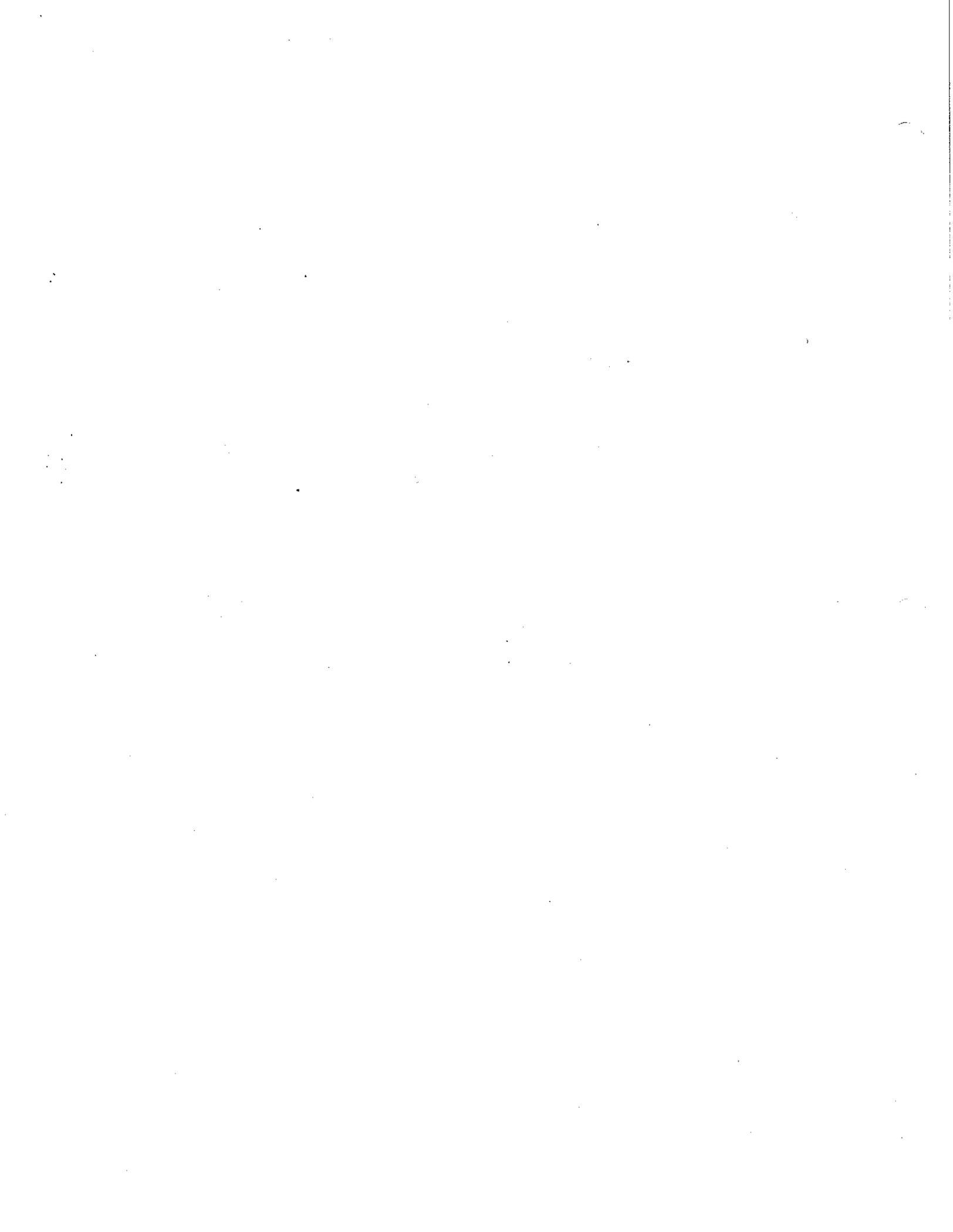


## *Lafayette County*

# *Comprehensive Zoning Ordinance*

  
\_\_\_\_\_  
Jack Sauer, Chair  
Lafayette County Board of Supervisors

  
\_\_\_\_\_  
Byron Berg, Chair  
Lafayette County Planning & Zoning Committee



**LAFAYETTE COUNTY**  
**ZONING ORDINANCE**

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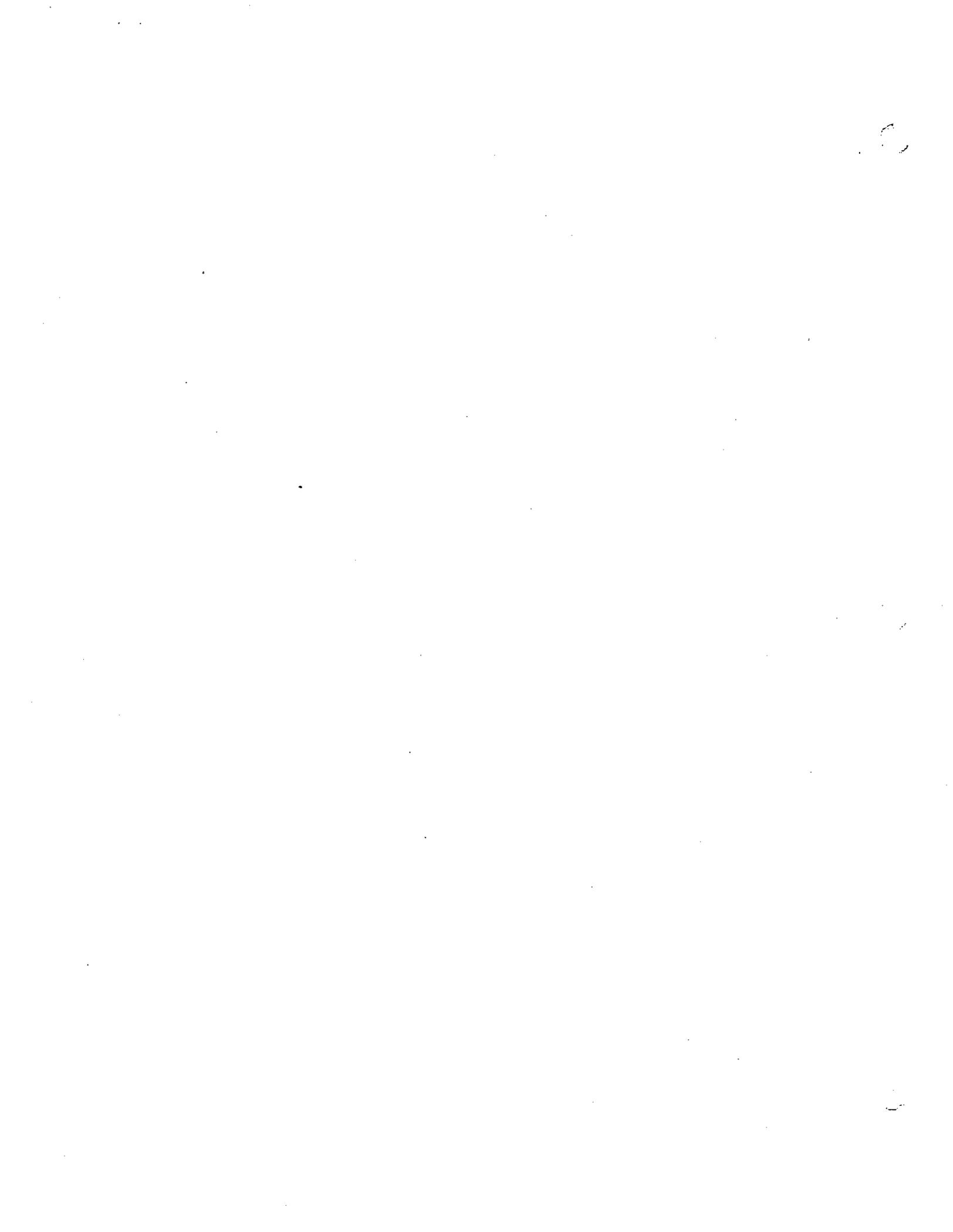
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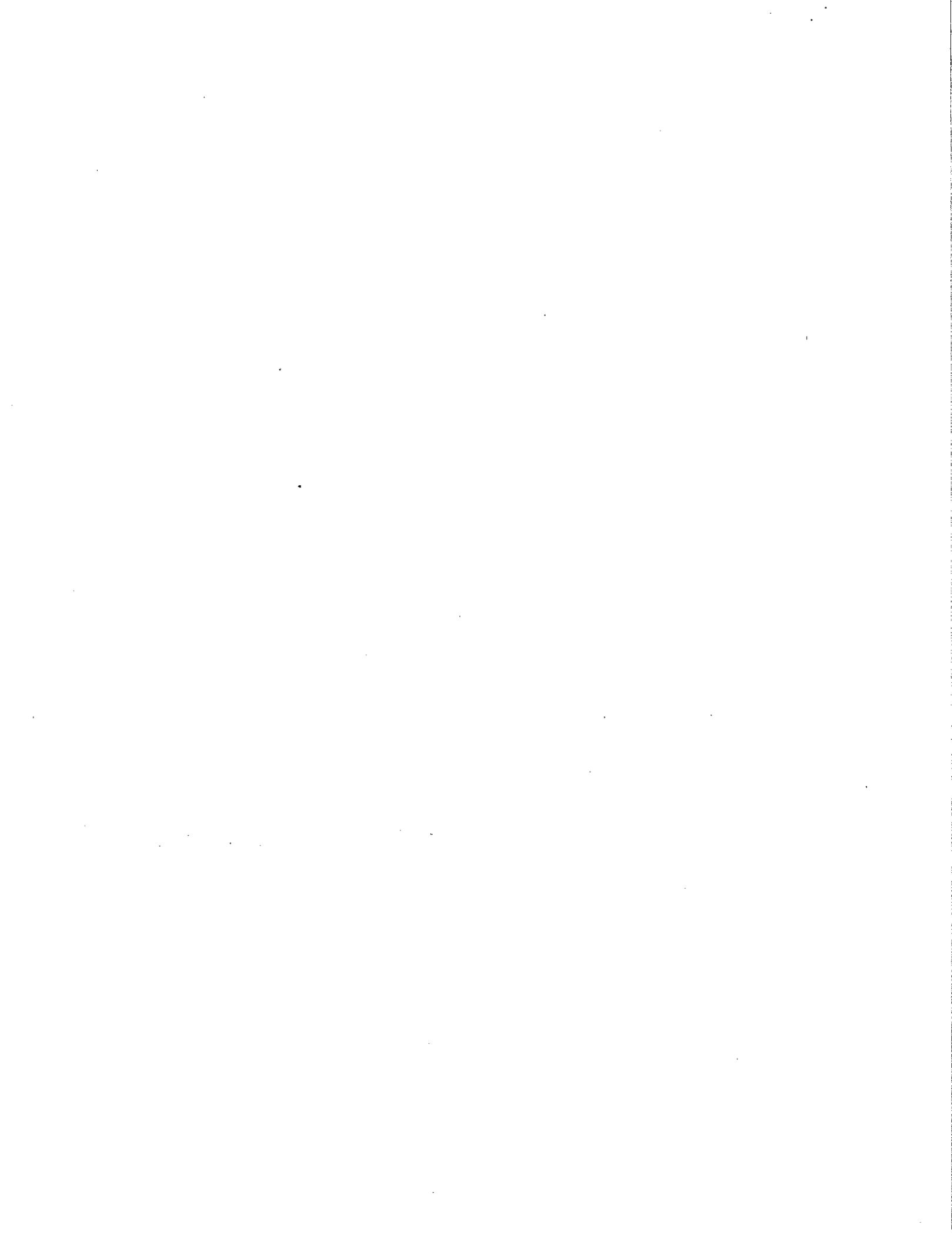
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**LAFAYETTE COUNTY**

**ZONING ORDINANCE**

**Chapter 6-1**



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## INTRODUCTION

### SECTION.

#### 6-1-1.1 AUTHORITY

These regulations are adopted under the authority granted by Sections 59.69, *et seq.*, as well as the provisions of Chapters 87, 144, and 236 of the Wisconsin Statutes. Therefore, the County Board of Supervisors of Lafayette County, Wisconsin, do ordain as follows:

#### 6-1-1.2 PURPOSE

The purpose of this Ordinance is to promote the health, safety, prosperity, aesthetics and general welfare, and to minimize flood losses in areas subject to flood hazards.

#### 6-1-1.3 INTENT

It is the general intent of this Ordinance to promote the public health, safety, convenience and general welfare; to encourage planned and orderly land use development; to protect property values and property tax base; to permit the careful planning and efficient maintenance of highway systems; to insure adequate highway, utility, health, educational and recreational facilities; to recognize the needs of agriculture, forestry, industry and business and future growth; to encourage uses of land and other natural resources which are in accordance with their character and adaptability; to provide adequate light and air, including access to sunlight for solar collectors and to wind for wind energy systems; to encourage the protection of ground water resources; to preserve wetlands; to conserve soil, water and forest resources; to protect the beauty and amenities of landscape and manmade developments; to provide healthy surroundings for family life; and to promote the efficient and economical use of public funds.

#### 6-1-1.4 ABROGATION AND GREATER RESTRICTIONS

It is not intended by this Ordinance to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restriction, agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to laws. However, wherever this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

When adopted by the County Board, this Ordinance shall become effective in each Township when approved by that Township Board, except that the Floodplain Chapter and Shoreland Chapter and Shoreland Zoning shall not require the approval of or be subject to the disapproval of any Town or Town Board, nor shall any other provision of this Ordinance, concerning Animal Waste, or health or sanitary issues be subject to the approval

of any Town or Town Board.

6-1-1.5 INTERPRETATION

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

6-1-1.6 SEVERABILITY

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

6-1-1.7 REPEAL

All other ordinances or parts of ordinances of the County inconsistent or conflicting with this Ordinance, to the extent of the inconsistency only are hereby repealed.

6-1-1.8 TITLE

This Ordinance shall be known as, referred to, or cited as the "ZONING ORDINANCE, LAFAYETTE COUNTY, WISCONSIN."

6-1-1.9 EFFECTIVE DATE

Those parts of the Ordinance which pertain to shorelands (land within one thousand (1,000) feet of a lake, pond, or flowage; within three hundred (300) feet of a floodplain, and those sections pertaining to animal waste and sanitary and other health-related sections shall be effective upon adoption by the County Board of Supervisors. The remainder shall all be effective in any Town in Lafayette County when approved by the Town Board and when a certified copy of the approving resolution is filed with the County Clerk.

Any town in Lafayette County which has adopted Lafayette County's pre-existing Zoning Ordinance which ordinance was in effect at the time immediately prior to adoption of this comprehensive revision shall continue to comply with the provisions of that pre-existing ordinance until this comprehensive revision is approved by the town board or for a period of up to one (1) year from the adoption of this ordinance, whichever period is shorter. If the town board fails to approve this comprehensive revision within a one (1) year period, neither the existing ordinance nor the comprehensive revision shall be enforce in that town.

GENERAL PROVISIONS

6-1-2.1 JURISDICTION

The applicability of this Ordinance and its subchapters shall extend to all of the

unincorporated areas of Lafayette County, except those extraterritorial areas specifically exempt or excluded as a result of municipality extraterritorial zoning powers.

#### 6-1-2.2 COMPLIANCE

No building, sign or other structure or any part thereof shall hereafter be built, enlarged, altered, or moved within the area subject to the provisions of the building and land use regulations until a permit has been applied for in writing and obtained from the Zoning Administrator. Such permits shall be posted in a prominent place on the premises prior to and during the period of construction, alteration or moving. Forms for application for permits shall be supplied by the Zoning Administrator and a record of all permits issued shall be kept in the office of the Zoning Administrator. The Zoning Administrator shall not issue a permit under this Ordinance unless full compliance with the provisions of this Ordinance and all other applicable local, county and state regulations have been assured.

The Zoning Administrator, with the aid of the Lafayette County Sheriff's Department, shall investigate all complaints, give notice of violations and enforce the provisions of this Ordinance. The Zoning Administrator and his duly appointed deputies may enter at any reasonable time onto any public or private lands or waters to make a zoning inspection. The Zoning Administrator shall also comply with all responsibilities and obligations under the administrative sections of this Ordinance.

#### 6-1-2.3 BUILDING PERMIT

Applications for a building permit shall be made in duplicate to the Zoning Administrator on forms furnished by the Zoning Administrator and shall include the following where applicable:

Names and Addresses of the applicant, owner of the site, architect, professional engineer, or contractor.

Description of the Subject Site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure; existing and proposed operation or use of the structure or site, number of employees, and the zoning district within which the subject site lies.

Plot Plan at a scale of no less than 1" = 100' showing the location boundaries, dimensions, uses, and size of the following: subject site; existing and proposed structures; streets, and other public ways; driveways; existing highway access restrictions.

Proposed Sewage Disposal Plan if municipal sewerage service is not available. This plan shall be approved by the Zoning Administrator after receiving certification by a licensed plumber or engineer that satisfactory, adequate and safe sewage disposal is possible on the site as proposed by the plan in accordance with applicable local, county and state regulations.

Proposed Water Supply Plan if municipal water service is not available. This plan shall be

approved by the Zoning Administrator who shall certify in writing that an adequate and safe supply of water will be provided.

Additional Information as may be required by the Planning and Zoning Committee or Zoning Administrator.

Fee Receipt from the Zoning Administrator in the proper amount established by fee schedule as periodically established by the Planning and Zoning Committee. (Appendix A Attached).

No Building or Zoning Permit shall be required in any of the following cases:

- (1) For any building on which work to the amount of five hundred dollars (\$500) or more has been done prior to the effective date of this ordinance.
- (2) For any accessory building costing five hundred dollars (\$500) or less, provided such building conforms to all the setback, yard and open space requirements of this Ordinance.
- (3) For any improvements or alterations to an existing building in the amount of five hundred dollars (\$500) or less which shall not affect a change in use nor encroach upon any yard or open space.
- (4) For any maintenance repairs regardless of cost.
- (5) For permanent farm buildings and structures, except farm homes, which are located one hundred ten (110) feet or more from the right-of-way line of any public highway, except service driveways to farms which have been designated as town roads for maintenance purposes; provided that this regulation shall not apply to permitted signs.
- (6) For farm buildings and structures not for human habitation which are not permanently fixed to the ground and are readily removable in their entirety; provided that this regulation shall not apply to roadside stands or permitted signs.
- (7) For buildings and other surface structures used in the normal course of subterranean mining activities, except when within the highway setback area.

Building permit shall be granted or denied in writing by the Zoning Administrator within thirty (30) days. The permit shall expire within six (6) months unless one third (1/3) of the work has been completed.

#### 6-1-2.4 SITE RESTRICTIONS

No land shall be used or structure erected where the land is held unsuitable for such use or structure by the Planning and Zoning Committee by reason of flooding, concentrated runoff, inadequate drainage, low percolation rate or bearing strength, or erosion susceptibility. The Planning and Zoning Committee, in applying the provisions of this section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he so desires. Thereafter, the Planning and Zoning Committee may affirm, modify, or withdraw its determination of unsuitability.

#### Water Line Setback

For vacant lots that abut on a lake or stream, the following rules shall apply:

- (A) There shall be setbacks from both the highway right-of-way line and the water line of such lake or stream lots, as required by this section.
- (B) The water line or wetlands setback for all buildings and structures, except wharfs and boathouses, shall be not less than one hundred (100) feet from the water line or wetlands defined herein, and elevated at least two (2) feet above the experienced high water elevation unless otherwise specified in the Lafayette County Floodplain Zoning Ordinance Subchapter 6-3.
- (C) Where there is an existing dwelling or dwellings, except farm houses, on either or both sides of a proposed dwelling site, within two hundred fifty (250) feet of such site; and where the water line or wetlands setback for such existing dwellings are greater or less than one hundred (100) feet, the water line or wetlands setback for the proposed dwelling shall be determined according to the following rules:
  - (1) Where there are existing dwellings on both sides of a proposed dwelling site, and within two hundred fifty (250) feet of such site, the water line or wetlands setback for such proposed dwelling shall be the average of the water line or wetlands setback for the existing dwellings; provided that setbacks greater than one hundred fifty (150) feet or less than sixty-five (65) feet shall not be considered in applying this rule.
  - (2) Where there is only one existing dwelling within two hundred fifty (250) feet of a proposed dwelling site, and the water line or wetlands setback for such existing dwelling is greater than one hundred (100) feet, the water line setback for the proposed dwelling may be less than the setback for the existing dwelling by one (1) foot for each ten (10) feet of horizontal distance between such buildings, but in no case less than one hundred (100) feet; provided that a setback greater than one hundred fifty (150) feet shall not be considered in applying this rule.

- (3) Where there is only one existing dwelling within two hundred fifty (250) feet of a proposed dwelling site, and the water line or wetlands setback for such existing dwelling is less than one hundred (100) feet, the water line setback for the proposed dwelling shall be the average between the setback for the existing dwelling and one hundred (100) feet; provided that a setback less than sixty-five (65) feet shall not be considered in applying this rule.
  
- (D) The Zoning Administrator, with the aid of a qualified soils scientist, shall determine the high water mark and the water line or wetlands setback in each particular case. In the event of an appeal from his decision, the Planning and Zoning Committee may, before continuing the proceedings, request the Zoning Administrator to furnish a certified survey map of the property in question, indicating the ordinary high water mark, the data from which it was established, the water line or wetlands as defined in this Ordinance and such other information as may be pertinent to the question. A copy of such map shall be filed in the records of the Planning and Zoning Committee and the original shall be recorded in the office of the Register of Deeds as are subdivision plats or certified survey maps under Chapter 236, Wisconsin Statutes.

Private Sewer and Water: In any district where a public water service or public sewerage service is not available, the lot width and area shall be determined in accordance with provisions of the Wisconsin Administrative Code, or on the basis of available soils information, whichever is more restrictive, but in no case shall be less than the width and area specified in this Ordinance.

Lots Abutting More Restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting district. The minimum street yards on the less restrictive district shall be modified for a distance of not more than sixty (60) feet from the district boundary line so as to equal the average of the minimum street yards required in both districts.

6-1-2.45 Highway Setbacks. For the purpose of determining the distance, building and other structures shall be set back from streets and highways, and the highways of Lafayette County are divided into the following classes:

Class A Highways:

- (1) All state and federal highways are hereby designated as Class A highways.
- (2) The setback from Class A highways shall be one hundred ten (110) feet from the center line of the highway or fifty (50) feet from the right-of-way line whichever is greater.

Class B Highways:

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

Class C Highways:

- (1) All town roads, public streets and highways not otherwise classified, are hereby designated Class C highways.
- (2) The setback from Class C highways shall be sixty-three (63) feet from the center line of such highway or thirty (30) feet from the right-of-way line, whichever is greater.

6-1-2.46 Subterranean Mining

Subterranean mining activities and access thereto are exempt from the provisions contained in sections 6-1-2.4 and 6-1-2.45 of this Ordinance.

6-1-2.47 Removal of Shore Cover

Purpose: Regulation of tree cutting along the shores of navigable waters is necessary to protect scenic beauty, control erosion and reduce effluent and nutrient flow from the shoreland. These provisions shall not apply to the removal of dead, diseased or dying trees at the discretion of the landowner or thinning upon recommendation of a forester. Tree-cutting: Tree-cutting in a strip paralleling the shoreline and extending thirty-five (35) feet inland from all points along the normal high water mark of the shoreline shall be limited in accordance with the following provisions:

- (1) No more than thirty (30) percent of the length of this strip (as measured along the normal high water mark) shall be clear cut to the depth of the strip.
- (2) Provided, further that cutting of this thirty (30) percent shall not create a clear cut opening in this strip greater than thirty (30) feet wide for every one hundred (100) feet of shoreline (measured along the normal high water mark.)
- (3) In the remaining seventy (70) percent length of this strip (distance measured along the normal high water mark) cutting shall leave sufficient cover to screen cars, dwellings, accessory structures, except boat houses, and scene from the water; to preserve natural beauty and to control erosion.
- (4) Natural shrubbery shall be preserved as far as practicable, and where removed it

shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion and preserving natural beauty.

#### 6-1-2.5 USE RESTRICTIONS

The following use restrictions and regulations shall apply:

Principal Uses. Only those principal uses specified for a district, their essential services, the following uses shall be permitted in that district:

Accessory Uses and structures are permitted in any district but not until their principal structure is present or under construction. Residential accessory uses shall not involve the conduct of any business, trade or industry. Accessory uses include incidental repairs; storage; parking facilities; gardening; servant's, owner's, itinerant agricultural laborer's, and watchman's quarters not for rent; private swimming pools; and private emergency shelters.

Unclassified or Unspecified Uses may be permitted by the Planning and Zoning Committee after the Zoning Administrator has made a review and recommendation provided that such uses are similar in character to the principal uses permitted in the district.

Temporary Uses, such as real estate sales field offices or shelters for materials and equipment being used in the construction of a permanent structure, may be permitted by the Zoning Administrator.

#### 6-1-2.6 REDUCTION OR JOINT USE

No lot, yard, parking area, building area, or other space shall be reduced in area or dimension so as not to meet the provisions of this Ordinance. No part of any lot, yard, parking area, or other space required for a structure or use shall be used for any other structure or use.

#### 6-1-2.7 SPECIAL EXCEPTIONS

Special exceptions will be granted only upon application to the Zoning Administrator and after the issuance of a special exception permit by the Planning and Zoning Committee.

6-1-2.71 "Structures" Accessory to Open-Space Uses Permitted in Description of Uses, whether temporary or permanent may be permitted only upon a determination by the Planning and Zoning Committee pursuant to a finding that:

- (1) Structures will not be designed for human habitation, accessory structures designed for human habitation shall be treated under section 6-1-2.72.
- (2) Structures will have a low flood damage potential;

- (3) The structure or structures, if permitted, will be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters;
  - (a) Whenever possible, structures will be constructed with the longitudinal axis parallel to the direction of flow of flood waters, and
  - (b) So far as practicable, structures will be placed so their longitudinal axis are approximately on the same line as those of adjoining structures.
- (4) Structures will be firmly anchored to prevent the structure or building from floating away and thus threatening to further restrict bridge openings and other restricted sections of the stream or river; and
- (5) Service facilities such as electrical and heating equipment will be at or above the flood protection elevation for the particular area.

6-1-2.72 Other "Structures (Temporary or Permanent)" may be permitted only upon a finding by the Board of Adjustment that:

- (1) Such structures shall comply with the applicable provisions of this Ordinance.
- (2) The first floor, or any basement floor designed for human habitation, of any structure to be erected, constructed, reconstructed, or moved on the floodplain shall be constructed on fill with the finished surface of such floor at or above the flood protection elevation as defined in section 6-1-3.33 of this Ordinance.

6-1-2.73 Fills or Deposition of Materials may be permitted only upon a finding by the Planning and Zoning Committee that:

- (1) Any fill or deposition of materials will comply with the Special Provisions of this Ordinance;
- (2) The fill or deposition of materials will have some beneficial purpose and the amount thereof will not be greater than is necessary to achieve that purpose, as demonstrated by a plan submitted by the owner showing the final dimensions of the proposed fill or other material and the use to which the filled land will be put;
- (3) The fill or deposition of materials does not encroach on the channel area between the "ordinary high water marks" on each bank of the stream unless a permit has been granted by the Department of Natural Resources and the other requirements of this section are met; and
- (4) The fill or other materials will be protected against erosion by riprap, vegetative cover or other adequate measures.

6-1-2.74 Filling, Grading, Lagooning and Dredging

- (1) Filling, grading, lagooning or dredging which would result in substantial detriment to navigable waters by reason of erosion, sedimentation, or impairment of fish and aquatic life is prohibited.
- (2) A Special Exception Permit shall be required:
  - (a) For any filling or grading of the bed of a navigable body of water. In addition a permit shall be obtained from the Department of Natural Resources or any other designated state agency having jurisdiction.
  - (b) For any filling or grading of any area which is within three hundred (300) feet horizontal distance of a navigable water and which has surface drainage toward the water on which there is:
    1. Filling of more than five hundred (500) square feet of any wetland which is contiguous to the water. For purposes of this section a wetland shall be defined as any area where ground water is at or near the surface a substantial part of the year.
    2. Filling or grading on all slopes of twenty (20) percent or more.
    3. Filling or grading of more than one thousand (1,000) square feet on slopes of twelve to twenty (12-20) percent.
    4. Filling or grading of more than two thousand (2,000) square feet on slopes of twelve (12) percent or less.

In addition, a permit shall be obtained from the Department of Natural Resources or other appropriate designated state agency having jurisdiction.

Section 6-1-2.74(2)(b) does not apply to soil conservation practices such as terraces, runoff diversions and grassed waterways which are used for sediment retardation.

(3) Lagooning or Dredging

A special exception permit shall be required before constructing, dredging, or commencing work on any artificial waterway, canal, ditch, lagoon, pond, lake or similar waterway which is within three hundred (300) feet of the high water mark of a navigable body of water or where the purpose is the ultimate connection with a navigable body of water. This requirement does not apply to soil conservation practices such as terraces, runoff diversions and grassed waterways which are used for sediment retardation. In addition, a permit

shall be obtained from the Department of Natural Resources or any other state agency having jurisdiction.

The Planning and Zoning Committee shall evaluate each application according to the standards as set out in the administrative provisions of Subchapter 6-7 of this Ordinance and may request the County Soil and Water Conservation District to make available expert assistance from those state and federal agencies which are assisting said district under a memorandum of understanding.

(4) Conditions

In granting a special exception permit for filling, grading, lagooning, or dredging, the Board may attach the following conditions in addition to the provisions specified in the administrative provisions of Subchapter 6-7 of this Ordinance that:

- (a) The smallest amount of bare ground be exposed for as short a time as feasible.
- (b) Temporary ground cover such as mulch be used and permanent cover such as sod be planted.
- (c) Diversions, silting basins, terraces and other methods to trap sediment be used.
- (d) Lagooning be conducted in such a manner as to avoid creation of fish trap conditions.
- (e) Fill is stabilized according to accepted engineering standards.
- (f) Fill will not restrict a floodway or destroy the storage capacity of a floodplain.
- (g) Sides of a channel or artificial watercourses be stabilized to prevent slumping.
- (h) Sides of channels or artificial watercourses be constructed with side slopes of two (2) units horizontal distance to one (1) unit vertical or flatter, unless bulkheads or riprapping are provided.

6-1-2.79 The storage or processing of materials that are buoyant, flammable, explosive, or in times of flooding, could be injurious to human, animal, or plant life, shall be at or above the flood protection elevation for the particular area or "flood proofed" in compliance with. Solid waste disposal facilities, such as junkyards or areas for the dumping of refuse shall also have been issued a permit from the Department of Natural Resources or other appropriate designated state agency having jurisdiction.

#### 6-1-2.8 VIOLATIONS

It shall be unlawful to construct or use any structure, land or water in violation of any of the provisions of this Ordinance and its subchapters. In case of any violation, the Board of Supervisors, the Zoning Administrator, the Planning and Zoning Committee, or any property owner who would be specifically damaged by such violation may institute appropriate action or proceeding to enjoin a violation of this Ordinance.

#### 6-1-2.85 Penalties

The provisions of this Ordinance and its subchapters shall be enforced under the direction of the County Board of Supervisors, through the County Planning and Zoning Committee, the Zoning Administrator, and County law enforcement officers. Any person who violates, disobeys, omits, neglects, refuses to comply with, or who resists the enforcement of any of the provisions of this Ordinance shall be subject to a forfeiture of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000), together with the costs of all actions and in default of payment thereof, of such forfeiture and costs shall be imprisoned in the County Jail for a period of not less than one (1) day nor more than thirty (30) days, or until such forfeiture and costs are paid, and each day of violation shall be deemed a separate offense. Compliance herewith may be enforced by injunctive order at the suit of the County or the owner or owners of land within the district which lands are affected by the regulations of this Ordinance.

#### 6-1-2.9 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection intended to be provided by this Ordinance and its Subchapters is considered reasonable for regulatory purposes. Larger floods may occur on rare occasions or the flood height may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance and its Subchapters do not imply that areas outside Floodplain Zoning District boundaries or land uses permitted within such districts will always be totally free from flooding or flood damages. Nor shall this Ordinance nor its Subchapters create a liability on the part of or a cause of action against Lafayette County or any officer or employee thereof for any flood damages that may result from reliance thereon.

### ZONING DISTRICTS

#### 6-1-3.1 ESTABLISHMENT

For the purpose of this Ordinance, Lafayette County is hereby divided into the following thirteen districts:

FW	Regional Floodway District
FF	Flood Fringe District
GFP	General Floodplain District
A-1	Exclusive Agricultural District
A-2	Agricultural Land District
A-T	Agricultural Transition District
R-1	Single-Family Residential District
R-2	Multi-Family Residential District
R-3	Recreation District
B-1	Business District
B-2	Highway Business District
M-1	Industrial District
M-2	Heavy Industrial District

Boundaries of these Districts are hereby established as shown on a map entitled "Zoning Map, Lafayette County, Wisconsin," which accompanies and is a part of this Ordinance as Appendix B. Such boundaries shall be construed to follow: corporate limits; U.S. Public Land Survey lines; lot or property lines; centerlines of streets, highways, alleys, easements; and railroad rights-of-way or such lines extended; unless otherwise noted on the Zoning Map. The floodplain boundary lines on the map shall be determined by the use of the scale appearing on the map except in those cases where a state agency or a federal agency flood hazard boundary map is made available for Lafayette County. In these cases, the state or federal map shall take precedence. Where there is a conflict between the floodplain boundary illustrated on the map and actual field conditions, the dispute shall be settled according to the provisions of Lafayette County Floodplain Ordinance Subchapter 6-3, for Lafayette County, Wisconsin, whichever provisions are more restrictive. Floodplain Zoning districts as designated by official maps or referred to in this Ordinance are overlays of the exclusive agricultural "A-1" districts rather than separate and mutually exclusive zoning districts.

Compliance with the provisions of this Ordinance shall not be grounds for the removal of lands from any floodplain district unless such lands are filled as per the provisions of this Ordinance.

Vacation of public streets and alleys shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts.

#### 6-1-3.2 ZONING MAP

A certified copy of the existing zoning maps shall be re-adopted and re-approved with the text as part of this Ordinance. These maps shall be certified by the Chairperson of the County Board and attested by the County Clerk. Any changes affecting zoning district boundaries or explanatory matter and regulations shall be recorded on the applicable maps. All such changes shall be made in accordance with provisions of Wisconsin Statutes, Section 59.69.

Changes thereafter to the districts shall not be effective until entered and attested on a

certified copy.

### 6-1-3.3 FLOODPLAIN ZONING DISTRICT

Refer to Floodplain Zoning Ordinance. Floodplain Zoning districts as designated by official maps or referred to in this Ordinance are overlays of the exclusive agricultural "A-1" districts rather than separate and mutually exclusive zoning districts.

### 6-1-3.4 AGRICULTURAL DISTRICTS

#### I. EXCLUSIVE AGRICULTURAL DISTRICT

##### 6-1-3.4-A1.1 Purpose

The purpose of the A-I District are to: (1) preserve productive agricultural land for food and fiber production; (2) preserve productive farms by preventing land use conflicts between incompatible uses and controlling public service costs; (3) maintain a viable agricultural base to support agricultural processing and service industries; (4) prevent conflicts between incompatible uses; (5) reduce costs of providing services to scattered non-farm uses; (6) pace and shape urban growth; (7) implement the provisions of the county agricultural plan when adopted and periodically revised; and (8) comply with the revisions of the Farmland Preservation Law to permit eligible landowners to receive tax credits under Chapter 91, Wisconsin Statutes.

##### 6-1-3.4-A1.2 Lands Included Within this District

This district is generally intended to apply to lands in productive farm operations including: (1) lands historically exhibiting good crop yields or capable of such yields; (2) lands which have been demonstrated to be productive for dairying, livestock raising and grazing; (3) other lands which are integral parts of such farm operations; (4) land used for the production of specialty crops such as cranberries, mint, sod, fruits, and vegetables; and (5) lands which are capable of productive use through economically feasible improvements such as irrigation.

##### 6-1-3.4-A1.3 Permitted Uses - The following are permitted uses unless regulated as special exceptions under 6-1-3.4-A1.4.

##### 6-1-3.4-A1.31 Permitted Uses

1. Beekeeping;
2. Feedlots where the operation is 500 ft. from a property line and involves fewer than 150 dairy, 150 beef, 100 sows or 1,000 feeder pigs;
3. Dairying;

4. Egg production;
5. Floriculture (cultivation of ornamental flowering plants);
6. Fish or fur farming;
7. Forest and game management;
8. **Grazing;**
9. Livestock raising;
10. Orchards;
11. Plant greenhouses and nurseries;
12. Poultry raising where the operation is 500 ft. from a property line and involves fewer than 1,000 birds;
13. Raising of grain, grass, mint, and seed crops;
14. Raising of tree fruit, nuts and berries;
15. Sod farming;
16. Land in federal programs in return for payments in kind; .
17. Owning land, at least 35 acres of which is enrolled in conservation reserve programs;
18. Viticulture (grape growing);
19. Nature trails and walks;
20. Participation in the milk production termination program;
21. Vegetable raising;
22. One roadside stand per farm, of not more than 500 square feet, used solely for the sale of products produced on the premises or adjoining premises, provided adequate off-street parking is provided and employing no more than two non-farm family members;
23. One single family residence or mobile home occupied by a person or family earning a majority of gross income as defined by Wisconsin Statutes § 91.75(2). "Majority of Gross Income" means a gross annual income comprised of at least 51% from farm operations; and
24. All other agriculture uses specified in Section 91.01(1), Wisconsin Statutes as from time to time amended. and its subsequent amendments.

- (A) No person may, within an Exclusive Agricultural Use District, construct a residence on a parcel smaller than thirty-five (35) acres. This does not prohibit either of the following:
- (1) Replacement of an existing residence on a parcel smaller than thirty-five (35) acres if the replacement is consistent with agricultural use and is authorized as a special exception, conditional use or variance.
  - (2) Construction of a residence on a parcel that was smaller than thirty-five (35) acres when it was incorporated into an exclusive agricultural use district as a prior nonconforming use provided that the construction of that residence is consistent with agricultural use and is authorized as a special exception, conditional use or variance.
- (B) No structures or improvements may be included within an exclusive agricultural use district unless consistent with agricultural usage. "Consistent with agricultural usage" included any activity that meets all of the following conditions as listed in Wisconsin Statutes Section 91.01(10):
- (1) The activity will not convert land that has been devoted primarily to agricultural use; and
  - (2) The activity will not limit the surrounding lands' potential for agricultural use; and
  - (3) The activity will not conflict with agricultural operations on the land subject to a farmland preservation agreement; and
  - (4) The activity will not conflict with agricultural operations on other properties.
- (C) No servants, itinerant agricultural laborer's, or watchman's quarters may be allowed as a permitted use in any exclusive agricultural use district.

6-1-3.4-A1.4 Special Exceptions

6-1-3.4-A1.41 Uses

Special exceptions may be granted by the Planning and Zoning Committee after public hearing and with input from the affected Town Board for the following uses:

- (1) Single family dwellings or mobile homes exceeding one (1) per farm operation for occupancy by a person who, or a family, at least one adult member of which, earns the majority of his or her gross income from conducting the farm operations on the parcel. "Majority of Gross Income" means fifty-one (51) percent of gross annual income from farm operations.

- (2) Single family dwellings or mobile homes occupied by parents or children of the farm operator and who: (1) actually own the farm; and (2) must actually reside on the farm; and (3) either conduct the majority of farm operations on the farm or who have previously conducted the majority of farm operations on the farm. "Majority of the farm operations" is defined as provided in Wisconsin Statutes Section 91.75(2) and as may from time to time be amended.
- (3) Customary home occupations and professional offices conducted within and accessory to a permitted agricultural residence and with no more than two non-family members as employees. No new accessory structures will be allowed for home occupations or professional offices.
- (4) Temporary housing for seasonal farm labor.
- (5) Feedlots and poultry raising nearer than five hundred (500) feet to property line or involve more than one hundred (100) sows or one thousand (1,000) feeders; one hundred fifty (150) dairy, plus fifty (50) percent offspring over a two (2) year period, meaning seventy-five (75) yearlings and seventy-five (75) two-year-olds, one hundred fifty (150) beef, plus one hundred (100) percent offspring over a two (2) year period, meaning one hundred fifty (150) yearlings and one hundred fifty (150) two-year-olds, one thousand (1,000) birds total.
- (6) Saw Mills.
- (7) Fur Farms.
- (8) Commercial Stables and Paddocks which are operated as a farm family business as described in Chapter 91 of the Wisconsin Statutes as from time to time amended.
- (9) Equestrian Trails which are operated as a farm family business as described in Chapter 91 of the Wisconsin Statutes as from time to time amended.
- (10) Dams and Flowages.
- (11) Fish Farms.
- (12) Governmental uses such as police and fire stations, highway storage garages, solid waste disposal, sewage treatment plants, gravel pits, and quarries, schools, parks and campgrounds, airports and landing strips not located nearer than one thousand (1,000) feet from a residential district.
- (13) Religious uses such as churches, schools and cemeteries.
- (14) Utilities, including gas and electrical service providers not requiring

authorization under Wisconsin Statutes Section 196.491(3). For purposes of the considerations set forth in 6-1-3.4-A1.42 of this ordinance, these utilities shall be uses that are consistent with agricultural use.

- (15) The sale and service of machinery used in agricultural production.
- (16) Facilities used for the centralized bulk collection, storage and distribution of agricultural products to wholesale and retail markets.
- (17) The storage and sale of seed, feed, fertilizer and other products essential to agricultural production.
- (18) Facilities used to provide veterinarian services for livestock.
- (19) Facilities used in processing of agricultural products.
- (20) Other agricultural-related, religious, institutional, or governmental uses similar to those listed in 6-1-3.4-A1.3 and 6-1-3.4-A1.4 which are compatible with the purposes of this district and which do not conflict with agricultural use and which are found necessary in light of alternative locations available for such uses.
- (21) Privately owned and operated gravel pits and quarries. Subterranean mining surface uses and structures such as mine entrances, ventilation systems, pumping stations, power poles, roads from mines to milling plants and transformer installations as necessary elements of non-metallic mining uses. Any new non-metallic mineral extraction operation may be allowed only as a special exception when falling in any exclusive agricultural use district. Any request for a special exception for a non-metallic mineral extraction operation shall be granted only after complying with the provisions of this Chapter pertaining to Special Exceptions and only when submitted in conjunction with a required reclamation plan which plan shall be separately approved by the Lafayette County Planning and Zoning Committee and in conformity with the provisions of Chapter 91 of the Wisconsin Statutes as from time to time amended.
- (22) No new metallic mineral extraction operation may be allowed as either a permitted use or as a special exception in any exclusive agricultural use district.

#### 6-1-3.4-A1.42 Considerations In Granting Special Exceptions

- (A) The Department of Agriculture, Trade and Consumer Protection shall be notified of the approval of any special exceptions. In passing upon applications for special exceptions, the Town Board, the Lafayette County Planning and Zoning Committee, and, if applicable, the Lafayette County Board of Adjustment shall consider the following relevant factors in reaching a decision:

- (1) The statement of purposes of this Zoning Ordinance and the A-1 District.
- (2) The potential for conflict with agricultural use.
- (3) The need of the proposed use for a location in an agricultural area.
- (4) The availability of alternative locations.
- (5) Compatibility with existing or permitted uses on adjacent lands.
- (6) The productivity of the lands involved.
- (7) The location of the proposed use so as to reduce to a minimum the amount of productive agricultural land converted.
- (8) The need for public services created by the proposed use.
- (9) The availability of adequate public services and the ability of affected local units of government to provide them without an unreasonable burden.
- (10) The effect of the proposed use on water or air pollution, soil erosion and rare or irreplaceable natural resources.
- (11) Farm dwellings and related structures which remain after farm consolidation may be separated from the farm lot only if such dwellings and structures existed prior to the adoption of this ordinance. Farm consolidation means the combination of two or more farms resulting in a fewer total number of farms. The separated resulting parcel may be no larger than reasonable necessary to accommodate the proposed use.

(B) Findings of Consistency with Agricultural Usage

Before any special exception permit is issued in an exclusive agricultural use district, findings must be made that the proposed use is consistent with agricultural use which includes any activity that meets all of the following conditions as listed under the provisions of Wisconsin Statutes Section 91.01(10):

- (1) The activity will not convert land that has been devoted primarily to agricultural use; and
- (2) The activity will not limit the surrounding lands' potential for agricultural use; and
- (3) The activity will not conflict with agricultural operations on the land subject to a farmland preservation agreement; and
- (4) The activity will not conflict with agricultural operations on other

properties.

6-1-3.4-A 1.43 Conditions Which May Be Attached To Special Exceptions

Upon a consideration of information supplied at the public hearing and a review of the standards contained in 6-1-3.4-A1.42, the following conditions may be attached to the granting of a special exception or conditional use:

- (1) Increased setbacks and yards;
- (2) Specifications for water supply, liquid waste, and solid waste disposal facilities;
- (3) Landscaping and planting screens, sureties, operational controls and time of operation;
- (4) Air pollution controls, erosion prevention measures;
- (5) Location of the use; and
- (6) Similar requirements found necessary to fulfill the purpose and intent of this Ordinance.

Violation of any condition attached to a special exception or conditional use shall constitute a violation of this Ordinance.

MINIMUM LOT, HEIGHT AND YARD REQUIREMENTS

6-1-3.4-A1.5 Minimum Lot, Height and Yard Requirements

6-1-3.4-A1.51 Minimum Lot Size

- (1) The minimum lot size to establish a residence or farm operation is thirty-five (35) acres, except as provided in (2) and (3) below, (Source s. 91.75 as amended).
- (2) The minimum lot size to establish a separate parcel for an additional residence for persons earning a majority of gross income as defined by Wisconsin Statutes §91.75(2) from the farm operation or parents or children of the farm operator shall be twenty thousand (20,000) square feet beyond the right-of-way. "Majority of Gross Income" means a gross annual income comprised of at least fifty-one (51) percent from farm operations.
- (3) Where an additional residence for persons specified in (2) above are located on a farm without creating a separate parcel, the residence shall be at least fifty (50) feet from other residences.

6-1-3.4-A1.52 Height

- (1) The maximum height of a farm dwelling shall be thirty-five (35) feet.
- (2) The maximum height of other structures shall be two (2) times their distance from the nearest lot line.

6-1-3.4-A1.53 Yards

- (1) The minimum side and rear yards for farm dwellings and accessory structures shall be ten (10) feet side, forty (40) feet rear from the nearest lot lines.
- (2) Highway setbacks for farm dwellings and structures shall be as specified in section 6-1-2.45 of this Ordinance.

6-1-3.4-A1.54 Minimum Lot Size, Height and Yard Requirements For Special Exceptions

The minimum lot size, height and yard requirements for special exception uses shall be as specified in the special exception permit, but in no case shall be less than ten (10) feet from a lot line and shall be set back at least the distance specified in section 6-1-2.45 of this Ordinance.

6-1-3.4-A1.6 Standards for Rezoning

The Department of Agriculture, Trade and Consumer Protection shall be notified of all rezonings by the Zoning Administrator. Decisions on petitions for rezoning areas zoned for Exclusive Agricultural Use shall be based on findings which consider the following:

- (1) Adequate public facilities to serve the development are present or will be provided.
- (2) Provision of these facilities will not be an unreasonable burden to local government.
- (3) The land is suitable for development.
- (4) Development will not cause unreasonable air and water pollution, soil erosion or adverse effects on rare or irreplaceable natural areas.
- (5) The potential for conflict with remaining agricultural uses in the area.
- (6) The need of the proposed development location in an agricultural area.
- (7) The availability of alternative locations.

- (8) The productivity of the agricultural lands involved.
- (9) The location of the proposed development to minimize the amount of agricultural land converted.

6-1-3.4-A-1.7 Prior Existing Residential Use

Parcels not in conformity with the requirements of this ordinance must have been a parcel of record as of December 27, 1979.

**II. AGRICULTURAL LAND DISTRICT (A-2)**

The primary purpose of this district is to maintain, preserve, and enhance agricultural lands historically utilized for crop production but which are not included within the A-1 Exclusive Agricultural District and which are generally best suited for smaller farm units, including truck farming, horse farming, hobby farming, orchards, forestry, wildlife, and other similar agricultural-related farming activity.

(A) Principal Uses

All principal uses permitted in the A-1 Exclusive Agricultural District, except that only one single-family farm dwelling shall be permitted. Any other use will be treated as a special exception and subject to Town Board approval.

(B) Area

Lot (farm size minimum).....5 Acres

Single family residence (special exception only).....(one)  
1 acre subject to setback, yard and height requirements

**III. AGRICULTURAL TRANSITION DISTRICT**

6-1-3.4-A2.1 Purposes

- (A) The purposes of the A-T District are to: (1) provide for the orderly transition of agricultural land to other uses in areas planned for eventual urban expansion; (2) defer urban development until the appropriate local governmental bodies determine that adequate public services and facilities can be provided at a reasonable cost; (3) ensure that urban development is compatible with local land use plans and policies; (4) provide periodic review to determine whether all or part of the lands should be

transferred to another zoning district. Such review shall occur:(a) a minimum of every five (5) years; (b) upon completion or revision of a county agricultural preservation plan or municipal land use plan which affects lands in the district; or (c) upon extension of public services such as sewer and water, necessary to serve urban development.

(B) It is the intention of the County of Lafayette that all lands zoned as an agricultural transition district be qualified for all tax credits available under Chapters 71 and 91 of the Wisconsin Statutes as from time to time amended.

6-1-3.4-A2.2 Lands Included Within this District

This district is generally intended to apply to lands located adjacent to incorporated municipalities or urbanized areas where such lands are predominantly in agricultural or related open space use but where conversion to nonagricultural use is expected to occur in the foreseeable future. Lands indicated as transition areas in the agricultural plan and similar lands are to be included.

6-1-3.4-A2.3 Permitted Uses

Same as Section 6-1-3.4-A1.3 Exclusive Agricultural District (A-1)

6-1-3.4-A2.4 Special Exceptions

Same as Section 6-1-3.4-A1.4 Exclusive Agricultural District (A-1)

6-1-3.4-A2.5 Minimum Lot Size, Height & Yards

Same as Section 6-1-3.4-A1.5 Exclusive Agricultural District (A-1)

6-1-3.4-A2.6 Standards for Rezoning

Same as Section 6-1-3.4-A1.6 Exclusive Agricultural District (A-1)

6-1-3.5 RESIDENTIAL DISTRICTS

R- I Single-Family Residential District

Permitted Principal Uses

Single-Family Residences.

Essential Services and Utilities.

Churches and similar places of worship and instruction including parish houses.

Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters.

Public, parochial and private elementary and secondary schools, the lot area is not less than two (2) acres and all principal structures and uses are not less than fifty (50) feet from any lot line.

Public parks, recreation areas, playgrounds and community centers, not including trailer or tent camping areas or mobile home parks.

Home occupations and professional offices.

Accessory buildings and uses customarily incidental to any uses listed above including temporary buildings for use incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work as determined by the Zoning Administrator. (The latter shall include trailers and mobile homes used as offices and for tool storage only.)

		<u>Without public sewer &amp; water</u>	<u>With public sewer &amp; water</u>
<u>Lot</u>	Width Minimum	100 ft.	70 ft
	Area Minimum	20,000 sq. ft. Beyond the highway right-of-way	10,000 sq. ft.
<u>Yards</u>	Street Minimum	30 ft.	30 ft.
	Rear	Minimum	40 ft.40 ft.
	Side	Minimum	10 ft.10 ft.

R-2 Multi-Family Residential District

Permitted Principal Uses

Two-family dwellings.

Multi-family dwellings.

Condominiums.

Churches and similar places of worship and instruction including parish houses.

Governmental and cultural uses, such as fire and police stations, community centers, libraries and public emergency shelters.

Public, parochial and private elementary and secondary schools provided the lot area is not less than two (2) acres and all principal structures and uses are not less than fifty (50) feet from any lot line.

Essential Services and Utilities.

Mobile home parks as provided for in section 6-1-4.0.

Public parks, recreation areas, playgrounds and community centers, not including trailer or tent camping areas.

Accessory buildings and uses customarily incidental to any uses listed above including temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work as determined by the Zoning Administrator. -The latter shall include trailers and mobile homes used as offices and for tool storage only.

Clubs, lodges, social and recreational centers, except those of which the chief activity is carried on for a financial profit.

Buildings devoted to professional offices, provided no such building shall be located within thirty (30) feet of any property lines.

Two-Family Dwellings:

		<u>With Public Sewer &amp; Water</u>	<u>Without Public Sewer &amp; Water</u>
<u>Lot</u>	Frontage Area	Minimum 10 ft. Minimum 10,000 ft.	Minimum 10 ft. Minimum 20,000 sq. ft. beyond the highway right-of-way
<u>Building</u>	Height	Maximum 2 stories above basement	Maximum 2 stories above basement
<u>Yards</u>	Street	Minimum 30 ft.	Minimum 30 ft.
	Rear	Minimum 40 ft.	Minimum 40 ft.
	Side	Minimum 10 ft.	Minimum 10 ft.

Multi-Family Dwellings--Minimum Area: 2 acres

6-1-3.6 R-3 RECREATION DISTRICT

Principal Uses

Single-family homes for year-round occupancy, on a lot of one (1) acre or larger, when approved by the Planning and Zoning Committee.

Cottages for seasonal occupancy.

Churches, public and parochial schools.

Public parks and playgrounds.

Mobile home parks, trailer and tent camps, under the provisions established in section 6-1-4.0.

Essential Services and Utilities.

Buildings and structures and uses of land customarily incidental to the above permitted uses, but only on the same premises with the primary permitted uses.

Recreation camps on a lot of five (5) acres or more which shall meet the following requirements:

- (a) There shall be a yard on each side of any such recreation camp, except that no such yard shall be required along that part of a camp which fronts on a lake or stream; provided that the highway and water line setbacks established by the regulations of section 6-1-2.4 shall be observed by all buildings and structures to which such setbacks apply. Each such yard shall be not less than fifty (50) feet wide, provided that all yards shall be increased by not less than ten (10) feet in width for each ten (10) camping units or fraction thereof by which such recreation camp exceeds a total of forty (40) camping units; and provided further that any such yard may be reduced by one-half ( $\frac{1}{2}$ ) the width of any street upon which such yard abuts, but in no case to less than twenty-five (25) feet. It shall be a condition of the granting of the permit for any such recreation camp, and a continuing condition for the operation of the same, that the natural vegetation of the area, including grasses, flowers, shrubs and trees, but not including noxious plants, weeds and trees, be allowed to grow and develop in all required yards, or that vegetation of equivalent density be planted therein, so as to provide a natural screen between such camp and neighboring residential areas and so that required yards shall be unused and unusable for the general purpose of such camps.
- (b) Off-street parking shall be provided, on the premises of each such recreation camp, equal to not less than one parking space for each camping unit, plus one additional parking space for each motor vehicle operated in connection with

such camp.

Commercial resorts when the plan has been approved by the Planning and Zoning Committee after a public hearing in the Town affected and after approval by the Town Board. Such resort may contain the following uses as a part of the resort complex:

Lodging accommodations, including motel, hotel or cottage type facilities; eating and drinking establishments; boat liveries and boat storage facilities; golf courses, swimming pools, riding stables, and other such associated recreational uses. The resort shall be on a lot of at least five (5) acres and all principal structures and uses shall be at least fifty (50) feet from a residential lot line.

<u>Lot</u>	Width Area	Minimum 100 ft. Minimum 20,000 sq. ft.
<u>Building</u>	Area Height	Minimum 720 sq. ft. Maximum 2 stories above basement
<u>Yards</u>	Street Rear Side	Minimum 30 ft. Minimum 40 ft. Minimum 15 ft.

## 6-1-3.7 BUSINESS DISTRICTS

### B-1 Local Business District

#### Principal Uses

The following uses provided that they shall be retail establishments; apartment hotels, appliance stores, bakeries, barber shops, bars, beauty shops, business offices, caterers, churches, clinics, clothing repair shops, clothing stores, clubs, cocktail lounges, confectioneries, crockery stores, delicatessens, department stores, drug stores, electrical supply, financial institutions, food lockers, furniture stores, furniture upholstery shops, gift stores, grocery stores, hardware stores, heating supply, hobby shops, hotels, laundry and dry-cleaning establishments employing not over seven persons, liquor stores, lodges, meat markets, music stores, newspaper offices and press rooms, night clubs, office supplies, optical offices, pawn shops, personal service establishments, pet shops, photographic supplies, places of entertainment, plumbing supplies, printing, private clubs, professional offices, public parking lots, publishing, radio broadcasting studios, restaurants, second-hand stores, self-service and pickup laundry and dry-cleaning establishments, signs, soda fountains, sporting goods, supermarkets, television broadcasting studios, tobacco stores, trade and contractor's offices, upholsterer's shops, variety stores and vegetable stores.

Essential Services and Utilities.

Funeral homes, provided all principal structures and uses are not less than twenty-five (25) feet from any lot line.

Feed and seed stores but not to include grinding or processing operations.

Governmental and cultural uses such as fire and police stations, community centers, libraries and public emergency shelters.

Public passenger transportation terminals such as bus and rail depots provided all principal structures and uses are not less than one hundred (100) feet from any residential district boundary.

Drive-in banks and drive-in establishments serving food or beverages for consumption outside the structure.

Storage garages and automobile service stations subject to approval of the Planning and Zoning Committee after a public hearing held in the Town affected and after approval of the Town Board, and provided the following conditions are met:

Pumps, lubricating or other devices are located at least twenty (20) feet from any lot line, street line or highway right-of-way.

All fuel, oil or similar substances are stored at least thirty-five (35) feet distant from any street or lot line.

All automobile parts, dismantled vehicles and similar articles are stored within a building.

No automobile service station shall be erected within any district where such use would be permitted, unless the entrance or exit driveways for vehicles are at least one hundred (100) feet or more from any previously existing assembly hall, theater, public library, church, school, public playground, public park or hospital.

<u>Building</u>	Height	Maximum 2 stores above basement
<u>Yards</u>	Street	Minimum 25 ft.
	Rear	Minimum 50 ft.
	Side	None

### B-2 Highway Business District

#### Principal Uses

Restaurants, motels, tourist homes, gift stores, recreation centers, such as bowling

alleys, skating rinks, miniature golf courses, driving ranges, confectioneries and drug stores, public parking lots.

Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters.

Public passenger transportation terminals such as bus and rail depots provided all principal structures and uses are not less than one hundred (100) feet from any residential district boundary.

Drive-in banks and drive-in establishments serving food or beverages for consumption outside the structure.

Drive-in theaters on a site of ten (10) acres or more subject to approval of the Planning and Zoning Committee and Town Board after a public hearing held in the affected Town and provided that a planting screen at least twenty (20) feet wide is created along any side abutting a residential district and that adequate provision is made for control of traffic.

Essential Services and Utilities.

Storage garages and automobile service stations, automobile sales, farm machinery sales and truck terminals subject to approval of the Planning and Zoning Committee and Town Board after a public hearing, held jointly by the Planning and Zoning Committee and Town Board in the affected Town, and provided the following conditions are met:

Pumps, lubricating or other devices are located at least twenty (20) feet from any lot line, street line or highway right-of-way.

All fuel, oil or similar substances are stored at least thirty-five (35) feet distant from any street or lot line.

All automobile parts, dismantled vehicles and similar articles are stored within a building.

No automobile service station shall be erected within any district where such use would be permitted, unless the entrance or exit driveways for vehicles are at least one hundred (100) feet or more from any previously existing assembly hall, theater, public library, church, school, public playground, public park or hospital.

<u>Lot</u>	Frontage Area	Minimum 200 ft. Minimum 1 acre
<u>Building</u>	Height	Maximum 2 stories above basement

<u>Yards</u>	Street	Minimum 50 ft.
	Rear	Minimum 20 ft.
	Side	Minimum 10 ft.

6-1-3.8 INDUSTRIAL DISTRICTS

"M- 1" Industrial District

Principal Permitted Uses

Automotive body repairs; cleaning, pressing and dyeing establishments; commercial bakers, commercial greenhouses; distributors; farm machinery; fire stations; food locker plants; laboratories; machine shops; manufacture and bottling of nonalcoholic beverages; painting; printing; publishing; storage and sale of machinery and equipment; trade and contractor's offices; warehousing; and wholesaling.

Manufacture, fabrication, packing, packaging, and assembly of products from furs, glass, leather, metals, paper, plaster, plastics, textiles and wood. Manufacture, fabrication, processing, packaging and packing of confections; cosmetics; electrical appliances; electronic devices; food except cabbage, fish and fish products, meat and meat products, and pea vining; instruments; jewelry pharmaceuticals; tobacco; and toiletries.

Essential Services and Utilities.

General Conditions

Manufacturing, fabricating, repairing, storing, cleaning, servicing and testing of materials, goods or products, shall be carried on in such a manner as not to be injurious or offensive by reason of the emission or creation of noise, vibration, smoke, dust, or other particulate matter, toxic, or noxious materials, odors, fires, or explosive hazards, or glare or heat.

No building, structure or parcel of land shall be used for manufacturing, fabricating, repairing, storing, cleaning, servicing of materials, products or goods, within thirty (30) feet of any lot line adjoining a Dwelling or a Residence District and when directly across the street from a Dwelling or a Residence District there shall be provided for such use, a front yard not less than thirty-five (35) feet in depth along such street frontage.

No lot or parcel of land shall be used for dwelling purposes other than custodian quarters with a permitted use. Public passenger transportation terminals provided all principal structures and uses are not less than one hundred (100) feet from any residential district boundary.

<u>Building</u>	Height	Maximum 2 stories above basement
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<u>Yards</u>	Street	Minimum 30 ft.
	Rear	Minimum 30 ft.
	Side	Minimum 20 ft.

**"M-2" Heavy Industrial District**

**Permitted Principal Uses**

All M-1 Industrial District principal uses include: freight yards, freight terminals and transshipment depots, inside storage, breweries, and crematories, wrecking, junk, demolition and scrap yards. The Planning and Zoning Committee may authorize the Building Inspector to issue a special permit for any of the hereafter enumerated special exceptions after having given a public hearing in the Town affected and after approval by the Town Board on said special exception, and subject to such protective restrictions as necessary to protect adjoining property.

Manufacture and processing of abrasives, acetylene, acid, alkalies, ammonia, asbestos, asphalt, batteries, bedding, bleach, bone, cabbage, candle, carpeting, celluloid, cement, cereals, charcoal, chemicals, chlorine, coal, tar, coffee, coke, cordage, creosote, dextrine, disinfectant, dye, excelsior, felt, fish, fuel, furs, gelatin, glucose, gypsum, hair products, ice, ink, insecticide, lampblack, lime, limeproducts linoleum, matches, meat, minerals, oil cloth, paint, paper, peas, perfume, pickles, plaster of paris, plastics, poison, polish, potash, pulp, pyroxylin, radium, rope, rubber, sausage, shoddy, shoe and lampblacking, size, starch, stove polish, textiles and varnish. Manufacturing, processing and storage of building materials, explosive, dry ice, fat, fertilizer, flammables, gasoline, glue, grains, grease, lard, plastics, radioactive materials, shellac, soap, turpentine, vinegar and yeast. Manufacture and bottling of alcoholic beverages.

Bag cleaning, bleacheries, canneries, cold storage warehouses; electric and steam generating plants; electroplating, enameling; forges, foundries, garbage; incinerators; lacquering; lithographing; offal, rubbish, or animal reduction; oil, coal and bone distillation; refineries; road test facilities; slaughterhouses; smelting; tanneries and weaving. The above special exceptions shall be at least six hundred (600) feet from residential districts.

Wrecking, junk, demolition and scrap yards shall be surrounded and completely screened by a solid wall, fence or evergreen planting or equivalent opacity, built to or maintained to a minimum height of eight (8) feet high, except for one entrance or exit not more than twelve (12) feet wide and not directly facing the public street. completely preventing a view from any other property or public right-of-way and shall be at least six hundred (600) feet from residential districts.

Essential Services and Utilities.

Commercial service facilities, such as restaurants and fueling stations, provided all such services are physically and saleswise oriented toward industrial district users and employees and other users are only incidental customers.

<u>Building</u>	Height	Maximum 35 ft.
<u>Yards</u>	Street	Minimum 30 ft.
	Rear	Minimum 30 ft.
	Side	Minimum 20 ft.

## MOBILE HOME PARKS, TRAILER AND TENT CAMPS

### SECTION

#### 6-1-4.1 MOBILE HOME PARKS

All mobile homes shall be placed or located only in mobile home parks, or as provided for in Agricultural Districts.

#### 6-1-4.2 MOBILE HOME PARKS PROCEDURE

Mobile home parks, trailer and tent camps shall be located in the appropriate districts subject to the following permit procedure: The owner or owners of any tract of ground located within Lafayette County who may wish to establish a mobile home park, trailer, or tent camp, shall submit three (3) copies of a preliminary plan detailing such features as are necessary to establish the fact of compliance with the specific terms of all County Ordinances to the Planning and Zoning Committee for consideration. The application shall be accompanied by a permit fee of twenty-five dollars (\$25). The Planning and Zoning Committee shall refer one (1) copy of the said plans to the Town Board for review.

The Planning and Zoning Committee and Town Board shall hold a public hearing on the proposed plans and may require the owner to appear before it and make changes as may be required and shall consider the following factors before both shall approve or disapprove the development:

- (a) The relation of the proposed park to the public interest.
- (b) The effect of the proposed park on adjacent property values.
- (c) The consistence and compliance of the proposed park with the provisions of this Ordinance.
- (d) The suitability of the site for present development with special attention to topography, subsurface conditions and the availability of necessary utility

services.

- (e) The relation of the population density resulting from the proposed park to the public interest.
- (f) The exhibition of sound planning and engineering practices.
- (g) The availability of access from existing highways and the nature of the altered traffic pattern resulting from the park.
- (h) The availability of schools, police protection, fire protection and other community services.
- (i) A recommendation as to the approval or disapproval of proposed plans and location.

The park shall be located on a well-drained site, properly graded to insure rapid drainage, and free from stagnant pools of water.

The park shall contain at least five (5) acres.

No more than eight (8) mobile home or camp sites shall be allowed per acre of land in the park.

Mobile homes shall have a clearance of at least twenty (20) feet from any other mobile home or any building in the park, except in end-to-end clearance. For mobile homes parked end-to-end, the clearance shall be at least fifteen (15) feet.

Mobile homes and camp sites shall not be located closer than twenty-five (25) feet to any property line of the park abutting upon a public street or highway.

All spaces shall abut upon a driveway of not less than twenty-four (24) feet in width, which shall have unobstructed access to a public street, alley, or highway.

An adequate supply of pure water for drinking and domestic purposes shall be supplied by pipes to all buildings and mobile home spaces within the park, and each mobile home space shall be connected to an approved sewage disposal system.

Service buildings housing sanitation facilities shall be permanent structures complying with all applicable ordinances and statutes regulating buildings, electrical installation, and plumbing and sanitation systems.

Tent and trailer camps shall have: central toilet, shower, and washing facilities.

All thoroughfares within the park shall be of permeable surface.

### Fire Protection

No open fires shall be permitted at any place or time on the property.

#### 6-1-4.3 ADDITIONS TO MOBILE HOMES

No additions shall be built onto any mobile home other than a porch or entryway which shall leave a clearance of not less than fifteen (15) clear feet between said appurtenance or porch and the next mobile home.

#### 6-1-4.4 PERMIT NOT TRANSFERABLE

No permit granted under the provisions of this Ordinance shall be transferred to any other person. Upon every change in ownership, management and operation of any park, the permit previously issued for the park shall be null and void.

#### 6-1-4.5 PERMITS FOR TEMPORARY OCCUPANCY OF MOBILE HOMES OUTSIDE OF A MOBILE HOME PARK

(A) Application for Permit: Within a period of ten (10) days after placement of mobile home, an application for a permit to occupy a mobile home for dwelling or sleeping purposes outside of a mobile home park upon a lot or premises occupied by a dwelling shall be made at the office of the Zoning Administrator. Said application shall set for the location of the occupied dwelling where such mobile home is to be used and occupied, the name of the occupant in control of such dwelling; the name of the owner or operator of such mobile home, together with his car license number and the license number of such mobile home. The fee for such application shall be five dollars (\$5.00). The provisions of section 6-1-4.1 as to location of a mobile home do not include this situation.

(B) Issuing of Permit: The Zoning Administrator, after approval of the Planning and Zoning Committee, may issue a permit for the temporary occupancy of a mobile home outside of a Mobile Home Park upon receipt of the applications as set forth in the previous paragraph. The permit may be issued for a period not to exceed twelve (12) months from the date of the granting permit.

#### 6-1-4.6 INSPECTION

It shall be the duty of the Zoning Administrator to enforce all of the provisions of this section. For the purpose of securing enforcement of the provisions of this section, the Zoning Administrator or any of his duly authorized representatives shall have authority to enter and inspect any park and the location of any mobile home parked outside of a Mobile Home Park on a temporary occupancy permit.

#### 6-1-4.7 USE OF MOBILE HOME AS A HOUSE

A mobile home shall not be converted to real estate.

A mobile home may be attached to a temporary foundation and the wheels may be temporarily removed, but the vehicular frame shall not be destroyed or altered so as to prevent the mobile home from being moved as a vehicle.

## TRAFFIC, PARKING AND ACCESS

### 6-1-5.1 LOADING REQUIREMENTS

In all districts adequate loading areas shall be provided so that all vehicles loading, maneuvering or unloading are completely off the public ways and so that all vehicles need not back onto any public way.

### 6-1-5.2 PARKING REQUIREMENTS

In all districts and in connection with every use there shall be provided at the time any use or building is erected, enlarged, extended or increased, off-street parking stalls for all vehicles in accordance with the following:

#### Number of Parking Stalls Required

Single-family dwellings and multi-family dwellings	2 stalls for each dwelling unit
Mobile homes	2 stalls for each dwelling unit
Hotels, motels	1 stall for each guest room plus 1 stall for each 3 employees
Hospitals, clubs, lodges, sororities, dormitories, lodging and boarding houses	1 stall for each 2 beds plus 1 stall for each 3 employees
Sanitariums, institutions, rest and nursing homes	1 stall for each 5 beds plus 1 stall for each 3 employees
Medical and dental clinics	3 stalls for each doctor
Churches, theaters, auditoriums, community centers, vocational and night schools, and other places of public assembly	1 stall for each 5 seats
Colleges, secondary and elementary schools	1 stall for each 2 employees

Restaurants, bars, places of entertainment, repair shops, retail and services stores

1 stall for each 150 square feet of floor area

Manufacturing and processing plants, laboratories and warehouses

1 stall for each 2 employees

Financial institutions; business, governmental and professional offices

1 stall for each 300 square feet of floor area

Funeral Homes

1 stall for each 4 seats

Bowling Alleys

5 stalls for each alley

Use Not Listed: In the case of structures or uses not mentioned, the provision for a use which is similar shall apply.

Combinations of any of the above uses shall provide the total of the number of stalls required for each individual use.

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### 6-1-5.3 DRIVEWAYS

All driveways installed, altered, changed, replaced, or extended after the effective date of this Ordinance shall meet the following requirements:

The proposed layout of the driveway shall be reviewed by the Zoning Administrator to insure adequate vision clearance.

### MODIFICATIONS

#### 6-1-6.1 HEIGHT

The district height limitations stipulated elsewhere in this Ordinance may be exceeded, but such modification shall be in accord with the following:

Architectural Projections such as spires, belfries, parapet walls, cupolas, domes, flues and chimneys shall not exceed in height their distance from the nearest lot line, but in no case shall exceed fifty (50) feet.

Special Structures, such as elevator penthouses, gas tanks, grain elevators, scenery lofts, radio and television receiving antennas, manufacturing equipment and necessary mechanical

appurtenances, cooling towers, fire towers, substations, smoke stacks, and mining and processing structures and equipment are exempt from the height limitations of this Ordinance.

Essential Services, utilities, water towers, electric power and communications, transmission lines are exempt from the height limitations of this Ordinance.

Communication Structures, such as radio and television transmission and relay towers, aerials and observation towers, are exempt from the height limitations of this Ordinance.

Agricultural Structures, such as barns, silos and windmills, shall not exceed in height twice their distance from the nearest lot line.

#### 6-1-6.2 YARDS

The yard requirements stipulated elsewhere in this Ordinance may be modified as follows:

Uncovered Stairs, landings and fire escapes may project into any yard but not to exceed six (6) feet and not less than three (3) feet to any lot line.

Architectural Projections, such as chimneys, flues, sills, eaves, belt courses and ornaments, may project into any required yard; but such projection shall not exceed two (2) feet.

Residential Fences are permitted on the property lines in agricultural and residential districts but shall not in any case exceed a height of six (6) feet; shall not exceed a height of four (4) feet in the street yard and shall not be closer than two (2) feet to any public right-of-way.

Security Fences are permitted on the property lines in all districts except residential districts but shall not exceed ten (10) feet in height and shall be of an open type similar to woven wire or wrought iron fencing.

Accessory Uses and detached accessory structures are permitted in the rear yard only; they shall not be closer than ten (10) feet to the principal structure, shall not exceed fifteen (15) feet in height, shall not occupy more than twenty (20) percent of the rear yard area, and shall not be closer than ten (10) feet to any lot line.

Essential Services, utilities, electric power and communication transmission lines are exempt from the yard and distance requirements of this Ordinance.

Landscaping in and vegetation are exempt from the yard requirements of this Ordinance.

Subterranean Mining. Subterranean mining activities access thereto, and processing structures and equipment are exempt from the rear and side yard requirements of this Ordinance, except where an adjoining, non-consenting property owner is not participating in such mining activities.

#### 6-1-6.3 ADDITIONS

Additions in the street yard of existing structures shall not project beyond the average of the existing street yards on the abutting lots or parcels.

#### 6-1-6.4 AVERAGE STREET YARDS

The required street yards may be decreased in any residential or business districts to the average of the existing street yards of the abutting structures on each side but in no case less than fifteen (15) feet in any Residential District and five (5) feet in any Business District, when approved by the Board of Adjustment.

#### 6-1-6.5 MINING

It is recognized that the extraction of minerals is a basic industry within the territory subjected to this Ordinance. It is further recognized that the location of underground mineral deposits will not necessarily coincide with the district boundaries established by this Ordinance. It is not the purpose of this Ordinance to regulate mining operations under the surface of the land or restrict strictly temporary prospecting work by core, rotary or chum drill in any district.

6-1-6.51 Mining surface uses and structures such as mine entrances, ventilation stations, pumping stations, power poles, roads from mines to milling plants, and transformer installations are necessary elements to the industry and are specifically exempt from regulation under this Ordinance except in districts R-1, R-2, R-3, B-1, B-2, A-1 and A-2.

6-1-6.52 No mining surfaces uses of structures are allowed except as authorized under a special exception permit meeting the requirements of Wisconsin Statutes Chapter 91 and Sections 6-3-4-A1.4 of this ordinance.

6-1-6.53 Except for the items specifically exempted in section 6-1-6.51 above, all other structures and elements of the industry shall be permitted as special exceptions in all districts other than R-1, R-2, R-3, B-1 and B-2, provided no special exception permit shall be required for structures and other elements necessary to the industry that are of such a size and configuration, as not to increase upstream flood stages as determined by the Zoning Administrator, and in cooperation with the Division of Environmental Protection of the Department of Natural Resources when floodplains are affected.

6-1-6.54 Mining surface uses and elements of the industry shall be permitted as special exceptions in R-1, R-2, R-3, B-1 and B-2 Districts.

6-1-6.55 Milling plants shall be allowed only in a M-2 Heavy Industrial District.

6-1-6.56 Tailing piles shall conform to highway setback requirements as set forth in section 6-1-2.45.

#### 6-1-7.1 SIGNS

No sign shall be placed so as to obstruct or interfere with traffic visibility.

## NONCONFORMING USES, STRUCTURES AND LOTS

### 6-1-8.1 EXISTING NONCONFORMING- USES

The lawful nonconforming use of a structure, land, or water existing on December 27, 1979, may be continued although the use does not conform with the provisions of this Ordinance, however,

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 as to comply with the provisions of this Ordinance.

Total Lifetime Structural Repairs or alterations shall not exceed fifty (50) percent of the current market value of the structure unless it is permanently changed to conform to the use provisions of this Ordinance.

Any Additions, Alterations, or Repair to any structure not in conformity with the provisions of the General Floodplain District of this Ordinance shall be protected by "flood proofing" measures.

### 6-1-8.2 ABOLISHMENT OR REPLACEMENT

If such nonconforming use is discontinued or terminated for a period of twenty-four (24) months, any future use of the structure or land 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 market value, it shall not be restored except so as to comply with the use provisions of this Ordinance.

### 6-1-8.3 EXISTING NONCONFORMING STRUCTURES

A lawful nonconforming structure existing on December 27, 1979, 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.

Any Building or Structure devoted to a nonconforming use with a fair market value of less than five hundred dollars (\$500), as determined by the Board of Adjustment, may be continued for a period not to exceed thirty-three (33) years after enactment of the regulations, whereupon such nonconforming use shall cease and thereafter such building or structure shall be removed or changed to a conforming use.

Any Nonconforming Junk Yards may be continued for a period not to exceed two (2) years after enactment of the regulations, whereupon such nonconforming use shall cease. Or, be in substantial compliance with the screening provisions as enumerated in the M-2 Heavy Industrial District section of this Ordinance.

#### 6-1-8.4 CHANGES AND SUBSTITUTIONS

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