quality of the area.

11. Nonmetallic mining operations and reclamation shall be conducted in a manner that does not cause a permanent lowering of the groundwater table that results in adverse effects on surface waters or a significant reduction in the quantity of groundwater available for reasonable use to future users.

12. Hours of operation for non-metallic mining shall be limited based upon the defined activities of Extraction and Processing.

a. **Extraction**. Extraction shall be allowed Monday through Friday between 6:00 a.m. and 7:00 p.m. during Daylight Savings time and between 6:00 a.m. and 6:00 p.m. during Standard Time. Extraction shall be allowed Saturday between 7:00 a.m. and 3:00 p.m. No Extraction shall be allowed on Sundays or Holidays, as defined in this ordinance.

b. **Processing**. Processing may be allowed Monday through Friday between 6:00 a.m. and 8:00 p.m. during Daylight Savings time and between 6:00 a.m. and 6:00 p.m. during Standard Time. Processing shall be allowed Saturday between 7:00 a.m. and 3:00 p.m. No Processing shall be allowed between Saturday at 3:00 p.m. and Monday at 6:00 a.m. for industrial sand. Processing may be allowed between Monday at 6:00 a.m. through Saturday at 3:00 p.m. for construction aggregate. No processing shall be allowed on Holidays, as defined in this ordinance.

c. **Emergency Extraction**. If a construction aggregate operator conducts nonmetallic mining extraction outside of the stated hours of operation due to an emergency and at the request of the Governor of the State of Wisconsin, Sheriff of Richland County, Emergency Management Director of Richland County, Zoning Administrator of Richland County, Highway Commissioner for Richland County, or any Chairperson of a Town in Richland County on behalf of their respective Town, then such operator shall give notice to the Zoning Administrator within 48 hours of the emergency Extraction. If the Zoning Administrator is unable to verify the emergency requiring the Extraction outside of the stated hours of operation, the operator shall be deemed to have violated the conditional use permit. If after a second occurrence when the Zoning Administrator is unable to verify the emergency, then the conditional use permit may be revoked by the Zoning Administrator.

13. Notification must be provided to the Zoning Administrator and adjacent neighbors at least 24 hours prior to any blasting.

14. Active/disturbed acres should at a maximum be 40 acres. Once more than 40 acres is active/disturbed, reclamation will be required to keep it at 40 acres or less.

15. **Operational Plan**:

a. Dates of the planned commencement and cessation of the operation

b. Description of mining methods, machinery and equipment to be used for extraction and processing of the extracted material, and the sequence of operations

c. Estimated volume of material to be extracted over the life of the mine and for the next calendar year (or if the mine site is solely a drying, processing, trans

load or transfer facility, the amount of product that will pass through the site over the life of the site and for the next calendar year)

d. Location of road access points; the proposed location within the site of all buildings, and other structures, equipment, stockpiles, storage and parking areas

e. Identification of all proposed off-site trucking routes, together with the frequency of traffic and the common schedule of travel to be used for transporting extracted materials or products to or from the site

f. A water budget including an estimate of the amount of daily water use, water sources and methods for disposing of water including methods used for infiltration and control of run-off

g. A listing of any hazardous materials, including fuel supplies that will be stored on-site and a description of measures to be used for securing and storing these materials

h. A listing of all chemicals and approximate quantities used in the manufacturing or processing operations or in controlling dust. Note: If the Operator desires to change or add chemicals, the County must be notified three days in advance of any such change or addition

i. Operator shall also provide information establishing baseline conditions at the site before mining operations commence, including the groundwater elevation across the site, groundwater quality at the site for lead, arsenic and any other toxic metal that may be reasonably be believed to be present in the area or in the type of deposit from which the extraction will be made, and the base flow of surface water within 3 ½ miles of the site.

16. **Vegetative Screening**. The County upon its review of the conditional use permit application shall require screening from adjacent public highways and adjacent non-compatible land uses. Existing vegetation shall be taken into consideration provided it is of sufficient height and density. An earth bank, berm, or vegetative screen of 50 feet along the bordering property lines and public roadways shall be constructed and maintained to screen the mining operation from view.

17. **Fencing Standards**. The nonmetallic mining site shall be enclosed by at least a 4 strand barbed wire fence, maintained at all times, with warning signs posted no more than 100 feet apart to indicate the presence of a nonmetallic mining site. Fencing and signs shall be installed prior to commencement of operations.

18. **Traffic Standards**. The Operator shall obtain a current bus schedule from all school districts, which operate regular bus runs on any roads used by the trucks. The operator shall ensure that trucks from the mining site shall not interfere with the safety of children being taken or returned from school, or the safety of residents and commuters at times when traffic volume from commuters going to and from work is

highest.

19. **Air Quality and Dust Contro**l. The industrial sand operator shall utilize all relevant dust control measures specified in Wis. Admin. Code NR 415.075. Operator must meet the air quality standard of 3 micrograms per cubic meter or respirable crystalline silica (as established by the California OEHHA) at the boundary of the mine. Operator must meet the EPA particle size standards PM 10 and PM2.5 at the boundary of the mine site. At Operator's expense, site must have a minimum of four (4) automatic and continuous monitors installed and properly functioning; strategically located on the borders of the mine site with monthly readings from the monitors collected by an independent service. The County may require air quality and dust control measures for construction aggregate.

20. **Light Pollution**. The Operator shall limit night lighting on site to that which is minimally necessary for security and whenever possible, shall be shielded from illuminating off-site areas. Every effort consistent with legal requirements for aerial safety shall be made to minimize illumination of the night sky.

21. **Groundwater Monitoring**.

    a. The industrial sand operator shall install a groundwater monitoring well network for the purpose of establishing the actual groundwater elevation at the mine site and for monitoring changes to the groundwater elevation over time. The network shall consist of a minimum of four (4) monitoring wells. The network shall be designed to triangulate the elevation of the water table surface and to establish the direction of groundwater flow at the site. The monitoring well network design shall be designed by a Professional Hydrologist or Professional Engineer and reviewed and approved by the County Conservationist in advance of well installation. Using the information gathered in the monitoring well network the operator shall prepare a site-specific groundwater elevation map. The elevations of the water table surface in each of the wells shall be recorded monthly the first year of operations and quarterly thereafter for the life of the mine and be included as part of the Annual Reclamation Report and Activities Plan. The County may require a groundwater network for construction aggregate mining.

    b. The operator shall provide a copy of any application and permit for a high capacity well subject to state permit requirements. The application and permit shall be provided to the County Conservationist within 30 days of permit issuance. Production wells installed at the mine site shall be constructed to limit the potential for groundwater movement between aquifers and to limit impacts on surface waters near the mine. Wells shall be cased from the surface through the lowest extent **to be determined**. The operator shall keep records of pumping rates and volumes for all high capacity wells at the mine site on a monthly basis following procedures established in NR 820.13. The operator shall provide a copy of those records to the County Conservationist as part of the Annual Reclamation Report and Activities Plan.

c. The operator shall prepare a Water Conservation Plan to limit consumptive use of groundwater. The plan shall include a water budget for the operation that shows the typical annual volume of gains and losses to mining operations and reclamation activities. The plan shall also describe the processes and best management practices used in a mine operation to reduce the consumptive use of groundwater at the mine site.

d. In the event that offsite monitoring shows that mining or reclamation activities at this site have caused a lowering of the water table that results in adverse effects on surface waters or significant reduction in the quantity of groundwater reasonably available for future users of groundwater, the operator will mitigate these effects by revising the Water Conservation Plan to limit the pumping frequency, rate or volume of groundwater or to implement water conservation practices to restore groundwater elevations. Any changes to the Water Conservation Plan are subject to review and approval by the County Conservationist.

e. In the event that offsite monitoring shows that mining or reclamation activities at this site have caused groundwater quality standards of Wisconsin Administrative Code NR140 to be exceeded at a point of standards application the operator will seek to mitigate these effects by altering site operations.

22. **Settling Ponds**.

a. Settling ponds and associated earthen conveyances shall be lined to limit the infiltration and leaching of chemical constituents that may be used in mining processes. Liners shall be designed by a Professional Engineer and constructed under their supervision to meet standards and specifications of Wisconsin Administrative Code NR.213.

b. Circumstances where flocculants, dispersants, or other chemicals are used in the mining or reclamation process the operator shall select products that limit the potential for groundwater pollution, as my be identified on recognized product lists available from Wisconsin DNR, EPA or other agencies. The type, volume and frequency of flocculent, dispersants, or other chemicals used shall be provided as part of the Annual Reclamation Report and Activities Plan.

c. The operator will test the sediment accumulated in the mine site settling ponds for concentrations of residual materials associated with the type of chemicals used. Testing will be performed annually or at any time when there are changes to the type of chemicals used. These test results will be included as part of the Annual Reclamation Report & Activities Plan.

d. The operator shall apply appropriate best management practices when removing and managing liquids, sediment, and liner material from the settling ponds. In selecting the best management practices, the operator shall consider the results of material testing and material characterization.

e. In circumstances where the settling pond will be abandoned in-place, the operator shall apply an earthen cap. The cap shall be designed to reduce the potential for long-term leaching of any deleterious materials into the groundwater.

23. **Solid Waste & Spills**.

a. The import, storage or disposal of any solid waste, recyclable materials or nonmetallic mine refuse generated outside the mine site is subject to the registration provisions of the Richland County Nonmetallic Mining Reclamation Ordinance.

b. In the event of fuel spills or other hazardous waste spills the operator shall immediately contact the County Conservationist.

c. The operator shall not dispose of waste materials containing any hazardous chemicals in toxic amounts or residuals declared to be hazardous by a government agency in toxic amounts onsite or in Richland County, except in accordance with applicable state and federal law and with prior approval of the County.

Fueling inside of the mine shall be discouraged and limited to vehicles such as tracked equipment that cannot readily access an off-site fueling station. Fueling of highly mobile equipment such as rubber-tired loaders, scrapers and trucks shall occur in areas that pose a reduced risk of groundwater pollution. In all cases, spill containment practices; such as drip pans, absorbent pads or other recognized practices; shall be used to contain drips and spills during fueling.

24. Water from site washing operations will meet the conditions of the required Wisconsin Pollution Discharge Elimination System (WPDES) permit from DNR.

25. **Noise Pollution**. Any noise shall be kept below 45 dB for Industrial Sand and 70 for Construction Aggregate as measured at the nonmetallic mining site's property line during operational hours. Back up alarms on vehicles that are requires by OSHA shall be exempt from this requirement. Verification of this requirement shall be provided to the zoning administrator upon written request. The operator shall control off-site noise levels to the maximum extent practicable to include "jake braking".

26. **Blasting Safety**. Blasting shall, at a minimum, comply with the provisions listed in SPS 307, Wis. Administrative Rule. At sites where there is a principal structure on neighboring property within 500 feet of the shared property line with the mining site, blast charges may be required to be reduced in size as blasting activity nears the property line.

27. Verification that the applicant has requested that a Cultural Resource Site Review and Natural Heritage Inventory be performed by the Department of Natural Resources and that the site review has been completed. A copy of the site review reports must be provided the County prior to the issuance of a Conditional Use Permit.

28. Any conditions reasonable to protect public health, safety, and welfare, including the factors listed above, may be imposed as part of the conditional use permit.

29. The County may request the applicant to submit additional information if the County determines that the application is incomplete. The County may also retain the services of an engineering firm or other qualified person with appropriate expertise ("retained expert") to review the application and report to the County whether additional information is required for review of the application and to determine whether the application meets the standards of this Ordinance. If the County determines that additional expertise is required, the County shall authorize retaining the services of an engineering firm, attorney or other qualified person with appropriate expertise to advise the County and shall give written notice to the applicant of the additional administrative fee to be charged beyond the base administrative fee to cover the cost of the services of any such retained expert. The additional fee shall be paid before the additional review is undertaken. Once the applicant has submitted any additional information and has paid the additional administrative fee in the amount charged, the retained expert shall report to the County on whether the application meets the requirement of this Ordinance. The county may also require the services of an engineering firm or other qualified person with appropriate expertise ("retained expert") to review the nonmetallic mining operation throughout the life of the mine site and shall be paid for by the operator.

30. **Navigable streams**. No industrial sand mining is allowed within half (½) mile of a navigable stream.

31. No person may cause, allow or permit any materials to be handled, transported or stored without taking precautions to prevent particulate matter from becoming airborne. Precautions shall include, but not be limited to: covering, treatment or securing of materials likely to become airborne from haul trucks during transport, prior to any transportation off site from the quarry or mine.

32. Application of asphalt, water, suitable chemicals or plastic covering on dirt roads, material stockpiles and other surfaces which can create airborne dust, provided such application does not create a hydrocarbon, odor or water pollution problem.

33. Factors to be considered for Adopting Conditions.

1. When considering an application for a non-metallic mineral mine permit, the County shall consider, among other factors, the following: the effect or impact of the proposed operation upon;

a. public infrastructure, including but not limited to streets and highways, schools and other public facilities;

b. present and proposed uses of land in the vicinity of the proposed operation;

c. surface water drainage, water quality and supply;

d. soil erosion;

e. aesthetics, including but not limited to scenic beauty and the conservation of natural resources of outstanding quality or uniqueness;

f. the market value of lands in the vicinity of the proposed operation;

g. the physical practicality of reclamation of the site after the operation has been concluded;

h. the public interest from the standpoints of smoke, dust, noxious or toxic gases and odors, noise, vibration, blasting and the operation of heavy machinery and equipment; and

i. Approved documentation from the Highway department and any towns if a road agreement is needed and has been approved.

2. In order to grant a conditional use permit for non-metallic mineral mining, the County shall find that the proposed operation is an appropriate land use at the site in question, based upon consideration of such factors as: existence of non-metallic mineral deposits; proximity of site to transportation facilities and to markets; and the ability of the operator to avoid harm to the public health, safety and welfare and to the legitimate interests of properties in the vicinity of the proposed operation.

34. **RECLAMATION ASSURANCE**. The Richland County Zoning and Land Information Committee shall require reasonable assurance that the conditions it may impose will be satisfied. The amount of financial assurance shall equal as closely as possible the cost to Richland County of hiring a contractor to complete reclamation according to the approved reclamation plan. The amount of financial assurance shall be reviewed periodically by the Zoning Department to assure it equals the current estimated reclamation cost.

Such assurance shall be achieved through a combination of the following prior to commencement of operation activities:

1. Performance bonds or substitute guarantees in the form of pledged collateral.

2. Clear identification of the relationships between landowners, lessees, licensees, and operators and the signing of written pledges by those persons who assume responsibility for various elements of the conditions imposed.

3. If there is any unresolved dispute between a claimant and the applicants with regard to permit conditions, the applicants agree that the same shall be submitted to arbitration in accordance with Wis. Stat. Ch. 788, if the claimant so requests.

36. **OTHER ASSURANCE**. Financial assurance shall be provided to the County as a condition of license approval in the amount necessary for the following:

1. **Road repair**: An amount necessary for the repair and maintenance of county and zoned town roads used for truck traffic transporting materials to or from the

site. Upon the agreement of the County, the financial assurance may be in the form of a Road Use Agreement Escrow Account.

2. Water Supply: An amount necessary to provide an alternative water supply to potentially affected residences or agricultural operations within 3 ½ miles of the site or such other area shown to be impacted by the Operator's operations.

36. **TIME OF OPERATION**. Unless otherwise specified in this ordinance, the permit shall be in effect for not more than 3 years for industrial sand or 5 years for construction aggregate, and may be renewed by application to the County. All permitted operations may be inspected at least once every year by the Office and may be inspected at the time a request for renewal is submitted for the purpose of determining if all conditions of the operations are being complied with. Renewed permits shall be modified to be in compliance with all state, county, and local law in effect at the time of renewal. Permits may be amended on application to the Commission to allow extensions or alterations in operations under new ownerships or managements.

37. **TERMINATION OF NONMETALLIC MINING ACTIVITIES**. If nonmetallic mining activities terminate for a period of 2 years or more on a site which is the subject of an approved conditional use permit, the land use permit holder is not entitled to a right of renewal at the end of the permit period, despite compliance of former operations with all conditions of the original permit, unless:

1. The discontinuance was specified as part of the original operations plan.

2. The operator has Richland County Zoning and Land Information Committee approval of an amendment to the original permit placing the operation on inactive status with conditions as to interim or partial reclamation.

3. Within 2 years of the cessation of the operation all equipment, stockpiles, rubble heaps, other debris and temporary structures, except fences, shall be removed or backfilled into the excavation, leaving the premises in a neat and orderly condition.

4. As a condition of approval, the operator shall accept responsibility for remediation, or the permit may be revoked.

After a conditional use permit has been issued and if no activity has taken place at a Industrial Sand mining site, or rail load out facility under the permit whatsoever or, alternatively, where activity was originally commenced but then has been terminated and such condition of non-activity, exclusive of required, ongoing reclamation under such a permit, has continued for a period of twelve (12) months in succession, the permit shall lapse as a matter of law and no further or other activities in operating the site other than reclamation will be allowed.

38. **STOCKPILING**. Stockpiling of any nonmetallic mineral, including stone, sand, gravel, clay, and topsoil shall not be permitted beyond final reclamation.

D. JUNK OR SALVAGE YARDS

No junk or salvage yards shall be permitted in Richland County except in conformance with a plan approved by the County Zoning Committee.

1. General Provisions

a. Junk or salvage materials shall not be located within 300 feet of public roads, streets, and highways, and all establishments of this kind shall have minimum side and rear yards of 100 feet each.

b. Junk or salvage material shall not be located in the Shoreland and Floodplain Protection District.

c. Junk or salvage materials shall be enclosed by a suitable fence or planting screen so that the materials are not visible from other property in the vicinity of the junk yard, nor from a public right-of-way such as roads, streets, highways, and waterways. The fence or planting screen shall be a minimum eight feet in height and shall be kept in good repair.

d. Junk or salvage materials shall not be piled higher than the height of the fence.

e. For fire protection, an unobstructed fire break shall be maintained one rod in width and completely surrounding the salvage or junk yard.

E. SIGNS AND BILLBOARDS

Except as otherwise specifically authorized, no sign that is visible from any state, county, or town road, from the water, or from any adjacent property shall be located, erected, moved, reconstructed, extended, enlarged, or structurally altered until a permit has been issued by the County Zoning Committee or its authorized representative. No permit shall be issued for a sign not in conformity with the size, type, number, location and use regulations affecting each zoning district. Permits shall be obtained within 12 months after adoption of this Ordinance for all signs which were erected before the date of enactment of this Ordinance. Signs shall display the sign permit number, in legible form in the lower left-hand front corner. One permit for the “life” of each sign is required. Such permit shall authorize the use of each sign as long as such sign is kept in good repair and complies with the requirements of this Ordinance.

1. Exceptions. A permit shall not be required for the following types of signs:

a. Official traffic control signs, and informational or directional notices erected by federal, state, or local units of government.

b. Signs advertising the sale, rent, or lease of the property on which the sign is placed. Such signs shall not exceed four (4) square feet in gross area and may be placed at the right-of-way of the highway.

c. "No-Hunting" or "No Trespassing" signs, provided that no such sign shall exceed one and one-half (1 ½) square feet in gross area.

d. On-premise nameplates for residences provided that no such nameplate shall exceed three (3) square feet in gross area. Such nameplates may not be affixed to trees.

e. Signs for test plots for various farm crops and temporary commercial signs in place for no more than 30 days.

2. **Prohibited Signs**.

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

b. No sign shall be so located as to interfere with the visibility or effectiveness of any official traffic sign or signal, or with driver vision at the access point or intersection.

c. No sign shall be erected, relocated, or maintained so as to prevent free ingress or egress from any door, window, or fire escape, and no sign shall be attached to a standpipe or fire escape.

d. No sign shall contain, include, or be illuminated by flashing light or by any light directed toward a neighboring residence or toward the water.

e. No sign shall be permitted in a vision corner, except for on-premises signs on non-conforming structure by conditional use.

f. No sign shall contain, include, or be composed of any conspicuous animated part.

g. No sign shall be painted on rocks nor affixed to trees.

3. **Signs Permitted in the Single Family Residential District**.

a. Signs advertising a permitted home occupation or professional office shall be permitted. Such signs shall not exceed six (6) square feet in gross area, shall be attached to the building, and if illuminated shall be indirectly lighted. No more than one such sign for each use located on the premises shall be permitted.

b. Directory signs indicating the direction to a cottage, resort or residence shall be permitted providing such signs do not exceed four (4) square feet in gross area. Where a common posting standard is provided, all such signs shall be attached to the standard. A conditional use permit from the County Zoning Committee shall be required for any common posting standard. The Committee may attach any conditions felt necessary to insure that the over-all size and design of the standard will be compatible with the residential character of the

district.

4. **Signs Permitted in the Agricultural and Forestry District and the Conservancy District.**

a. Signs permitted in the Single Family Residential District shall be allowed.

b. Signs attached to commercial and industrial buildings advertising a business conducted or a service available on the premises shall be permitted. Such attached signs shall not cover more than 30% of the wall space fronting the adjacent highway, and roof signs and/or roof extensions shall not exceed ten (10) feet above the peak roof line. All roof signs shall be anchored to the frame of the building over which they are constructed.

c. On-premise signs advertising a public or semi-public use shall be permitted. Such signs shall not exceed thirty-two (32) square feet in gross area per side. Sign shall be at business or site advertised location. Such sign may be placed at the right-of-way of the highway.

d. Off-premise signs shall be located no closer than 300 feet from the business or site advertised. One sign may be allowed from any direction to the business or site advertised. Additional signs may be permitted by conditional use. Such off-premise sign shall not exceed 150 square feet in gross area.

e. All other off-premise signs and billboards (other than noted above) shall be prohibited.

5. **Signs Permitted in the General Commercial and Industrial Districts**.

All signs are permitted in the General Commercial and Industrial Districts subject to the following restrictions:

a. Wall signs placed flat against the exterior walls of a building shall not extend beyond the corners of the building, shall not exceed 100 square feet in area for any one premise and shall not extend above the roof line of the building.

b. Projecting signs fastened to, suspended from, or supported by structures shall not exceed 32 square feet in area for any one premise, shall not extend above the roof line of any building, shall not extend into any public right-of-way, shall be at least ten feet from all side lot lines, shall not exceed a height of 20 feet above the mean centerline street grade, and shall be not less than 10 feet above the sidewalk nor less than 15 feet above a driveway or alley.

c. Ground signs shall not exceed 40 square feet on one side or 80 square feet on all sides for any one premise and shall not exceed 20 feet in height above the mean centerline grade.

d. Window signs shall be placed only on the inside of commercial and industrial

buildings and shall not exceed 25 percent of the glass area upon which the sign is displayed.

e. No sign or sign structure shall be erected in such a manner that any portion of its surface or supports will interfere in any way with the free use of any fire escape, exit, or standpipe, no signs shall obstruct any window to such an extent that any light or ventilation is reduced to a point below that required by any law or ordinance. Signs shall be so located as to maintain all required clearances from overhead power and service lines.

6. **Nonconformance**.

Signs lawfully existing before the date of enactment of this Ordinance may be continued although the use, size or location does not conform with the provisions of the Ordinance.

Cr. 5-30-03 No. 2003-16; Eff. 5-20-14 No. 14-9, C repealed, C. added;

SECTION IV. ADMINISTRATION

A. RICHLAND COUNTY PLANNING AND ZONING COMMITTEE

The administration and enforcement of the provision of the Ordinance shall be the responsibility of the Richland County Planning and Zoning Committee or its authorized representatives.

1. **Duties**.

In administering and enforcing this Ordinance, the County Planning and Zoning Committee shall:

a. Provide necessary forms and applications for use permits.

b. Issue zoning and sign permits where the provisions of the Ordinance have be complied with.

c. Issue conditional use permits and Certificates of Compliance.

d. Upon adoption of this Ordinance and, when necessary upon the passage of amendments, identify and record information relative to nonconforming uses and structures.

e. Maintain files of applications, permits and other relevant information.

2. **Powers**.

The Richland County Zoning Committee shall have powers and authority including but not limited to the following:

a. At any reasonable time, and for any proper purpose, to enter upon any public or private premises and make inspection hereof.

b. Upon reasonable cause or question as to proper compliance, to revoke any

land use permit and issue cease and desist orders requiring the cessation of any building, moving, alteration or use which is in violation of the provisions of the Ordinance.

B. ZONING PERMITS

1. No structure shall be built, moved, or structurally altered so as to change its use or increase its floor area, and no land use shall be substantially altered until a zoning permit has been issued by the Richland County Zoning Committee or its authorized representative. No permit shall be issued for a structure or a use not in conformity with the requirements of this Ordinance. Any structure started before this Ordinance was adopted shall be completed within one year after approval by the town board. A zoning permit shall be required for all structures not completed by this time.

2. Application for Zoning Permit

An application for a zoning permit shall be made to the Richland County Zoning Committee or its authorized representative upon forms furnished and shall include, for the purpose of proper enforcement of these regulations, the following data:

a. Name and address of property owner.

b. Description and location of the property and type of proposed use.

c. A sketch of the dimensions of the lot showing the location, size, and shape of the lot(s) involved, and any proposed structures, including the relation to abutting streets and any abutting lakes or streams, and the existing and proposed use of each structure and lot, and the number of families to be accommodated.

d. Proof that an access or driveway permit has been obtained for the driveway which will serve the proposed structure, if required by the highway authority having jurisdiction over the highway which will serve the proposed structure.

e. Proof that the applicant is the record owner of a permanent easement of ingress and egress for the driveway which will serve the intended structure, in those instances in which the driveway which will serve the intended structure will pass over the land owned by the applicant.

C. CONDITIONAL USE PERMITS

1. Approval Required

Any use listed as a conditional use in this Ordinance shall be permitted only upon application to the Richland County Zoning Committee or its authorized representative and issuance of a Conditional Use Permit by the Committee. However, in the case of the proposed alteration of an existing building listed as a conditional use where there are not additional rental unit involved, it shall only be necessary to obtain a regular zoning permit. A Conditional Use Zoning Permit shall be required for any new non-conforming structure to be constructed or moved on to the site of an existing conditional use.

2. Application for Conditional Use Permit

A request for a conditional use grant shall be submitted in writing to the County Zoning Committee. The application shall be accompanied by the appropriate data and any information necessary to properly evaluate the request.

3. Public Hearing

Before passing upon an application for a Conditional Use Permit the Richland County Zoning Committee shall hold a public hearing. Notice of such public hearing shall be given in the manner specified in Section VIII of this Ordinance. If the site under consideration is located in the Shoreland and Floodplain Protection District, notice of the public hearing shall be sent to the main and regional of office the Division of Environmental Protection. The Committee shall report its decision in writing and shall include an accurate description of the use permitted, a description of the property on which it is permitted and any or all conditions made applicable thereto. The ground or grounds for refusing a Conditional Use Permit shall be stated in writing.

4. Basis of Approval

The Zoning Committee shall review each conditional use permit application for compliance with all requirements applicable to that specific use and to all other relevant provisions of this Ordinance. In approving conditional uses, the Zoning Committee also shall determine that the proposed use at the proposed location will not be contrary to the public interest and will not be detrimental or injurious to the public health, public safety, or character of the surrounding area.

In passing upon a Conditional Use Permit the Richland County Zoning Committee shall evaluate the effect of the proposed use upon:

a. The maintenance of safe and healthful conditions.

b. The prevention and control of water pollution including sedimentations.

c. Existing topographic, drainage features, and vegetative cover on the site.

d. The location of the site with respect to floodplains and floodways of rivers or streams.

e. The erosion potential of the site based upon degree and direction of slope, soil type, and vegetative cover.

f. The location of the site with respect to existing or future access roads.

g. The compatibility of the use with other uses on adjacent land.

h. The amount of liquid wastes to be generated and the adequacy of the proposed disposal systems.

i. Location factors under which:

- Domestic uses shall be generally preferred.
- Uses not inherently a source of pollution with an area shall be preferred over uses that are or may be a pollution source;
- Use locations within an area tending to minimize the possibility of pollution shall be preferred over use locations tending to increase the possibility.

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

j. To aid in the review of the proposed project under the above criteria, the Zoning Committee may take into consideration such of the following factors or additional factors as are deemed by it to be relevant to its decision making process with respect to the project in question.

(1) Whether the proposed project will adversely affect property in the area.

(2) Whether the proposed use is similar to other uses in the area.

(3) Whether the proposed project is consistent with adopted Richland County plans or any officially adopted town plan.

(4) Provision of an approved sanitary waste disposal system.

(5) Provision for a potable water supply

(6) Provisions for solid waste disposal.

(7) Whether the proposed use creates noise, odor, or dust.

(8) Provision of safe vehicular and pedestrian access.

(9) Whether the proposed project adversely impacts neighborhood traffic flow and congestion.

(10) Adequacy of emergency services and their ability to service the site.

(11) Provision for proper surface water drainage.

(12) Whether proposed buildings contribute to visual harmony with existing buildings in the neighborhood, particularly as related to scale and design.

(13) Whether the proposed project creates excessive exterior lighting glare or spillover onto neighboring properties.

(14) Whether the proposed project leads to a change in the natural character of the area through the removal of natural vegetation or altering of the topography.

(15) Whether the proposed project would adversely affect the natural

beauty of the area.

(16) Whether the proposed project would adversely affect any historic or archeological sites.

The applicant's failure to satisfy the criteria listed in par. (j) or any other applicable requirement in this Ordinance may be deemed grounds to deny the conditional use permit. At all times the burden of proof to demonstrate satisfaction of these criteria remains with the applicant.

5. Conditions attached to Conditional Use Permit

Upon consideration of the factors listed above, the Richland County Zoning Committee may attach such conditions, in addition to those required elsewhere in this Ordinance, that it deems necessary in furthering the purpose of this Ordinance. Such conditions may include specifications for, without limitation because of specific enumeration: type of shore, cover; increased setbacks and yards; specified sewage disposal and water supply facilities; docks; parking and signs; type of construction, or any other requirements necessary to fulfill the purpose and intent of this Ordinance.

In order to secure information upon which to base its determination, the Zoning Committee may require the applicant to furnish, in addition to the customary information require for a zoning permit, the following information. Failure on the part of the applicant to do so may result in denial of the permit.

a. A plan of the area showing contours, soil types, high water mark, ground water conditions, bedrock, slope and vegetative cover.

b. Location of buildings, parking areas, traffic access, driveways, walkways, piers, open spaces, and landscaping.

c. Plans of buildings, sewage disposal facilities, water supply systems, and arrangements of operation.

d. Specifications for areas of proposed filling and grading.

e. Other pertinent information necessary to determine if the proposed use meets the requirements of this Ordinance.

6. Mapping and Recording

When a conditional use is approved, an appropriate record shall be made of the land use and building permits and such grant shall be applicable solely to the structures, use and property so described.

7. Termination

Where a permitted conditional use does not continue in conformity with the conditions of the original approval, the conditional grant shall be terminated by action of the County Zoning Committee.

8. General Considerations

The determination of the Richland County Zoning Committee on each Conditional Use Permit shall be based on the effects of the proposed project with regard to the objectives and purposes of this Ordinance. The Committee may attach such conditions as it deems necessary for furthering the purposes of this section of the Ordinance. Such conditions may include specifications for, without limitation because of specific enumeration: modification of sewage disposal and water supply facilities, modification of other waste disposal methods and facilities, landscaping, periods of operation, operational controls, sureties, deed restrictions, and other considerations cited in Item 4 above.

Agriculture and Forestry District

The Department of Agriculture, Trade, and Consumer Protection shall be notified of all conditional use permits issued by the Richland County Zoning Committee in areas zoned in the Agriculture and Forestry district (exclusive agricultural use district.

D. CERTIFICATION OF COMPLIANCE

1. No land shall be occupied or used and no buildings hereafter erected, altered, or moved shall be occupied until a certificate of compliance is issued by the County Zoning Committee.

   a. The Certificate of Compliance shall show that the building or premises or part thereof and the proposed use thereof conform to the provisions of this Ordinance.

   b. Application for such certificate shall be concurrent with the applications for a zoning permit.

   c. The Certificate of Compliance shall be issued within ten (10) days after the completion of the work specified in the zoning permit if the building or premises or proposed use thereof conforms with all the provisions of this Ordinance and any other applicable regulations.

2. The County Zoning Committee may issue a temporary Certificate of Compliance for part of a building, pursuant to rules and regulations established therefore by the County Board of Supervisors.

3. Upon written request from the owner, the County Zoning Committee shall issue a certificate of compliance for any building or premises existing at the time of the adoption of this Ordinance, certifying, after inspection, the extent and type of use made of the building or premises and whether or not such use conforms to the provisions of this Ordinance.

E. FEES

No permit is required for maintenance, including reroofing, residing, window replacement, painting, new furnace, plumbing update, electrical update and wallpapering.

The following fees shall be paid to the Zoning Administrator at the time the application is filed:

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1. Land use permits for new residential structures ……. .15 cents for each square foot in the floor containing the largest square footage or living spaces, or ½ the total living space if 3 floors or more with minimum fee of $200.00

2. Land use permit for garage attached to residence …….. $ 75.00

3. Land use permits for an addition over $2,000 and less than 50% of original floor space $ 50.00

4. Land use permits for residential addition which is 50% or more size increase over original floor space …… $ .15 per square foot

5. Land use permit for residential shed or garage …….. $ 75.00

6. Land use permits for new agriculture structures of less than 1,000 square feet …….. $ 100.00

7. Land use permit for new agriculture structure of 1,000 square feet or more $125.00

8. Land use permits for new commercial …… $300.00

9. Land use permit for new industrial structure ……... $500.00

10. No permit is required for a new structure of 120 square feet which has not foundation.

11. Late land use permits sought after construction has commenced ……. $500.00

12. County address signs …….. $ 75.00

13. An additional fee for a County address sign if an additional site visit by the Zoning Administrator is necessary in addition to the site visit made as part of the soil test …….. $ 30.00

14. Permits for any signs which is not an address sign $ 40.00 minimum plus $1.00 per square foot of display

15. Application to rezone a single parcel or 4 or less non-contiguous parcels, with a separate fee for the single parcel or for each non-contiguous parcel of …… $350.00

16. Conditional use permit …… $350.00

17. Application for variance or special exception permit from Board of Adjustments $350.00

18. Application to transfer or renew sanitary permit …… $100.00

19. Application for Special Use Permit …… $350.00

20. Floodplain or Shoreland/Wetland land use permits …… $100.00

21. Floodplain or Shoreland/Wetland land use permits where an on-site inspection is necessary …….. $150.00

22. Application for a rezone and conditional use permit on the same application $500.00

The Zoning Committee shall determine the price to be charged to the public for copies of any zoning ordinance pamphlet.

History: Cr. 5-20-03, No. 2003-16; Eff. 1-20-04 No. 2004-5, County Address Sign fee; Eff. 12-14-04 No. 2004-36, Fees; Eff. 3-15-05 No. 2005-8, Board of Adjustment fee Amended; Eff 10-25-05 No. 2005-28, 1. amended, 2. added, 3. amended, 4. and 5. added, 4. renumbered to 6., 7. added, 2. renumbered to 8., 6. renumbered to 9., 5. renumbered to 10., 7. through 13. renumbered; Eff. 12-10-08 No. 08-31, 3. 5. 6. 8. amended, 9. added, 10. and 11. renumbered, 13. added, 12. through 16 renumbered, 17. repealed; Eff. 1-18-11 No. 11-5, 1. 2. 7. modified, 20. and 21. added, 18. renumbered to 19.; Eff. 12-11-12 No. 12-24, 14. 15. 16. modified, 19. added; Eff. 5-20-14 No. 14-9, add Basis of Approval, added C. 4. j.

F. EXPIRATIONS

Zoning permits and Conditional Use Permits for construction, alteration, or removal of structures shall expire six months from their date of issuance if no building activity has begun within such time. If building activity had been commenced, such structure shall be completed within 12 months from the date of issuance of the permit. An extension may be applied for if it is impossible to complete the building within the given time. Permits for land use changes shall expire eighteen months from their date of issuance where no action has been taken to accomplish such changes. Any building activity or change of land use after the expiration date shall be considered a violation of this Ordinance.

G. VIOLATIONS

Any building or structure hereinafter erected, moved or structurally altered or any use hereinafter established in violation of the provisions of this Ordinance by any person, firm, association, corporation (including building contractors) or his or their agent shall be deemed an unlawful structure or use. The Zoning Administrator and his or her designee may issue citations in accordance with Citation Ordinance No. 79-9, as amended, for violations of this Ordinance. The County Zoning Committee or its authorized agent may sign a complaint and report the violation to the district attorney. It shall be the duty of the district attorney or corporation counsel to expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the County a penalty of not less than $50 together with taxable costs in such action, and every day of violation shall constitute a separate offense. In addition, compliance with this ordinance may also be enforced by injunctional order at the suit of Richland County or the owner or owners of real estate within the district affected by such regulation.

SECTION V. NONCONFORMING USES AND STRUCTURES

Provisions of this Ordinance shall not be construed to prevent the customary and necessary maintenance or repairs of buildings, utilities, and property.

A. EXISTING NONCONFORMING USES

The lawful nonconforming use of a structure, land, or water existing at the time of the adoption or amendment of this Ordinance may be continued although the use does not conform with the provisions of this Ordinance. However:

1. Only that portion of the land or water in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, moved or structurally altered except when required to do so by law or order or so to comply with the provisions of this Ordinance.

2. Total lifetime Structural Repairs or alterations shall not exceed fifty (50) percent of the equalized assessed valuation of the structure at the time of its becoming a nonconforming use unless it is permanently changed to conform to the use provisions of this Ordinance.

3. Substitution of new equipment may be permitted by the Board of Adjustment if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.

B. ABOLISHMENT OR REPLACEMENT

If such nonconforming use is discontinued or terminated for a period of twelve (12) months, any future use of the structure, land or water shall conform to the provisions of this Ordinance. When a nonconforming use or structure is damaged by fire, explosion, flood, the public enemy, or other calamity, to the extent of more than fifty (50) percent of its current equalized assessed valuation, it shall not be restored except so as to comply with the provisions of this Ordinance.

1. A current file of all nonconforming uses shall be maintained by the Richland County Zoning Committee listing the following; owner's name and address, use of the structure, land, or water; and equalized assessed valuation at the time of its becoming a nonconforming use.

C. EXISTING NONCONFORMING STRUCTURES

The lawful nonconforming structure existing at the time of the adoption or amendment of this Ordinance may be continued although its size or location does not conform with the lot width, lot area, yard, height, parking and loading, and access provisions of this Ordinance however, total lifetime structural repairs, alterations, or additions shall not exceed fifty (50) percent of the equalized assessed valuation of the structure at the time of its becoming a nonconforming structure unless it, or the lot it is located on, is permanently changed to conform to the provisions of this Ordinance. All such additions shall meet the setback provisions of this Ordinance.

D. CHANGES AND SUBSTITUTIONS

Once a nonconforming use or structure had been changed to conform, it shall not revert back to a nonconforming use or structure. Once the Board of Adjustment had permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the substitute use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Board of Adjustment.

SECTION VI. BOARD OF ADJUSTMENT

A. COMPOSITION

There shall be a Board of Adjustment consisting of five (5) members to be appointed by the chairman of the county board with the approval of the county board for terms of three years. However, the terms of the first members so appointed shall be for 1, 2, and 3 years, with one member serving for one year, two members serving for two years, and two members serving for three years. Successors shall be appointed in like manner at the expirations of each term and their terms of office shall be three years in all cases, beginning July 1 in the year in which they are appointed and until their successors are appointed. The members of the Board of Adjustment shall all reside within the county and outside the limits of incorporated cities and villages, provided; however, that no two members shall reside in the same town. The Board of Adjustment shall choose its own chairman. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant in the same manner as the original appointment.

B. RULES

1. **Call for Meetings**: The Board of Adjustment shall meet at the call of the chairman, and at such other time as the Board of Adjustment may determine, at a fixed time and place.

2. **Open meetings**: All meetings of the Board of Adjustment shall be open to the public.

3. **Minutes**: The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be public record.

4. **Performance of Duties**: The Board of Adjustment shall have power to call on any county departments for assistance in the performance of its duties and it shall be the duty of such other departments to render all such assistance as may be reasonably required.

5. **Effectuation**: The Board of Adjustment may adopt such rules as are necessary to carry into effect the regulations of the county board.

6. **Certiorari**: In the case of all appeals, the Board of Adjustment shall call upon the County Zoning Committee for all information pertinent to the decision appealed

from.

C. APPEALS TO THE BOARD

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

2. **Stays**: An appeal shall stay all proceedings in furtherance of the action appealed from unless the County Zoning Committee shall certify to the Board of Adjustment after notice of appeal shall have been filed that by reason of facts stated in the certificate a stay would cause imminent peril to life or property. In such case, the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board of Adjustment or by a court of record on application or notice to the County Zoning Committee.

3. **Hearing Appeals**: The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice hereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearings, any party may appear in person or by agent or by attorney.

History: Cr. 5-20-03, No. 2003-16; Eff. 5-18-04 No. 2004-15, General Provisions;

D. POWERS AND DUTIES

1. **To Hear and Decide Appeals**: Where it is alleged that there is error in any order, requirement, decision, or determination made by the County Zoning Committee, the Board of Adjustment shall hear appeals and render decisions therefrom.

2. **Variance to Ordinance**: Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Ordinance, the Board of Adjustment shall have the power, in passing upon appeals, to authorize such variance from the terms of this Ordinance as will not be contrary to the public interest and so that the purpose of the Ordinance shall be observed and substantial justice done, provided however that no such variance shall have the effect of allowing in any district, uses prohibited in that district.

3. **Special Exceptions**: The Board of Adjustment shall hear and decide special exceptions to the terms of the Ordinance upon which such board is required to pass under the terms of this Ordinance.

SECTION VII. AMENDMENTS

A. PROCEDURE

The County Board of Supervisors may amend this Ordinance in accordance with the procedures prescribed by Wisconsin Statutes Section 59.69 (5)

B. FEES

Any petition for amendment submitted by other than a governmental body shall be accompanied by a fee to be determined by the Richland County Board of Supervisors which will be used to defray the cost of advertising, investigation, and processing.

SECTION VIII. PUBLIC HEARINGS

Notice of any public hearing which the Board of Adjustment or County Zoning Committee is required to hold under the terms of this Ordinance shall specify the date, time, and place of hearing and the matter to be presented at the hearings. Such notice shall be given as per Wisconsin Statutes 59.99(6). In addition, when the hearing involves the granting of a conditional use, the town in which the affected land is located shall be notified. Also, a copy of the notice shall be posted in the vicinity of the conditional use where practical, and notice of the public hearing shall be mailed to the owners of all lands within 300 feet of any part of the land included in such proposed change or conditional use at least 10 days before such public hearing. The failure of such notice to reach any property owner shall not invalidate any amending ordinance or grant of a conditional use.

SECTION IX. DEFINITIONS

Except where specifically defined herein all words used in this Ordinance shall carry their customary meanings. Words use in the present tense include the future, and the plural includes the singular; the word "shall" is intended to be mandatory.

1. **Adult Family Home**: A private residence in which care and maintenance above the level of room and board but not including nursing care are provided in the private residence by the care provider whose primary domicile is this residence for 3 or 4 adults, or more adults if all of the adults are siblings, each of whom has a developmental disability, as defined in section 51.05 (5), Wisconsin Statutes.

2. **Agricultural Structure**: Any structure which is devoted primarily to agricultural use.

3. **Animal unit**: Means a unit of measure to determine the total number of single animal types or combination of animal types, as specified in the following Table, which are fed, confined, maintained or stabled in a large-volume animal feeding operation. One animal unit is equivalent to one head of beef or slaughter cattle weighing more than 1,000 pounds.

TABLE
Number of Animal Units Per Animal For Various Types of Farm Animals

Type of Farm Animal	Animal Units per Animal	Number of Animals Needed to Equal 1,000 Animal Units

DAIRY CATTLE:		
Milking and Dry Cows	1.4	700
Heifers (800 to 1200 lbs)	1.1	910
Heifers (400 to 800 lbs)	0.6	1670
Calves (under 400 lbs)	0.2	5000
BEEF CATTLE:		
Steers or Cows (1000 lbs to Mkt)	1.0	1000
Steers or Cows (600 to 1000 lbs)	0.8	1250
Calves (under 600 lbs)	0.5	2000
Bulls	1.4	700
SWINE:		
Pigs (55 lbs to Mkt)	0.4	2500
Pigs (up to 55 lbs)	0.1	10000
Sows	0.4	2500
Boars	0.5	2000
SHEEP:		
Per Animal	0.1	10000
HORSES:		
Per Animal	2.0	600
DUCKS:		
Per Bird (Wet Lot)	0.2	5000
Per Bird (Dry Lot)	0.01	100000
CHICKENS:		
Layers	0.01	100000
Broilers	1.002	200000
TURKEYS:		
Per Bird	0.018	55000
DUCKS:		
Per Bird (Wet Lot)	0.0	5000
Per Bird (Dry Lot)	0.01	100000
CHICKENS:		
Layers	0.01	100000
Broilers	0.005	200000
TURKEYS:		
Per Bird	0.018	55000

4. **Bed and Breakfast Establishment:** Any place of lodging that provides 4 or fewer

rooms for rent to tourists or transients, provides no meals other than breakfast, is the owner's personal residence and is occupied by the owner at the time of rental.

5. **Blasting:** The act of using a set charge of dynamite or other explosive at one firing to free up, loosen, or dislodge a desired product at the permitted mine site.

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

7. **Boathouse:** Any structure used for protecting or storing of boats used for noncommercial purposes in conjunction with a residence.

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

9. **Buildings**: Any structure used, designed, or intended for the protection, shelter, or roofed enclosure of persons, animals, or property.

10. **Building Accessory:** Any building except the principal building or buildings on a lot. In the case of a house and detached garage on a lot, the accessory building is the garage.

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

12. **Camper:** A sleeping unit such as a recreational vehicle or part thereof, which is used to house person(s) on a temporary basis and is not considered a structure and is not permanently hooked to a private septic system. Campers shall be between ten and thirty-six feet long, including the hitch and eight feet or less in width.

13. **Community-Based Residential Facility:** A place where 5 or more unrelated adults reside in which care, treatment or services above the level of room and board but not including nursing care are provided to persons residing in the facility as a primary function of the facility and which is licensed as a community-based residential facility by the State of Wisconsin, as defined in sec. 50.01(1g), Wisconsin Statutes.

14. **Construction Aggregate:** is either sand and gravel or crushed stone (stone crushed from bedrock) that is predominately produced and used for local construction purposes (i.e., asphalt or concrete roads, concrete asphalt, building or dimension stone, railroad ballast, decorate stone, retaining walls, revetment stone,

roofing granules, and other similar uses) or used for agricultural uses such as ag lime and bedding sand for livestock operations. Small amounts of sand and gravel or crushed stone may be produced and used for other purposes such as salt and sand for icy roads, water filtration systems in septic systems, landfills, mortar sand, and sand for sand blasting.

15. **County Planning and Zoning Committee:** The Richland County Planning and Zoning Committee as authorized by Section 59.97 of the Wisconsin Statutes. An authorized representative of the Planning and Zoning Committee (such hiring to be approved by the Personnel Committee and the County Board) for the purpose of carrying out the terms of this Ordinance.

16. **Crushing:** The act of breaking down, squeezing, pressing and pounding an object or material so the at the action destroys or deforms the object into a usable or desired form.

17. **Drying:** The action to remove moisture from the intended marketable material.

18. **Dwelling:** A structure, which is used or intended to be used as a home, residence or sleeping place by one person or by 2 or more persons maintaining a common household, to the exclusion of all others.

19. **Dwelling, Multi-family:** A dwelling containing separate living units for two or more families and is a minimum of 24 feet in width. This definition includes manufactured homes but excludes mobile homes. The structure and the land that it is placed on must be owned in common.

20. **Dwelling, Single-family:** A residential structure which is designed to house a single family and is a minimum of 24 feet in width. This definition includes manufactured homes but excludes mobile homes. The structure and the land that it is placed on must be owned in common.

21. **Extraction:** Obtaining the raw material from the permitted site following the permitted conditions. This also includes the acts of “Blasting”, Stripping”, “Hauling”, and “Mine Construction:.

22. **Family:** A person or persons who live together in one dwelling unit as a single housekeeping unit.

23. **Family farm business:** Any lawful activity, except a farm, conducted primarily for any of the following:

    a. The purchase, sale, lease or rental of personal or real property;

    b. The manufacturing, processing or marketing of products, commodities or any other personal property.

    c. The sale of services, except farm implement sales or repair shops,

automotive sales or repair shops and major recreation equipment sales or repair shops.

d. No more than 2 persons who are not members of the resident farm family may be employed in the farm family business.

24. **Farm:** A parcel of 35 or more acres of contiguous land which is devoted primarily to agricultural use, meaning beekeeping, commercial feedlots, dairying, egg production, floriculture, fish or fur farming, forest and game management, grazing, livestock raising, orchards, plant greenhouses, and nurseries, poultry raising, raising of grain, grass, mint and seed crops, raising of fruit, nuts and berries, sod farming, which may or may not participate in any state or federal agricultural programs.

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

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

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

28. **Grade, Established:** The elevation of the finished street at the centerline or curb as fixed by such authority as shall be designated by law to determine such an elevation.

29. **Greenhouse:** Structure for production and/or sale of plants.

30. **Group home-community based residential facility:** A place where 5 or more unrelated adults reside in which care, treatment or services above the level of room and board but not including nursing care is provided to persons residing in the facility as a primary function of the facility.

31. **Hauling:** The action of carting or transporting of nay material on public roadways, either raw or processed, from the original location of the raw or processed material to another location not on the permitted grounds.

32. **Historical Site:** A building (1) listed on or nominated by the State Historical Society for listing on the National Register for Historical Places in Wisconsin; or (2) included in a district which is listed on the National Register for Historic Places in Wisconsin, and which has been determined by the State Historical Society to contribute to the historic significance of the district; or (3) listed on a certified municipal register of historic property; or (4) included in a district which is listed on a certified municipal register of historic property and which has been determined by the municipality to

contribute to the historic significance of the district.

33. **Household Occupations:** A gainful occupation conducted by a member of the family within his or her place or residence, where the space used is incidental to residential use, where the floor area does not exceed twenty (20) percent of the total floor area, and where no article is sold or offered for sale except such as is produced by such home occupation. A household occupation includes such things as baby sitting, millinery, dressmaking, canning, laundering and crafts, but does not include the display of any goods nor such occupations as barbering, beauty shops, dance schools, real estate brokerage, or photographic studios.

34. **Industrial Sand:** is a high purity silica sand product sold for any of the following uses: glassmaking, metal casting, metal production, chemical production, paint and coatings, ceramics and refractories, and oil and gas recovery (i.e. “frac sand”). This sand is classified as 212322 Industrial and Sand Mining according to the NAICS (North American Industry Classification System) Standard Industrial Classification (SIC) System.

35. **Institutional recreational camp:** An area containing one or more permanent buildings used periodically for the accommodation of members of associations or groups for recreational purposes.

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

37. **Kennel:** Premises where dogs, cats or other household pets are maintained, boarded, bred or cared for remuneration or kept for the purpose of sale.

38. **Holiday:** Legal holidays recognized by the State of Wisconsin on which no work is performed by employees of the State. These shall include; New Years Day, Martin Luther King Jr. Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Eve Day, Christmas Day, and New Year’s Eve Day.

39. **Large-volume animal breeding or feeding operation:** means a feedlot or facility, other than a pasture, which became operational, or which came to be such a facility, after April 16, 1997, and where 1,000 or more animal units will be fed, confined, maintained or stabled for a total of 45 consecutive days or more in any 12-month period. Two or more animal feeding operations under common ownership are deemed to be a single animal feeding operation if they are adjacent to each other or if they utilize a common area or system for the disposal of wastes.

40. **Lot:** For the purpose of this Ordinance a lot shall be defined as a parcel of land on which a principal building and its accessory buildings are placed, together with the required open spaces; provided that no such parcel shall be bisected by a public

street, and shall not include any portion of a public right-of-way.

41. **Major recreational equipment:** Large items normally used for recreational purposes, including but not limited to travel trailers, motor homes, all-terrain vehicles, snowmobiles, boats and motors, buses and vans converted for sleeping purposes.

42. **Manufactured dwelling:** Any structure or component thereof which is intended for use as a dwelling and:

    a. Is of closed construction and fabricated or assembled on side or off site in manufacturing facilities for installation, connection or assembly and installation at the building site; or

    b. Is a building of open construction which is made or assembled in manufacturing facilities away from the building site for installation, connection, or assembly and installation on the building site and for which certification is sought by the manufacturer.

    The term manufactured dwelling does not include a building of open construction which is not subject to paragraph (a) 2. All manufactured dwellings shall meet the requirements of Chapters Comm. 20-25, Wisconsin Administrative Code.

43. **Manufactured home:** A structure transportable in one or more sections, which in the traveling mode, is 8 feet or more in width or 40 body feet or more in length, and when erected on site is 600 square feet or more of floor space in the General Agriculture and Forestry district or 960 square feet or more of floor space in the Agriculture and Residential, Single Family Residential (R-1), Single Family Residential (R-2) and General Commercial Districts and which is built on a permanent chassis and designed to be used as a dwelling with a foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein. This term includes all structures which meet the above requirements, and which the manufacturer voluntarily files a certification pursuant to Title 24 Code of Federal Regulations Part 3282.13 and complies with the standards set forth in Title 24 Code of Federal Regulations Part 3280. This term is meant to include double-wide mobile homes that meet the above requirements and were manufactured after June 15, 1976. No manufactured home which is less than 24 feet wide shall be used for any purpose other than human habitation. A manufactured home which is less that 24 feet wide shall not be used for a purpose which is merely incidental to residential use.

44. **Mine Construction:** The process involved in preparing a site for nonmetallic mineral extraction activities, including but not limited to the stripping of topsoil and overburden, the destruction of tree cover and other vegetation, the building of access roads, and the construction of accessory structures and buildings to be used in the course of mining activities.

45. **Migrant labor camp:** The site and all structures maintained as living quarters by, for or under the control and supervision of any person for: 1. A migrant worker, or 2.

Any other person who is not related by blood or marriage to his or her employer and who occasionally or habitually leaves an established place of residence to travel to another locality to accept seasonal employment in the planting, cultivating, raising, harvesting, handling, drying, packing, packaging, processing, freezing, grading or storing of any agricultural or horticultural commodity in its unmanufactured state.

46. **Mobile Home:** A vehicle manufactured or assembled before June 15, 1976, designed to be towed as a single unit or in sections upon a highway and equipped and used or intended to be used primarily for human habitation; with walls of rigid uncollapsable construction; and which has an overall length in excess of 45 feet. No mobile home shall be used for any purpose other than human habitation. A mobile home shall not be used for a purpose which is merely incidental to residential use.

47. **Mobile Home Park:** Any plot or plots of land designed, maintained, intended or used for the purpose of supplying a location or accommodations for more than two mobile homes on a year-round basis and shall include all buildings used or intended for use a as part of the equipment thereof, whether or not a charge is made for the use of the mobile home park and its facilities.

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

49. **Non-Metallic Mineral-Mining or Non-metallic mining:** All or any part of the process involved in the mining of non-metallic minerals including but not limited to the commercial extraction, agglomeration, beneficiation, removal of overburden and the production of refuse. It does not mean exploration, or prospecting, or mining of non-metallic minerals for a property-owner's sole use on the property-owner's property.

50. **Processing:** To convert raw material into a marketable form, on site, by a special process that includes the actions of "crushing", "washing", "screening", "drying" and "rail-load out". Processing shall also include moving material by way of conveyor system or other forms of transportation, but shall not include moving material on public roadways.

51. **Normal High Water Mark:** A line of reference commonly identified as being where the land is coterminous to the normal high water elevation. For the purposes of this Ordinance, the normal high water mark is defined as the line where the natural vegetation changes from predominantly aquatic to predominately terrestrial.

52. **Professional Home Offices:** Residences of doctors of medicine, dentists, veterinarians, clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, artists, teachers, authors, and musicians used to

conduct their professions.

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

54. **Resort:** A recreational development consisting of at least 5 rental units providing lodging, with or without meals, for transient guests, providing that no unit shall have an individual on-site soil sewage disposal system unless it meets the minimum lot size specifications stated in Section II.G.7, of this Ordinance. A resort does not include a tavern or a gift shop.

55. **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 the sale of farm products raised on said farm.

56. **Screening:** Sorting or sizing of material into a marketable product size.

57. **Setbacks from a Highway:** The minimum horizontal distance from the center line of a highway or its right-of-way (line) to the nearest part of a structure, measured at right angles to the center line or right-of-way line.

58. **Shed:** A structure used for shelter or storage. A shed shall not be used as a dwelling.

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

60. **Single Family Dwelling:** A residential structure which is designed to house a single family and which is a minimum of 24 feet in width, has a roof with a minimum slope of 3 to 12 pitch, placed on a basement and has a minimum of an 8 inch eave attached to at least 50% of the perimeter of the structure. This definition includes manufactured homes but excludes mobile homes. This structure and the land that it is placed on must be owned in common.

61. **Story:** The part of a building included between the surface of a floor and the surface of the floor next above it, or, if there is no floor above it, then the space between the floor and the ceiling next above it.

62. **Stripping:** To take away or remove soil, rock, or other overburden materials from Nonmetallic minerals and use that material in the reclamation process, where applicable.

63. **Structural Alterations:** Any change in the supporting members of a building such

as bearings, wall columns, beams or girders or any substantial changes in the roof and exterior wall in excess of $2,000.00 in value.

64. **Structure:** Anything constructed or erected, the use of which requires a more or less permanent location on or in the ground.

65. **Structure, Existing:** A structure which has been completed, or for which a Zoning Permit has been obtained or on which construction has actually begun.

66. **Structure, Permanent:** A structure placed on or in the ground or attached to another structure in a fixed position, and intended to remain in place for a period of more than 9 months.

67. **Structure, Principal:** The building or structure containing the primary use of a property.

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

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

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

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

72. **Use, Accessory:** A use customarily incidental to the principal use and on the same lot as the principal use. In buildings, customary family occupations and workshops not conducted for compensation shall be deemed accessory uses.

73. **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.

74. **Use, Principal:** The primary use of a property or structures.

75. **Washing:** The action that involves water or some other liquid for the purpose of cleansing by removing impurities or undesirables from the intended product.

76. **Wind Energy System:** A system whereby the wind is utilized to generate electricity.

History: Cr. 5-20-03 No. 2003-16; Eff. 2-15-5 No. 2005-5, 4. repealed, 15. amended, 16. amended, 17. amended, 35. addred, 35. amended, 3-35 renumbered; Eff. 3-15-05 No. 2005-7, 24. (a) 2 amended to b., 25 definition amended; Eff. 10-28-08 No. 08-24, 63. addred; Eff. 5-20-14 No. 14-9, added 5. 14.16. 17. 21. 31. 37. 35. 45. 49. 51. 56. 62. 75., renumbered

SECTION X. PASSAGE AND PUBLICATION

The Zoning Administrator and the Corporation Counsel are directed to work together to combine all amendments to Richland County Comprehensive Zoning Ordinance No. 2 as amended to date (including Richland County Comprehensive Zoning Ordinance No. 3), and said combined Ordinance shall be known as Richland County Zoning Ordinance No. 4. Ordinance No. 4 shall be published in separate pamphlet form. Copies of Ordinance No.4 shall be available for purchase by the public at the sale price established by the Zoning Committee.

This Ordinance shall be in full force and effect upon its passage and publication.

Passed: May 20, 2003
Published: May 29, 2003

/s/Ann M. Greenheck, Chairman
Richland County Board of Supervisors

Attest:
/s/ Victor V. Vlasak,
Richland County Clerk

ORDINANCE OFFERED BY THE
ZONING COMMITTEE

	For	Against
/s/ Allen Clary	X	
/s/ Gaylord Deets	X	
/s/ Betty Havlik	X	
/s/ Robert Feyen	X	
/s/ Gerald Goplin	X	

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