

**LAFAYETTE COUNTY**  
**ADMINISTRATIVE PROVISIONS**

**Chapter 6-7**



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## ADMINISTRATIVE PROVISIONS

### SECTION 6-7-1.1

#### ZONING ADMINISTRATOR

There is hereby created the office of Zoning Administrator, which office may be a full-time or part-time position, as the County Board in its discretion shall determine. The Zoning Administrator shall be appointed by the County Board and shall hold office until replaced by the County Board. The Zoning Administrator's compensation shall be determined by the County Board.

### 6-7-1.2

#### DUTIES

The Zoning Administrator shall exercise the following duties and powers:

- (A) Assign any use not specifically named in this chapter to the most appropriate classification when application is made for a building, land use, or occupancy permit. If such determination is not acceptable to the applicant, appeals may be made to the Planning and Zoning Committee, which committee shall decide the issue at a public hearing.
- (B) Advise applicants as to the provisions of this Ordinance and assist them in preparing applications and appeal forms.
- (C) Issue permits, certificates of compliance and inspect properties for compliance with this Ordinance.
- (D) Keep records of all permits issued, inspections made, work approve, and other official actions taken.
- (E) Provide copies of variances, special exceptions and decisions on appeals for map or text interpretations and map or text amendments within ten (10) days after they are granted or denied the appropriate district office of the Department of Natural Resources.
- (F) Enforce provisions of this Ordinance in conjunction with the Planning and Zoning Committee, District Attorney, or Corporation Counsel.
- (G) Inspect new and existing sewage systems.
- (H) Prohibit the use of new private water supply or private sewage disposal systems not in compliance with the requirements of this Ordinance and subchapters until the Zoning Administrator has inspected and approved such system.

- (I) Have access to any structure or premises between 8:00 a.m. and 6:00 p.m. for the purpose of performing the Zoning Administrator's duties, after written notification at least forty-eight (48) hours prior to the time of inspection.
- (J) Make on-site investigations and/or inspection as may be required for subdivision administration.
- (K) Investigate and report violations of this Ordinance, subchapters, and other applicable regulations to the Planning and Zoning Committee, District Attorney, and Corporation Counsel of this county.
- (L) Notify the Department of Agriculture, trade and Consumer Protection of the approval of any special exceptions as provided in 6-1-3.4-A1.42.
- (M) Perform such other responsibilities as may from time to time be required by the Planning and Zoning Committee.

6-7-1.3 CERTIFICATE OF COMPLIANCE

- (A) No land shall be occupied or used and no building hereafter erected, altered, moved or shall be occupied until a certificate of compliance is issued by the Zoning Administrator.
  - (1) The certificate of compliance shall state that the building or premises or part thereof and the proposed use thereof conforms to the provisions of this title.
  - (2) Application for such certificate shall be concurrent with the application for a zoning permit.
  - (3) 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 title and any other applicable regulations.
- (B) The Zoning Administrator 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.
- (C) Upon written request from the owner, the Zoning Administrator shall issue a certificate of compliance for any building or premises existing at the time of the adoption of this title, 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 title.

6-7-1.4 PLANNING AND ZONING COMMITTEE

- (A) The Planning and Zoning Committee shall, in addition to any other duties required by County Board rule, resolution or ordinance:
- (1) Oversee the functions of the office of the Zoning Administrator;
  - (2) Review and make recommendations to the County Board on all proposed amendments to the zoning chapter, including floodplain zoning, text and maps;
  - (3) Maintain complete records of its proceedings;
  - (4) Take action and issue final orders in applications for changes in zoning classifications, special exceptions, and variances;
  - (5) Conduct public hearings as necessary to effectuate the provisions of the Ordinance;
  - (6) Recommend amendments to the text of the zoning ordinance and zoning maps for official action by the County Board;
  - (7) Grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses and for structural alterations when the Planning and Zoning Committee has made a review and recommendation. Whenever the Planning and Zoning Committee permits such a substitution, the use may not thereafter be changed without application.
  - (8) Special exception permits:
    - (a) Except for R-1, R-2, R-3 and B-1, B-2 Districts, this subsection shall not apply to mining activities covered by Chapter 6-1.6.5 provisions of this Zoning Ordinance.
    - (b) Application For: Any use listed in this Ordinance as requiring a special exception permit may be allowed only upon application to the Zoning Administrator and the issuances of a special exception permit by the Planning and Zoning Committee. The Planning and Zoning Committee in evaluating each application may request any appropriate county, state or federal agency to make available expert assistance from those agencies which are assisting said district under any memorandum of understanding or other state or federal agency which can provide technical assistance.
    - (c) Authority: Under the authority granted by the provisions of Wisconsin Statutes Section 59.69(2) and 59.694(1), as from time to time amended, the Planning and Zoning Committee shall have the

primary authority for granting changes in zoning classifications, variances, and special exceptions. Nothing in this section shall preclude the Board of Adjustment from exercising its statutory authority.

- (B) **Public Hearing:** No decision to change any zoning classification, variance, special exception, zoning map, or recommendation for the change in text of the zoning ordinance shall be made until after a public hearing on the issue has been held. Such public hearing shall be conducted by the Planning and Zoning Committee in the Lafayette County courthouse or in such other appropriate place as may be selected by the Planning and Zoning Committee. The Planning and Zoning Committee shall give notice of the public hearing by publication within the county as a Class 2 notice under the provisions of Wisconsin Statutes Chapter 985, as from time to time amended. In making its determination on any issue requiring public hearing, the Planning and Zoning Committee shall consider the input of the affected town.
- (C) The final decision of the Planning and Zoning Committee shall be made in writing within a reasonable time not to exceed ninety (90) days. The final decision of the Planning and Zoning Committee shall include the reasons for the determination and shall be signed by the chairperson of the Planning and Zoning Committee. Copies of decisions shall be forwarded to the Wisconsin Department of Natural Resources, Wisconsin Department of Agriculture, or other appropriate state agencies as required.

#### 6-7-1.5 HEARING AND FILING FEE

- (A) A fee of three hundred dollars (\$300) shall be paid by all applicants seeking any change including, *inter alia*, changes in zoning classification, variances, special exceptions, or any other change in use. This fee shall be waived if the applicant or petitioner is the Town Board of any Township within the County, a member of the County Board of Supervisors acting in his/her official capacity, or a committee of the County Board.
- (B) A fee of three hundred dollars (\$300) shall be paid by all applicants seeking action by the Board of Adjustment if a public hearing is required. This fee shall be waived if the applicant or petitioner is the Town Board of any Township within the County, a member of the County Board of Supervisors acting in his/her official capacity, or a committee of the County Board.
- (C) The required fee shall be submitted to the Zoning Administrator at the time of the application or petition requiring a public hearing. All fees shall be remitted to the County Treasurer.

#### 6-7-1.6 CONDITIONS ATTACHED TO SPECIAL EXEMPTION PERMITS:

- (B) Upon consideration of the factors listed above and the purposes of this Ordinance, the Planning and Zoning Committee may attach such conditions, in addition to those required by specific permits, as it deems necessary in furthering the purposes of this Ordinance. Such conditions may include specifications for, without limitation because of specific enumeration; bond or surety, 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 adequate "flood proofing".
- (1) "Flood Proofing." Special exceptions requiring flood proofing measures such as the following shall be designed consistent with the flood protection elevation for the particular area as described in the Special Provisions of Chapter 6-1; and flood velocities, forces and other factors associated with the flood protection elevation. The Planning and Zoning Committee may require that the applicant submit a plan or document certified by a professional engineer that the flood proofing measures are consistent with the flood protection elevation for the particular area.
- (a) Anchorage to resist flotation and lateral movement.
  - (b) Installation of watertight doors, bulkheads and shutters.
  - (c) Reinforcement of walls to resist water pressures.
  - (d) Use of paints, membranes or mortars to reduce seepage of water through walls.
  - (e) Addition of mass or weight to structures to resist flotation.
  - (f) Installation of pumps to lower water levels in structures.
  - (g) Construction of water supply and waste treatment systems to prevent the entrance of flood waters.
  - (h) Pumping facilities for subsurface drainage systems for buildings to relieve external foundation wall and basement floor pressures.
  - (i) Construction to resist rupture or collapse caused by water pressure or floating debris.
  - (j) Cutoff valves on sewer lines or the elimination of gravity flow basement drains.

BOARD OF ADJUSTMENT

6-7-2.1

ESTABLISHMENT

There is hereby established a Board of Adjustment for the purpose of hearing appeals where it is alleged that there is error in any order, requirement, decision or determination made by the Zoning Administrator or Planning and Zoning Committee and for granting variances, conditional uses, and special exceptions to the provisions of this zoning ordinance in harmony with the purpose and intent of this zoning ordinance.

6-7-2.2

MEMBERSHIP

The Board of Adjustment shall consist of five members to be appointed by the Chairperson of the County Board with the approval of the County Board Supervisors. The terms of the first five members so appointed shall be two members for one (1) year; two members for two (2) years, and one member for three (3) years, respectively. Successors shall be appointed in like manner at the expiration of each term and their terms of office shall be three years in all cases, beginning July 1 in the year appointed. The members of the Board of Adjustment shall all reside within the County and outside the limits of incorporated cities and villages; provided, that no two members shall reside in the same town and also provided that each member shall reside in a township that has chosen to and does fall under the provisions of the County Zoning Ordinance. The Board of Adjustment shall choose its own chairperson. Vacancies shall be filled for the unexpired term of any members whose term becomes vacant in the same manner as the original appointment. The members of the Board of Adjustment shall be compensated at the same per diem and mileage rates as paid the County Board of Supervisors.

6-7-2.3

POWERS

The Board of Adjustments shall have all of the following powers:

- (A) To hear and decide appeals where it is alleged that there is an error in an order, requirement, decision or determination made by an administrative official and the enforcement of Section 59.69 of the Wisconsin Statutes or in any ordinance enacted pursuant thereto;
- (B) To hear and decide special exceptions to the terms of the ordinance upon which the Board is required to pass under such ordinance;
  - (1) Except for R-1, R-2, R-3 and B-1, B-2 Districts, this section shall not apply to mining activities covered by Chapter 6-1-6.5 and its subsections of this Zoning Ordinance.
  - (2) Application For: Any use listed in this Ordinance as requiring a special exception permit may be allowed only upon application to the Zoning Administrator and issuance of a special exception permit by the Planning and Zoning Committee. The Board of Adjustment may also hear and decide

special exceptions to the terms of this Ordinance and may issue special exception permits if the Planning and Zoning Committee fails to act or if the action of the Planning and Zoning Committee is appealed to the Board of Adjustment. The Board of Adjustment in evaluating each application may request the County Soil and Water Conservation District to make available expert assistance from this state and federal agencies which are assisting said district under a memorandum of understanding and any other state and federal agency which can provide technical assistance. Nothing in this section shall preclude the Board of Adjustment from exercising any of its statutory authority.

- (3) Factors upon which the decision of the board shall be based: The determination of the Board of Adjustment on each special exception permit shall be based on the effects of the proposed project with respect to the objectives and purposes.
- (4) The Board shall act on an application in the manner above described within ninety (90) days from receiving the application, except that where additional information is required by the Board pursuant to the provisions of this Zoning Ordinance, the Board shall render a written decision with ninety (90) days from the receipt of such information. A copy of any such decision shall be mailed to the main appropriate regional office of the Department of Natural Resources when floodplains are affected.
- (5) Conditions Attached to Special Exception Permits: Upon consideration of the factors listed above and the purposes of this Ordinance, the Board of Adjustment may attach such conditions, in addition to those required by specific permits, as it deems necessary in furthering the purposes of this Ordinance. Such conditions may include specifications for, without limitation because of specific enumeration; insurance, bonding, 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 adequate "flood proofing".
  - (c) "Flood Proofing." Special exceptions requiring flood proofing measures such as the following shall be designed consistent with the flood protection elevation for the particular area as described in the Special Provisions section of this Zoning Ordinance; and flood velocities, forces and other factors associated with the flood protection elevation. The Board of Adjustment may require that the applicant submit a plan or document certified by a professional engineer that the flood proofing measures are consistent with the flood protection elevation for the particular area.

- (1) Anchorage to resist flotation and lateral movement.

- (2) Installation of watertight doors, bulkheads and shutters.
  - (3) Reinforcement of walls to resist water pressures.
  - (4) Use of paints, membranes, or mortars to reduce seepage of water through walls.
  - (5) Addition of mass or weight to structures to resist flotation.
  - (6) Installation of pumps to lower water levels in structures.
  - (7) Construction of water supply and waste treatment systems to prevent the entrance of flood waters.
  - (8) Pumping facilities for subsurface drainage systems for buildings to relieve external foundation wall and basement floor pressures.
  - (9) Construction to resist rupture or collapse caused by water pressure or floating debris.
  - (10) Cutoff valves on sewer lines or the elimination of gravity flow basement drains.
- (C) To authorize upon appeal in specific cases variance from the terms of the ordinance that will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done;
- (D) To grant special exceptions and variances for renewable energy resource systems after first consideration by the Planning and Zoning Committee. If the board denies the application for a special exception or variance for such a system, the board shall provide a written statement of its reasons for denying the application. In this paragraph, "renewable energy resource system" means a solar energy system, a waste conversion energy system, a wind energy system or any other energy system which relies on a renewable energy resource;
- (E) Any other statutory provision as specified in Section 59.694(7), Wis. Stats., as from time to time may be modified.
- (F) It is intended that the Board of Adjustment shall exercise its powers under (B), (C), (D) and (E) above, only after a preliminary decision has been made by the Planning and Zoning Committee. It is further intended that the Board of Adjustment shall have all the powers as enumerated above and as set forth by statute but that those powers shall be reserved for use as an appeal body after decisions have been made by the Planning and Zoning Committee;

- (G) Mapping Disputes: The procedure for deciding contested cases in which the location of floodplain zoning districts is disputed shall be as per the provisions of Subchapter 6-3 (Lafayette County Floodplain Zoning).

6-7-2.4

RULES

- (A) The Board of Adjustment will meet periodically at a fixed time and place as may be determined by the Chairperson to review appeals referred to it at a public hearing. Other meetings may be called by the Chairperson of the Board of Adjustment as appropriate.
- (B) All meetings of the Board of Adjustment shall be open to the public.
- (C) Any public hearing which the Board of Adjustment is required to hold under the provisions of this Ordinance shall be held in a Town Hall or other place as convenient as may be possible to the location or locations to be considered at such public hearing, and a full description of the location of such place of hearing by name, address or other commonly known means or identification, shall be included in the notice given of such hearing. Other matters upon which the Board of Adjustment is required to act may also be heard at any such hearing, provided that no undue hardship is created for any appellant by reason of the location of such hearing, and provided further that such matters are included in the notice given of such hearing.
- (D) Notice of any public hearing which the Board of Adjustment is required to hold under the terms of this Ordinance shall specify the date, time and place of hearing and the matters to come before the Board of Adjustment at such hearing, and such notice shall be given in each of the following ways:
- (1) By publication in the official newspaper of the County at least twice, not less than ten (10) days prior to the date of such hearing.
  - (2) By posting, not less than ten (10) days prior to the date of such hearing, in each of the public places in which official notices are usually published, in each town affected by the matters to come before the Board of Adjustment at such hearing.
  - (3) By certified mail to all parties in interest in any of the matters to come before the Board of Adjustment at such hearing.
- (E) 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 immediately filed in the office of the Board of Adjustment and shall be a public record.

- (F) The Board of Adjustment, in conjunction with the Planning and Zoning Committee, shall adopt such rules as are necessary to carry into effect the regulations of the County Board and the provisions of this Ordinance. In the case of all appeals, the Board of Adjustment shall call upon the County Planning and Zoning Committee for all information pertinent to the decision appealed from.
- (G) In the case of a party appealing to the Board of Adjustment who believes it is to his/her advantage to obtain an earlier review of his/her petition than at the next scheduled Board of Adjustment meeting, he/she may obtain same by depositing with the County Clerk of Lafayette County the sum of one hundred fifty dollars (\$150) and by petitioning by letter to said chairperson for a hearing on his/her petition.

#### 6-7-2.5

#### APPEALS

- (A) Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of Lafayette County affected by any decision of the Zoning Administrator or Planning and Zoning Committee. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board of Adjustment, by filing with the Zoning Administrator, the Planning and Zoning Committee, and the Board of Adjustment a notice of appeal specifying the ground thereof. The Zoning Administrator shall forthwith transmit to the Planning and Zoning Committee and the Board of Adjustment all papers and documents constituting the record upon which the action appealed from was taken.
- (B) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator shall certify to the Board of Adjustment after notice of appeal shall have been filed with him that by reason of facts stated in the certificate a state 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 on notice to the Zoning Administrator and on due cause shown.
- (C) The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.
- (D) The Board of Adjustment shall have the power to call upon any other county department or committee for assistance in the performance of its duties and all other such county departments shall render any such assistance as may be reasonably required.

#### 6-7-2.6

#### POWERS

The Board of Adjustment shall have the following powers:

Errors. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Administrator, Planning and Zoning Committee, or by an administrative official in the enforcement of Section 59.69 of the Wisconsin Statutes, as from time to time may be modified.

Variances. To hear and grant appeals for variances as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit and purposes of this Ordinance and its subchapters shall be observed and the public safety, welfare and justice secured. Use Variances shall not be granted.

Interpretations. To hear and decide application for interpretations of the zoning regulations and the boundaries of the zoning districts after the Planning and Zoning Committee has made a review and recommendation.

Mapping Disputes. The procedure for deciding contested cases in which the location of floodplain zoning districts is disputed shall be as per the provisions of Subchapter 6-3 (Lafayette County Floodplain Zoning).

Substitutions. To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses and for structural alterations when the Planning and Zoning Committee has made a review and recommendation. Whenever the Board permits such a substitution, the use may not thereafter be changed without application.

Findings of Fact and Order. After hearing and presentation of the facts and the Board of Adjustment shall make a finding of facts and shall issue any order as appropriate. The Board may reverse, affirm, or modify the decision appealed from.

#### 6-7-3.1

#### CHANGES AND AMENDMENTS

The Board of Supervisors of Lafayette County may from time to time amend, supplement or change by ordinance the boundaries of districts or regulations herein established. A petition for such amendment, supplement, or change shall first be filed with the County Clerk (1) by any property owner affected in the area to be affected by the matter of such petition, (2) by the Town Board of any town wherein the ordinance is in effect, (3) by any member of the County Board or (4) by the County Planning and Zoning Committee. The County Clerk shall present such petition to the County Planning and Zoning Committee for its consideration, recommendation and report.

When shorelines and floodplains are affected, refer to the Lafayette County Floodplain Zoning Subchapter.

Any comprehensive ordinance revision or amendment extending coverage to new towns

must be submitted to the Wisconsin Department of Agriculture for approval by the Wisconsin Land and Water Conservation Board for approval prior to eligibility for tax credits for land owners within any exclusive agricultural use district therein.

The Planning and Zoning Committee shall hold a public hearing on such petition for amendment, supplement or change of the County Zoning Ordinance, giving notice of the time and place of such hearing by publication thereof once each week for two successive weeks in the official newspaper of the County and in addition, if the committee deems it essential under the circumstances, by similar publication in other newspapers of the committee's choice, by posting or by mailing of notices to certain parties affected. A copy of such notice shall be mailed by registered mail to the Town Clerk of each town affected by the proposed amendment, supplement or change at least ten days prior to the date of the hearing. Such hearing shall be held in the Town Hall or other convenient place in the Town affected by the proposed change, or, if more than one town is so affected, in a Town Hall or another convenient place as centrally located as possible to the area affected by such proposed change. The Planning and Zoning Committee may, at its option, hold more than one public hearing in regard to any proposed change if it appears to the Planning and Zoning Committee that the number of Towns affected by such change is too large or too widely distributed throughout the county to be reasonably accommodated at one place of meeting.

The Planning and Zoning Committee shall act upon the petition as soon as possible after the public hearing, and if such action is favorable to granting the change requested by such petition, the Planning and Zoning Committee shall cause an ordinance to be drafted effectuating such change. Such ordinance shall be submitted directly to the County Board with recommendations of the Planning and Zoning Committee. If the Planning and Zoning Committee after its public hearing acts to deny the petition, it shall submit a recommendation to the County Board including the reasons for such denial. Proof of publication of the notice of the public hearing held by the Planning and Zoning Committee and proof of giving of notice to the Town Clerk of each Town affected by the matter of the petition shall be attached to the report of the Planning and Zoning Committee. Upon receipt of such committee report the County Board may adopt the ordinance as drafted by the Planning and Zoning Committee in which case it shall re-refer the petition to the committee with directions to draft an ordinance to effectuate the petition and report the same back to the County Board which may then adopt or reject such ordinance.

In case a protest against a proposed amendment be filed with the County Clerk at least twenty-four (24) hours prior to the date of the meeting of the County Board at which the report of the Planning and Zoning Committee is to be considered, duly signed and acknowledged by the owners of fifty (50) percent or more of the area proposed to be altered, or by the owners of at least fifty (50) percent of frontage immediately in the rear or along the side boundaries thereof within three hundred (300) feet of the area proposed to be changed, or by the owners of at least fifty (50) percent of the frontage directly opposite and across a public street, highway or alley, from the area proposed to be altered, action on such ordinance may be deferred until the Planning and Zoning Committee shall have had a reasonable opportunity to ascertain and report to the County board as to authenticity of such ownership statements. Each signer shall state the amount of area or frontage owned by him and shall include a description of the lands owned by him. If such statements are found to

be true, such ordinance shall not be adopted except by the affirmative vote of three-fourths (3/4) of the members of the County Board present and voting. If such statements are found to be untrue to the extent that the required frontage or area ownership is not present such protest may be disregarded. Within seven days after its adoption, the County Clerk shall send duplicate copies of such amendatory ordinance by registered mail to the Town Clerk of each town affected by such ordinance. If the amendatory ordinance relates only to the location of the boundaries of districts, duplicate copies thereof shall be sent as provided above only to the clerk or clerks of that Town or those Towns in which such ordinance causes a change in district boundaries.

The amendatory ordinance shall be in full force and effect in all the Towns affected by it after forty (40) days from the date of its adoption by the County Board unless, within such forty (40) days, a majority of the towns receiving copies of the ordinance have filed, with the County Clerk, certified copies of resolutions disapproving the ordinance.

The amendatory ordinance shall be in full force and effect within a shorter time, if, within such shorter time, a majority of such towns have filed, with the County Clerk, certified copies of resolutions approving the ordinance.

#### 6-7-4.1

#### DEFINITIONS

For the purpose of all of this Chapter 6 and its subchapters, the following definitions shall be used:

Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word "shall" is mandatory. The word "building" includes the word "structure".

**"Accessory Building"** A use subordinate to the principal use of land or a building on a lot and customarily incidental thereto.

**"Accessory Use or Structure"** A use or detached structure subordinate to the principal use of a structure, land, or water and located on the same lot or parcel serving a purpose customarily incidental to the principal use or the principal structure. Accessory uses include, but not limited to, incidental repairs; storage, parking facilities, pet shelters; gardening; guests; servants, owner's itinerant agricultural laborer's and watchman's quarters not for rent; private swimming pools; and private emergency shelters.

**"Airport (Public)"** Any airport which complies with the definitions contained in Section 114.013(3), Wisconsin Statutes or an airport which serves or offers to serve any common carriers engaged in air transportation.

**"Alley"** A special public right-of-way affording only secondary access to abutting properties.

**"Arterial Street"** A public street or highway used or intended to be used primarily for fast or heavy through traffic. Arterial streets and highways shall include freeways and expressways as well as arterial streets, highways and parkways.

**"Automobile Service Station (Gas Station)"** A building or premises used for dispensing or offering for sale at retail, any automotive fuels or oils, or having pumps and storage tanks therefore; or battery, tire or any similar service is rendered, and where vehicles are not parked for purposes of inspection and sale.

**"Automobile Wrecking Yard"** Any premises on which more than one self-propelled vehicle, not in running or operating condition, is stored in the open.

**"Basement"** That portion of any structure located partly below the highest street or driveway level.

**"Billboard"** Any large advertising sign without size limitations.

**"Boardinghouse"** A building other than a hotel or restaurant where meals or lodging are regularly furnished by prearrangement for compensation for four (4) or more persons not members of a family, but not exceeding twelve (12) persons and not open to transient customers.

**"Boathouse, Private"** Any structure designed for the purpose of protection or storing boats for non-commercial purposes. Boathouses shall not be used for human habitation.

**"Boat Liveries"** Establishments offering the rental of boats and repairs.

**"Building"** Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment machinery or materials.

**"Building Area"** The total living area bounded by the exterior walls of a building at the floor levels, but not including basement, utility rooms, garages, porches, breezeways and unfinished attics.

**"Building Principal"** A building, including covered porches, carports and attached garages, in which is conducted the principal use of the lot on which it is situated.

**"Building Site"** The space or area of ground upon which a building is to be erected.

**"Campgrounds"** Any premises established for overnight habitation by persons using equipment designed for the purpose of temporary camping and for which a fee is charged.

**"Camping Unit"** For the purposes of this Ordinance, a camping unit shall be considered to

consist of four (4) persons in a sleeping unit or part thereof, regardless of the manner in which they are housed.

**“Channel”** A natural or artificial water course of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow thus is that water which is flowing within the limits of the defined channel.

**“Clothing Repair Shops”** Shops where clothing is repaired, such as shoe repair shops, seamstress, tailor shops, shoe shine shops, clothes pressing shops, but not employing over five (5) persons.

**“Clothing Stores”** Retail stores where clothing is sold, such as department stores, dry goods and shoe stores, dress, hosier and millinery shops.

**“Commercial Breeding Business”** A land use with related structures where pigs, cattle, horses, fowl, or any other domesticated or fur bearing animals are bred and raised, exclusive or nearly exclusive of any other use of property on which the breeding operation is located. A Commercial Breeding Business is concentrated breeding business and is to be distinguished from ordinary farming operations as customarily known in Lafayette County.

**“Commercial Feeding Business”** A land use with related structures where pigs, cattle, horses, fowl, or any other domesticated or fur bearing animals are fed and raised from the younger stage to a marketable stage, size or condition, exclusive or nearly exclusive of any other use of the property on which the feeding and raising operations is located. A commercial feeding business is a concentrated feeding business and is to be distinguished from ordinary farming operations as customarily known in Lafayette County.

**“Corner Lot”** A lot abutting two or more streets at their intersection provided that the corner of such intersection shall have an angle of 135° or less, measured on the lot side.

**“Cow Pool”** A land use with related structures where dairy cows or beef cattle, not the property of the operator are housed, fed, exercised or milked by an operator, in lieu of performance of this labor by the owner of the cows or cattle involved. A Cow Pool is to be distinguished from ordinary farming operations as customarily known in Lafayette County.

**“District”** A section or sections of Lafayette County for which the regulations governing the use of the land and buildings are uniform.

**“Dwelling (Single Family)”** A detached building designed or used exclusively as a residence or sleeping place by one family, but does not include boarding or lodging houses, motels, hotels, tents, cabins or mobile homes.

**“Efficiency Unit”** A dwelling unit consisting of one principal room with no separate sleeping rooms.

**“Emergency Shelter”** Public or private enclosures designed to protect people from aerial,

radiological, biological, or chemical warfare; fire, flood, windstorm, riots and invasions.

**“Essential Services”** Services provided by public and private utilities, necessary for the exercise of the principal use or service of principal structure. These services include but are not limited to underground, surface or overhead gas, electrical, steam, water, sanitary sewerage, storm water drainage, and communication systems and accessories thereto, such as poles, towers, wires, petroleum lines, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations and hydrants, but not including buildings.

**“Expressways”** A divided arterial street or highway with full or partial control of access and with or without grade separated intersections.

**“Exception”** The use of property, including the use and location of buildings, the size of lots and the dimensions of required yards, otherwise not allowable under the terms of this Ordinance which is permissible by reason of special provisions of this Ordinance, or for which a special permit may be issued by the Planning and Zoning Committee under the conditions and terms specified in this Ordinance.

**“Family”** Any number of persons related by blood, adoption, or marriage, or not to exceed four (4) persons not so related, living together in one dwelling as a single housekeeping entity.

**“Farm”** An area comprising five (5) or more acres which is used for the growing of the usual farm products such as vegetables, fruits, and grains, and their storage on the area, as well as for the raising and feeding thereon of the usual farm poultry and farm animals, such as horses, cattle, sheep and swine. The term “farming” includes the operating of such an area for one or more of the above uses, including dairy farms with the necessary accessory uses for treating or storing the produce; provided, however, that the operation of such accessory uses shall be secondary to that of the normal farming activities, and provided further that farming does not include cow pools, commercial breeding or feeding businesses nor the feeding of collected garbage or offal to swine or other animals.

**“Feedlot”** An animal raising or holding facility used for the feeding or holding of cattle, horses, brood sows with litters, finishing hots, sheep, poultry or other animals being fed or held for re-sale.

**“Freeway”** An expressway with full control of access and with fully grade separated intersections.

**“Frontage”** The smallest dimension of a lot abutting a public street measured along the street line.

**“Garage (Private)”** An accessory building or accessory portion of the main building used or designed or intended to be used for storage of private motor vehicles.

**“Garage (Public)”** A building or portion thereof used for the housing or care of motor

vehicles for the general public or where any such vehicles are equipped or repaired for remuneration or kept for hire or sale.

**“Gift Stores”** Retail stores where items such as, but not limited to, art, antiques, jewelry, books and notions are sold.

**“Hardware Stores”** Retail stores where items such as, but not limited to, plumbing, heating and electrical supplies, sporting goods and paints are sold.

**“Household Occupation”** Any occupation for gain or support conducted entirely within buildings by resident occupants which is customarily incidental to the principal use of the premises, does not exceed twenty-five (25) percent of the area of any floor. A household occupation includes uses such as, but not limited to, baby sitting, millinery, dressmaking, canning, laundering, crafts, barbering, beauty shops, real estate brokerage, photographic studios, insurance agents, dance schools, carpentry and cabinet making, etc.

**“Interchange”** A grade separated intersection with one or more turning lanes for travel between intersection legs.

**“Junk Yard”** An open area where waste is bought, sold, exchanged, stored, baled, packed, assembled, or handled, including, but not limited to, scrap iron and automobiles not intended to be restored to an operative condition and other metals, paper, rags, rubber tires and bottles; but specifically excluding rock and tailing piles. The term includes a vehicular wrecking yard, but does not include uses carried on entirely within enclosed buildings.

**“Loading Area”** A completely off-street space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.

**“Lot Width”** The distance between sidelines of the lot at the building line. In the case of a shoreland lot, the lot width is the width of the lot seventy-five (75) feet from the waterline.

**“Machine Shops”** Shops where lathes, presses, grinders, shapers and other wood and metal working machines are used, such as blacksmith, tinsmith, welding and sheet metal shops; plumbing, heating and electrical repair and overhaul shops.

**“Minor Structures”** Any small, moveable accessory erection or construction such as birdhouses; tool houses; penthouses; play equipment; arbors; and walls and fences under four (4) feet in height.

**“Motel”** A series of attached, semiattached, or detached sleeping units for the accommodation of transient guests.

**“Mobile Home Park or Trailer Parks”** Any approved site, lot, field, or tract of land designed, maintained or used for the purpose of supplying location and accommodations for mobile home spaces and shall include any building, structure, vehicle or enclosure used or intended for use as a part of the equipment of such park; unoccupied mobile homes which

are parked for the purposes of inspection and sale may be placed in a mobile home park if they are incidental to the operation of said mobile home park.

**"Mobile Home or Trailer"** Any vehicle mounted on wheels and for which a license would be required if used on highways, roads or streets, and so constructed and designed as to permit occupancy thereof for dwelling or sleeping purposes.

**"Mobile Home Space or Mobile Home Lot"** A parcel of ground within a mobile home park designed for the accommodation of one mobile home.

**"Nursing Home"** A building other than a hotel, motel or hospital where for compensation, meals, lodging and physical care are provided for three (3) or more persons. This definition shall include rest homes, convalescent, old people's homes and similar establishments.

**"Nonconforming Uses of Structures"** Any structure, land or water lawfully used, occupied, erected, or for which a permit has been issued or for which detailed plans have been prepared by an architect or registered professional engineer, 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.

**"Parties of Interest"** Includes all abutting property owners, all property owners within three hundred (300) feet, and all property owners of opposite frontages.

**"Professional Home Offices"** Residences of doctors of medicine, practitioners, dentists, clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, artists, teachers, authors, musicians, or other recognized professions used to conduct their professional offices where the office does not exceed one-half (½) the area of only one floor of the residence.

**"Recreation Camp"** An area used occasionally or periodically for the accommodation of members of associations, groups, or individuals for recreational purposes.

**"Rear Yard"** A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. This yard shall be opposite the street yard or one of the street yards on a corner lot.

**"Roadside Stand"** A temporary structure designed and constructed that the structure is easily portable and can be readily moved.

**"Sanitary Land Fill"** A site for the disposal of refuse where the refuse is compacted and covered with dirt periodically.

**"Setback"** The minimum horizontal distance from the front line of the lot or from the water line to the nearest point of the building, exclusive of permitted projection, measured at right angles to the water line.

**"Side Yard"** A yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal street.

**"Signs"** Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trademarks by which anything is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity or product and which is visible from any public street or highway.

**"Street Yard"** A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have two such yards.

**"Street"** A public right-of-way not less than fifty (50) feet wide providing primary access to abutting properties.

**"Street Line"** A dividing line between a lot, tract or parcel of land and an adjacent street right-of-way.

**"Structure"** Any erection or construction, such as buildings, towers, masts, poles, booms, signs, decorations, carports, machinery and equipment; excepting farm fences enumerated in Section 90.02 of the Wisconsin Statutes, 1967, erected for the purpose of containing and restraining livestock and fences under four (4) feet in height; also excepting public utility.

**"Structural Alterations"** Any change in the supporting members of a structure, such as foundation, bearing walls, columns, beams or girders.

**"Trailer and Tent Camping Area"** An area or premises on which is provided the required space for the accommodation of tents or camping trailers for transient occupancy only.

**"Turning Lanes"** An existing or proposed connecting roadway between two arterial streets or between an arterial street and any other street. Turning lanes include grade separated interchange ramps.

**"Utilities"** Public and private facilities such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays, petroleum lines, and gas regulation stations, but not including sewage disposal plants, municipal incinerators, warehouses, shops and storage yards.

**“Water Line”** The shortest straight line at the waterfront end of a lot abutting a lake or stream that lies wholly within the lot provided that not less than 75 percent of the length of such waterline shall be on the landward side of the normal high water elevation.

**“Wetland”** An area of land containing undeveloped organic soils of varying depth wherein the water table is at, near or above the land surface.

**“Yard”** An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. The measurements of a yard shall be construed as a minimum horizontal distance between the lot line and the exterior wall of a building or structure.