

## **CHAPTER 17**

### **ZONING CODE**

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DATCP Submittal Date 7/6/'15

17.01 STATUTORY AUTHORIZATION. A chapter to promote the public health, safety and general welfare, pursuant to the provisions of s. 59.69, Wis. Stats., and for such purpose to divide the County of La Crosse, Wisconsin, into districts of such number, shape and area as are deemed best suited to carry out such purposes, to provide a method for its administration and enforcement, and to provide penalties for violations of its provisions.

17.02 INTERPRETATION, PURPOSE, AND APPLICABILITY.

(1) The provisions of this chapter shall be held to be minimum requirements adopted to promote the public health, safety and general welfare of the County. As required by s. 66.1001, Wis. Stats., La Crosse County has adopted a Comprehensive Plan in order to promote planned growth and orderly development. The intent of this chapter is to meet the requirements and aid in the implementation of the La Crosse County Comprehensive Plan.

(2) It is not intended by this chapter to repeal, abrogate, annul, impair or interfere with any existing easement, covenant of agreement between parties or with any rules, regulations or permits previously adopted or issued pursuant to laws; provided, however, that where this chapter imposes a greater restriction upon the use of buildings or premises, or upon the height of a building, or requires larger open spaces than are required by other rules, regulations, or permits or by easements, covenants or agreements, the provisions of this chapter shall govern.

(3) The powers granted by the provisions of this chapter shall be liberally construed in favor of the County exercising such powers. Whenever there is a reference to a state statute, state administrative code section, or any other state or local rule or ordinance, such reference shall include any future amendments to the statute, code section, rule, or ordinance.

(4) The County zoning ordinance in effect immediately prior to the enactment of this chapter shall remain in effect in a town for a period of up to 1 year or until this chapter is approved by the town board, whichever period is shorter. If a town board fails to approve this chapter within 1 year of its enactment, neither this chapter nor the County zoning ordinance in effect immediately prior to enactment of this chapter shall be in force in that town.

17.03 DEFINITIONS. For the purpose of this chapter, 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 "structure" includes the word "building"; the word "shall" is mandatory and not directory. Any words not defined as follows shall be construed as defined in applicable state statutes and county code. The following definitions are applicable throughout this chapter.

(1) Access Easement. An interest in property evidencing a private right of access to real property, defined by a legal description, providing for sufficient all weather vehicular access to adequately protect public welfare and safety.

(2) Accessory Structure. A structure that is subordinate to the existing or future principal structure which contributes to the convenience or necessity of the principal use on a parcel. Accessory structures shall be detached from the principal structure.

(3) Administrator. The County Zoning Supervisor, or designee of the County Zoning Supervisor, empowered to enforce the rules and provisions of the La Crosse County Zoning Ordinance.

(4) Agricultural Building. A building constructed and used solely for agricultural use.

(5) Agricultural Use. Any of the following activities conducted for the purpose of producing an income or livelihood: crop or forage production, keeping livestock, beekeeping, nursery/sod/Christmas tree production, floriculture, aquaculture, forest management, enrollment of land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program, or any other use that DATCP, by rule, identifies as an agricultural use.

(6) Agricultural Use, Accessory. Any use as defined in s. 91.01(1), Wis. Stats., except farm residences, but including the following provided they meet the requirements of s. 91.01(1): 1 roadside stand for the sale of farm products produced on the premises, greenhouses and nurseries, sawmills when located on the premises for less than 30 days; riding, training or boarding stables, paddocks, and equestrian trails; mineral extraction incidental to a farming operation.

(7) Alley. A street or thoroughfare less than 21 feet wide and affording only secondary access to abutting property.

(8) Animal Unit. Means a unit of measure to determine the total number of single animal types as referenced in NR 243.03(5) and as provided in NR 243.05 of the Wis. Admin. Code, or any amendments thereto.

(9) Approved Access. An access approved by the applicable Town Board, except an easement which is intended to serve more than 1 lot must be approved by the Committee and the applicable Town Board, using the relevant standards established under s. 82.18, Wis. Stats., or any amendments thereto.

(10) Attached Garage. An enclosed accessory use area which is physically and structurally attached to a dwelling.

(11) Base Farm Tract (BFT). A single parcel or 2 or more contiguous parcels in a farmland preservation zoning district (Exclusive Agriculture District and General Agriculture District) which are under common ownership and part of a single farm as of January 30, 2012 [the effective date of the Comprehensive Revision of this Chapter], or as modified under s. 17.05(5)(d)(1)a, and shown on the official BFT Map.

(12) Basement. A story of a building which is at least 50% below grade.

(13) Bed and Breakfast. Any place of lodging that satisfies all of the following:

(a) Rents 8 or fewer rooms for transient residential use to no more than a total of 20 people.

(b) Provides no meals other than breakfast and provides the breakfast only to renters of the place.

(c) Is the owner's personal residence.

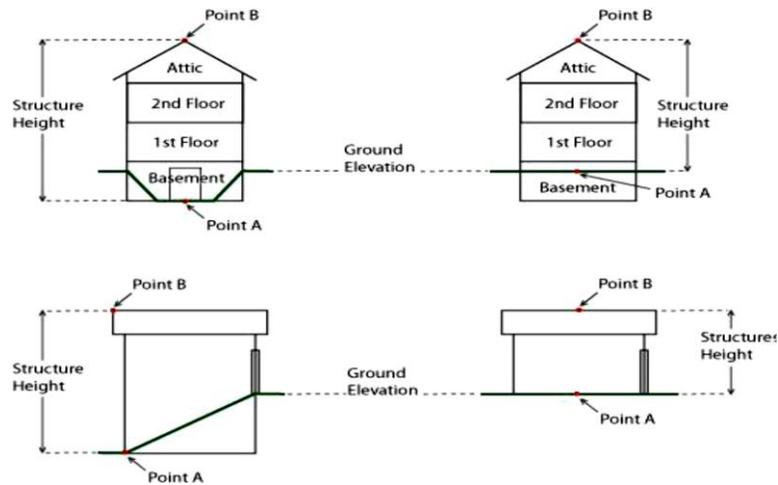
(d) Is occupied by the owner at the time of rental.

(13) (14) Board. The La Crosse County Board of Adjustment.

(14) (15) Boarding House. A building, other than a hotel or motel, that provides temporary or transient residential uses for up to 5 persons, where meals or and lodging are furnished for compensation for 3 or more persons who are not members of a family, and is used as a principal residence by the owner or operator.

(15) (16) Building. Any structure used, designed or intended for the protection, shelter, enclosure or support of persons, animals or property. When a building is divided into separate parts by un-pierced walls extending from the ground up, each part shall be deemed a separate dwelling unit for occupancy purposes.

(16) (17) Building/Structure, Height Of. The vertical distance from the average curb level in front of a lot, or the finished grade at the building line, whichever is higher, to the highest point or peak of the roof. The height of a structure is the measurement of the vertical line segment, starting at the lowest point of any exposed wall and its intersection with the ground (Point A in diagram 1 below) to a line horizontal to the highest point of the structure (Point B in diagram 1 below), unless specified under other sections of this code.



(18). Cabin. A lodging place other than a hotel, a motel or a recreational vehicle in which sleeping accommodations are offered for pay or without pay or a building that is used as a dwelling for temporary residential use.

(19). Camping Unit. A portable device, no more than 400 square feet in area, that can be used as a temporary dwelling unit.

(17) (20) Campground. One or more parcels of land where accommodations are provided for the temporary or transient residential use of camping units, recreational vehicles or other recreational facilities.

(19) (21) Centerline. The center of a highway as shown on a legal map, plat, survey or plan or as described in a recorded document. Where a legal map, plat, survey, plan or other recorded document does not exist, the traveled centerline of the existing highway shall be used to determine the centerline.

(20) (22) Club. A building, facility, or site owned and/or operated for social, educational, recreational, or athletic purposes for members and their guests, but not primarily for profit and not primarily to render a service customarily carried on as a business activity.

(21) (23) Commercial Animal Establishment. An establishment wherein any person is engaged in the business of boarding, breeding, buying, letting for hire, training for a fee or selling dogs, cats, birds or other animals. A person shall be engaged in the business under this definition if the business involves the breeding and selling of more than 2 litters of pups or kittens, 2 clutches of birds, or 2 or more dogs, cats or other animals in a 12 month period of time.

(22) (24) Commercial Building. A building primarily occupied for business uses. A commercial building may be subject to state plan review under Wisconsin State Statutes.

(23) (25) Commercial Transport Trailer or Container. Trailers or vehicles which are used for the transport of commercial products, goods or materials such as, but not limited to, railroad cars, shipping containers or semi-trailers. Commercial transport trailers or containers cannot be used as buildings or structures except as approved by a conditional use permit within the applicable zoning district.

(26) Commercially Related Vehicle. A motor vehicle with a Gross Vehicle Weight Rating (GVWR) of up to 16,000 pounds that is typically used for commercial purposes and/or displays business advertising. (e.g. bread trucks, UPS trucks, Fed Ex trucks)

(23) (27) Committee. The committee charged with carrying out the policy-making processes for the La Crosse County Zoning, Planning and Land Information Department as defined in Chapter 1 of the La Crosse County Code of Ordinances.

(24) (28) Community-Based Residential Facility. A licensed facility as defined in s. 50.01(1g), Wis. Stats.

(25) (29) Contiguous. Two or more parcels of land or lots are considered to be contiguous if they adjoin, border or abut along a common boundary at any point or if they are only separated by the following: highway right-of-way, railroad right-of-way, state owned bike trails, creeks, rivers or other linear bodies of water, or a single improved access which is a maximum of 66 feet in width.

(26) (30) County Board. The La Crosse County Board of Supervisors.

(31) DATCP. State of Wisconsin Department of Agriculture, Trade and Consumer Protection.

(27) (32) Department. The La Crosse County Zoning, Planning and Land Information Department.

(28) (33) Dwelling. A building or portion of a building designed for and occupied exclusively for residential purposes.

(29) (34) Dwelling, 1 Family. A building or portion of a building designed for or occupied exclusively by 1 family consisting of 1 dwelling unit.

(30) (35) Dwelling, 2 Family. A building or portion of a building designed for and occupied exclusively by 2 families and consisting of 2 dwelling units.

(31) (36) Dwelling, Multiple Family. A building or portion of a building designed for and occupied by 3 or more families and consisting of 3 or more dwelling units.

(32) (37) Dwelling Unit. A building or portion of a building providing the necessary facilities and intended to be used as a residence by 1 family or housekeeping entity.

(33) (38) Family. The body of related persons A group of people related by blood, marriage or adoption or a maximum of 4 unrelated persons people living together in 1 a single dwelling unit which is used as a principal residence.

(34) (39) Farm. All parcels of land under common ownership with more than 35 acres of contiguous land and primarily devoted to agriculture uses.

(35) (40) Farm Employee. A full time equivalent employee of the owner or operator of a farm who earns more than 50 percent of his or her gross income from the farm.

(36) (41) Farm Residences. A residence located on a Base Farm Tract for the owner of the Base Farm Tract, farm employee(s), or for any of the owner's children or parents. A single-family or two-family dwelling that is the only residential structure on the farm or is occupied by any of the following:

- (a) An owner or operator of the farm.
- (b) A parent or child of an owner or operator of the farm.
- (c) A farm employee.

(37) (42) Feedlot. A lot or building, or combination of contiguous lots and buildings, intended for the confined holding of animals and where manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained. Pastures shall not be considered animal feedlots under these parts.

(38) (43) Foundation Envelope. The area delineated in a Manufactured Community District Plan for the placement of 1 manufactured home and any attachments thereto. Each Manufactured Home Site shall have a delineated foundation envelope.

(39) (44) Frontage. That portion of a lot abutting a highway or other approved access.

(40) (45) Home Occupation. A gainful occupation conducted by members of the family within their place of residence.

(41) (46) Hotel or Motel. A building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than 5 sleeping rooms with no cooking facilities in any individual room or apartment.

(42) (47) Intersection. The point upon which 2 highway centerlines or a highway centerline and the center of a railway right-of-way converge.

(43) (48) Junk or Salvage Yard. A property, building or structure which is owned, maintained, operated or used for storing, keeping, processing, refurbishing, buying or selling materials such as, but not limited to, unlicensed/inoperable motor vehicles or parts thereof, used appliances or parts thereof, tractors or agricultural equipment or parts thereof, unusable or inoperable recreational vehicles or trailers or parts thereof, demolition or waste materials, metals, lumber, paper, rags, tires, or other materials commonly included within the terms of junk or salvage. A junk or salvage yard may include, but is not limited to, refuse dumps, garbage dumps, automobile graveyards, scrap metal processors, auto-wrecking yards, recycling facilities or used auto parts yards.

(44) (49) Lot. A parcel of land having frontage on a highway or other approved access, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area, and other open space provisions of this code.

(45) (50) Lot Lines. The lines bounding a lot or parcel.

(46) (51) Manufactured Dwelling. A building consisting of 1 or more modules that is installed and used as a residence by a consumer, transportable as 1 unit on a temporary chassis or other conveyance device, and designed to be used on a permanent foundation system. The term includes the

plumbing, heating, air-conditioning, and electrical systems contained in the structure. Manufactured dwellings are considered to be dwellings under the provisions of this chapter.

(47) (52) **Manufactured Home.** A structure which is a maximum of 16 feet in width that is certified and labeled as a manufactured home under 42 U.S.C. ss. 5401 to 5406, built since June 15, 1976, that bears a seal indicating it has met the mobile home construction and safety standards of the United States Department of Housing and Urban Development (HUD) standards. Manufactured homes must be:

- (a) used as a permanent, single family residential dwelling.
- (b) installed in accordance with the manufacturer's instructions.
- (c) properly connected to all applicable utilities.
- (d) set on an enclosed foundation in accordance with s. 70.043(l), Wis. Stats., and applicable provisions of Wis. Admin. Code, Comm 21, and certified by the building inspector prior to occupancy.

(48) (53) **Manufactured Home Community.** One or more parcels of land within a Manufactured Home Community District which has been developed under a single plan approval.

(49) (54) **Manufactured Home Site.** The area delineated on a Manufactured Home Community District Plan for placement of 1 manufactured home.

(50) (55) **Mineral Extraction.** The removal of rock, slate, gravel, sand, topsoil or other non-metallic natural materials.

(51) (56) **Mobile Home.** A vehicle manufactured or assembled before June 15, 1976 which is designed to be towed as a single unit or in sections by a motor vehicle to be used as a dwelling, the construction of which includes the structure, its utilities and all other equipment carrying a manufacturer's warranty.

(52) (57) **Non-Conforming Lot.** A lot which had legal dimensions and area prior to the adoption of this zoning ordinance but which now fails to conform to the requirements of its zoning district.

(53) (58) **Non-Conforming Structure.** A structure or building which was legal prior to the adoption of this zoning ordinance but now does not meet the size, location or dimensional limits of its zoning district.

(54) (59) **Non-Conforming Use.** A building, structure or premises lawfully used or occupied at the time of the passage of this chapter or amendments thereto which does not conform to the regulations of this chapter or any amendments thereto.

(55) (60) **Non-Farm Residence.** A residence located on a Base Farm Tract for anyone other than a son, daughter, parent or farm employee. A single-family or two-family or multi-family dwelling other than a farm residence.

(56) (61) **Official Zoning District Map.** The map on file in the La Crosse County Zoning, Planning and Land Information Office originally adopted in 1953 and as amended by official action of the La Crosse County Board of Supervisors defining the boundaries of the principal zoning districts within unincorporated areas of La Crosse County. The official action of the La Crosse County Board shall govern if there is any conflict between such action and the boundaries as shown on the La Crosse County Geographical Information System (GIS).

(57) (62) **Open Fence.** A constructed fence which is 50% or more transparent when viewed at a right angle.

(58) (63) Parcel. One piece of land owned by a single entity which may or may not coincide with a lot of record.

(59) (64) Parking Stall. An area of unobstructed access, covered or uncovered, for the parking of a motor vehicle with a minimum area of 180 square feet.

(60) (65) Planned Unit Development (PUD). A housing project, consisting of a group of 2 or more buildings having more than 2 dwelling units each, to be constructed on a site not subdivided into customary lots and streets, or where an existing lot and street layout makes it impractical to apply the requirements of this chapter to the individual building units.

(61) (66) Pre-existing Residence. A residence that was constructed prior to a town's original adoption date of farmland preservation zoning under La Crosse County's first certified farmland preservation zoning ordinance, is currently located in a certified farmland preservation zoning district, and is situated on a CSM lot of 5 acres or less split from a larger farm parcel after the town's original adoption date or on a lot larger than 5 acres, but less than 35 acres, that existed on the date of adoption. See Table in s. 17.14(2).

(62) (67) POWTS. Private On-site Wastewater Treatment System. A sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located on the same parcel as the structure. This term also means an alternative sewage system approved by the department including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure. A private sewage system may be owned by the property owner or by a special purpose district.

(68) Principal Residence. A residence occupied more than 180 days of the year by the owners or renters acting as a family. A principal residence includes a residence owned by a trust or an estate of an individual, if the residence is occupied more than 180 days of the year by a person who has an ownership interest as a beneficiary of the trust or estate.

(63) (69) Principal Structure. A structure or combination of structures of chief importance or function on a parcel. In general, the principal use of the site is carried out in a principal structure. The difference between a principal and accessory structure is determined by comparing the size, placement, similarity of design, use of common building materials and the orientation of the structures on a site.

(64) (70) Professional Office. The office of a legally-recognized professional within their place of residence.

(65) (71) Public Airport. Any airport which complies with the definition of public airport or public use airport contained in Chapter 114 of the Wis. Stats., or any airport which serves or offers to serve common carriers engaged in air transport.

(66) (72) Recreational Vehicle. A vehicle intended to be used for temporary recreational occupancy less than 8 feet in width and 400 square feet in size.

(67) (73) Repair, maintenance, renovation, remodeling. To return to good or sound condition after damage or decay of a structure, or to improve the interior or exterior of a structure when it does not involve a structural alteration, addition, or expansion. This can include, but is not limited to replacing sheetrock, shingles, carpeting, siding, wiring, non-structural interior walls, cabinetry, appliances, and painting, or other similar projects.

(68) (74) Residence. The use of a structure as a dwelling.

(69) (75) Restore. To replace or reconstruct a structure or portion of a structure where reconstruction or replacement costs, including material and labor, exceed 50% of the estimated fair market value of the structure.

(70) (76) Right-of-Way. Land over which an existing or planned public highway or railroad is intended and the boundary of which is shown on a legal map, plat, survey or plan or described in a recorded document. Where a legal map, plat, survey, plan or other recorded document does not exist and a highway has been constructed, 33 feet on either side of the traveled centerline shall be considered the right-of-way of said highway.

(71) (77) Right-of-Way Line. The line delineating the exterior boundary or boundaries of a highway.

(72) (78) Rural Accessory Building. A building which was constructed under previous versions of this Code as an agricultural building, but due to unique circumstances is required to meet the regulations of an accessory building provided in s. 17.14(1) of this chapter.

(73) (79) Setback. The minimum horizontal distance between the right-of-way line or the centerline of a highway and the nearest point of building or any projection thereof, excluding uncovered steps.

(74) (80) Setback Line. A line established which is parallel to a right-of-way line, centerline of a highway, a body of water, or other line for the purpose of defining limits, outside of which buildings, structures or uses must be constructed, maintained or confined.

(75) (81) Solid Fence. A constructed fence which is less than 50% transparent when viewed at a right angle.

(76) (82) Story. That portion of a building included between the surface of a floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it. A floor having 50% or more of its height above grade shall be deemed a story for the purposes of height regulation.

(77) (83) Street. All property dedicated or intended for public or private street purposes, or subject to public easements therefore, and 21 feet or more in width.

(78) (84) Structure. Anything constructed or erected where the use of which customarily requires a location on the ground.

(79) (85) Town Board. The Board of Supervisors elected to represent a specific town.

(80) (86) Trailer. A non-self propelled vehicle which is towed and used for the transport of materials or goods relating to a residential use.

(87) Transient Residential Use. The temporary occupancy, by someone other than the owner, of a dwelling unit for residential short term occupancy for a period not to exceed 30 days,

(88) Temporary Residential Use. The short term occupancy of a permitted structure or building for a period of time not less than 30 days, and not to exceed 180 days during a calendar year.

(89) Tourist Rooming House. A building, other than a hotel or motel, in which sleeping accommodations for transient or temporary residential uses for up to 5 person are offered for pay, but no meals are furnished.

(81) (90) Variance. An authorization by the Board of Adjustment for the construction or maintenance of a building or structure in a manner which is inconsistent with or contrary to the dimensional standards contained in this chapter or for a use inconsistent or contrary to the uses allowed in a zoning district.

(82) (91) Vehicle Trips. The event of a vehicle entering or leaving a location. Each time a vehicle enters or leaves a location is a separate trip.

(83) (92) Vision Clearance. The area providing unobstructed vision at traffic intersections within which no structures, temporary structures, crops or landscape features shall encroach in order to provide for the safe and efficient flow of traffic.

(84) (93) Yard. An open space, on the same lot as a building, which is left unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

(85) (94) Yard, Front. A yard extending the full width of the lot, between the front lot line and the nearest part of the principal structure, excluding uncovered steps.

(86) (95) Yard, Rear. A yard extending the full width of the lot, being the minimum horizontal distance between the rear lot line and the nearest part of a principal structure, excluding uncovered steps.

(87) (96) Yard, Side. A yard extending from the front yard to the rear yard, being the minimum horizontal distance between a building or structure and the side lot line.

#### 17.04 ORDINANCE PROVISIONS.

##### (1) General Provisions.

(a) The use and height of buildings hereafter erected, converted, enlarged or structurally altered, and the use of any land shall be in compliance with the regulations established herein for the district in which such land or building is located. Any use not listed as an authorized use in a district is prohibited in that district unless it is incidental or accessory to an authorized use, and any use authorized in a district shall be construed as a prohibited use in any other district, unless as otherwise expressly provided, in the La Crosse County Code of Ordinances.

(b) No lot area shall be so reduced that the yards and setbacks shall be less than is required by this chapter unless approved by the Board of Adjustment.

(c) Every building hereafter erected, converted, enlarged or structurally altered shall be located on a lot and in no case shall there be more than 1 principal structure per residential lot, unless otherwise authorized.

(d) Nothing herein contained shall require any change in the plans, construction, size or designated use of any building or structure or part thereof for which a permit has been issued before the effective date of this chapter, and the construction of which shall have been started within 6 months from the date of said permit.

(e) When a Planned Unit Development (PUD) is to be constructed, the Committee may approve a development plan, provided it complies with the regulations of this chapter and the following:

1. A map in duplicate, drawn to a minimum scale of 1" to 100' showing:
  - a. The parcel boundaries and legal description.
  - b. The parcel location.
  - c. The legal description of the proposed PUD.
  - d. The location and use of all structures.
  - e. The ordinary high-water elevation of any navigable waters within 300 feet of parcel boundaries.
  - f. Number of residential units.

- g. Proposed off-street parking areas.
- h. The location and style of exterior lighting and signage.
- i. The location of all public and private utilities.

2. Any additional information deemed necessary to ensure compliance with this chapter.

(f) Agricultural uses shall not be allowed within approved subdivision plats.

(g) An established professional office, barber shop or beauty parlor when located within a residence shall be incidental to the residential occupancy and use of the dwelling. Not more than 25% of the floor area of only 1 story of a dwelling shall be occupied by such office, barber shop or beauty parlor. One unlighted name plate may be exhibited not exceeding 1 square foot in area. A maximum of 4 employees are allowed, including all owners of the business.

(h) Home occupations are subject to the following provisions:

1. No article shall be sold or offered for sale on the premises except such as is produced by such occupation.

2. No stock in trade is kept or sold.

3. No mechanical equipment is used other than what is permissible for purely domestic purposes.

4. One unlighted name plate may be exhibited not exceeding 1 square foot in area.

5. No persons other than members of the immediate family living on the premises can be employed by such business.

(i) No person shall build, use, anchor, keep or maintain any houseboat for residential or business purposes landward of the ordinary high-water mark.

(j) The temporary placement of a mobile or manufactured home for residential occupancy may be authorized by a Zoning/Occupancy Permit, subject to the approval of the Town Board, after issuance of a Zoning/Occupancy Permit for a permanent dwelling on the same parcel. In no case shall a mobile or manufactured home be authorized to be located on the parcel for more than 180 days.

(k) In all residential districts or recorded residential subdivision plats, the storage of all motor driven vehicles, except recreational vehicles, with a Gross Vehicle Weight Rating (GVWR) over 16,000 pounds is prohibited, with the exception of recreational vehicles.

(l) In all residential districts or recorded residential subdivision plat, the wheels of any recreational vehicle, trailer or other similar transportation device shall not be removed, and the vehicle shall not be temporarily or permanently fixed to the ground or attached to something having a temporary or permanent location on the ground by any person in any manner, unless otherwise authorized.

(m) In all residential district A, residential district B, residential district C districts or a recorded residential subdivision plats, the storage of semi-tractors or semi-trailers is prohibited and the storage, placement, or use of commercial transport trailers or containers is prohibited, unless otherwise authorized.

(n) Mobile or manufactured homes which have been permitted by a Zoning/Occupancy Permit and existed prior to the adoption or amendments of this Code can be replaced after the issuance of a Zoning/Occupancy Permit and are not subject to the provisions of s. 17.04(4).

(2) Parking Provisions. In all districts and in connection with every use, there shall be provided at the time any building is erected or enlarged, or a Zoning/Occupancy Permit is issued for a change in use, off-street parking stalls on the parcel or on contiguous parcels for all vehicles in accordance with the following:

(a) Adequate access to a highway or other approved access shall be provided for each parking stall.

(b) Size of each parking stall shall not be less than 180 square feet, excluding the space required for ingress and egress.

(c) All off-street parking areas shall be an all weather surface area which is properly drained.

(d) Parking areas for more than 5 vehicles shall have parking stalls clearly marked.

(e) Parking areas for more than 5 vehicles shall have curbs and barriers installed so as to prevent the parking of vehicles over any lot or property boundary line.

(f) The minimum number of parking stalls shall follow these provisions unless otherwise approved. In the case of buildings, structures or uses which are not specified in this provision, the provisions of the most similar shall apply. A combination of any use shall provide the total of the number of stalls required for each individual use.

1. One family, 2 family or multiple family dwellings shall provide 2 parking stalls for every dwelling unit.

2. Mobile Home Communities shall provide 2 parking stalls for every dwelling unit.

3. Hotels, motels, bed and breakfast establishments shall provide 1 parking stall for each guest room plus 1 parking stall for every 3 employees.

4. Hospitals, clubs, lodges, dormitories, lodging and boarding houses shall provide 1 parking stall for each bed plus 1 parking stall for every 3 employees.

5. Sanitariums, institutions, rest homes or nursing homes shall provide 1 parking stall for every 5 beds plus 1 parking stall for every 3 employees.

6. Medical or dental clinics shall provide 3 parking stalls for each professional.

7. Faith based buildings or structures, theatres, auditoriums, community centers, vocational schools and other places of public assembly shall provide 1 parking stall for every 5 seats.

8. Colleges, secondary and elementary schools shall provide 1 parking stall for every 2 employees.

9. Restaurants, bars, places of entertainment, repair shops, retail and service stores shall provide 1 parking stall for every 150 square feet of floor area.

10. Manufacturing and processing plants, laboratories and warehouses shall provide 1 parking stall for every 2 employees.

11. Financial institutions, business, governmental and professional offices shall provide 1 parking stall for every 300 square feet of floor area.

12. Funeral homes shall provide 1 parking stall for every 4 seats.

13. Bowling alleys shall provide 5 parking stalls for every alley.

(3) Conditional Use Provisions.

(a) Certain uses and situations which are of such a special nature, or are dependent upon actual contemporary circumstances as to make impractical the predetermination of permissibility, or the detailing in this chapter of specific standards, regulations or conditions which would permit such determination in each individual situation, may be permitted as conditional uses, subject to such requirements as are hereinafter specified. Approval of a conditional use shall be consistent with the general purpose of this ordinance and shall be based upon evidence presented at a public hearing tending to show the advantages or disadvantages of a specific location for a proposed use in promoting the public interest due to factors such as, without limitation, noise, smoke, increased traffic, heavy vehicular traffic, odors, impacts on water and sewer systems, impacts on public waters, impacts on neighboring property values and other similar factors.

(b) The permit holder shall comply with the conditions set forth in the permit and any deviation from those conditions shall constitute a violation of this section.

(c) The permit holder wishing to extend or alter the terms of such permit must apply for such extension or alteration through the procedure of application for conditional use permits detailed herein.

(d) Conditional use status shall terminate when, after public hearing, the Committee determines any of the following:

1. The conditional use has not continued in conformity with the conditions of the permit.

2. Upon the request of a Town Board, a change in the character of the surrounding area or in the conditional use itself causes such use to be no longer compatible with surrounding uses.

3. The conditional use has been discontinued for a period of 12 consecutive months or 18 cumulative months in a 3 year period. A business of a seasonal nature shall not be deemed discontinued during periods in which it is normally inactive.

4. If a new conditional use permit application is approved and a condition of said permit indicates termination of a previously issued conditional use permit.

5. If the conditional use has not commenced within 12 months after County Board approval, unless otherwise established in approved conditions. Upon request of the Conditional Use Permit holder and property owner(s) of land that is subject to the Conditional Use Permit.

(e) Conditional use status shall terminate if the conditions of a conditional use permit do not indicate that the permit is transferrable upon a change in ownership of the whole parcel or part of the parcel, except when a conditional use permit is approved for a farm residence. Conditional Use Permits issued prior to the effective date of this chapter are deemed transferrable unless otherwise noted by a permit condition.

(f) Upon a determination to terminate the conditional use, the owner of the premises shall be required to bring all such land and buildings into conformity with the zoning district regulations of the district in which such former conditional use is located and all other provisions of this chapter within 90 days from such determination.

(g) All conditional use permits generating an increase in traffic by more than 200 vehicle trips per day may require the following conditions:

1. Traffic impact analysis.
2. Reimbursement to the appropriate local unit of government for the improvement of any public facility or infrastructure to minimize any negative traffic impact.

(h) Unless otherwise established in approved conditions, all CUP's shall terminate if the conditional use has not commenced within 12 months after County Board approval.

(4) Non-Conforming Use and Structure.

(a) The existing lawful use of a building, structure or premises at the effective date of this chapter, or any amendment thereto, may be continued, although such use does not conform to the provisions of this chapter for the district in which it is located, but such non-conforming use shall not be expanded or increased.

(b) If no structural alterations are made, a non-conforming use of a building or structure may be changed to another non-conforming use of the same or a more restricted zoning district. Whenever a nonconforming use has been changed to a more restricted non-conforming use, such use shall not thereafter be changed to a less restricted use.

(c) If a non-conforming use of a building or premises is discontinued for a period of 12 consecutive months, any future use of the building or premises shall conform to the regulations for the zoning district in which it is located.

(d) When a non-conforming building or structure or a building or structure containing a non-conforming use is damaged by fire, explosion, or force majeure, to the extent of more than 50% of its estimated fair market value, it shall not be restored except in conformity with the regulations of the zoning district in which it is located, except any non-conforming structure, damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold or infestation on or after March 2, 2006 may be restored to the size, location and use that it had immediately before the damage occurred without cost limitation. The size of the structure may be larger than it was immediately before the damage or destruction if necessary to comply with applicable state or federal requirements.

(e) The structural, alterations, expansions, or additions to any non-conforming building or structure or any building or structure containing any non-conforming use shall not, during its life, exceed 50% of the estimated fair market value of the building or structure unless it is changed to a conforming use within the zoning district in which it is located. This section specifically shall not limit, based upon cost, the repair, maintenance, renovation or remodeling of a non-conforming structure where nonconformity is due to development regulations prescribing setback, height, lot coverage or side yard.

(5) Height and Area Exceptions. The regulations contained herein relating to the height of buildings and the size of yards and other open spaces shall be subject to the following exceptions:

(a) Faith based buildings or structures, schools, hospitals, sanatoriums and other public and quasi-public buildings and may be erected to a height not exceeding 60 feet nor 5 stories, provided the front, side and rear yards and highway setbacks required in the zoning district in which such building is to be located are each increased at least 1 foot for each foot of additional

building height above the height limit otherwise established for the zoning district in which such building is to be located.

(b) Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, stacks, silos, windmills, scenery lofts, tanks, water towers, ornamental towers, spires, any structures allowed under chapter 28 of the La Crosse County Code of Ordinances, wireless television or broadcasting towers, masts or aerials, microwave radio relay structures, telephone, telegraph and power transmission poles and lines, and necessary mechanical appurtenances shall be exempted from the height regulations of this chapter. Structures exempted under this section are subject to increased front, side, rear yards and highway setbacks equal to the height of the proposed structure except as provided for in sections 17.06(5), 17.04(3) and 17.07.

(c) Where a lot has an area less than the minimum number of square feet per family required for its zoning district and was a lot of record at the time of the passage of this chapter, the lot may be occupied by a 1 family dwelling, except specified lots within a farmland preservation zoning district.

(d) The ordinary projections of sills, overhangs, belt courses, cornices and ornamental features shall not project more than 12 inches into any required yard. Open or enclosed fire escapes and fire towers may project into a required yard not more than 5 feet, provided it be so located as not to obstruct light and ventilation.

(e) Agricultural buildings constructed and used on a farm shall be exempted from the building height and area requirements in Table in s. 17.14(1).

(6) Junk or Salvage Yards. Any person accumulating materials considered junk or salvage may be considered to be in the junk or salvage business and therefore subject to the provisions of this chapter. Any property with an accumulation of materials determined to be junk or salvage will be considered a junk or salvage yard under this chapter unless such accumulation is allowed within a zoning district. All junk or salvage yards must meet the following provisions:

- (a) Junk or salvage yards shall be located in an appropriate zoning district.
- (b) The junk or salvage yard must be surrounded by a solid fence, not less than 6 feet in height.
- (c) Must provide a suitable office building.
- (d) Must meet all Wisconsin licensing requirements.
- (e) The following are exceptions to these regulations:
  1. A licensed automobile sales establishment storing unlicensed vehicles intended for resale shall not be considered a junk or salvage yard under this chapter.
  2. A licensed automobile service facility storing unlicensed and/or inoperable vehicles for a period not to exceed 6 months per vehicle shall not be considered a junk or salvage yard under this chapter.
  3. Vehicles which are eligible to be registered and licensed on a quarterly basis may be stored in an open area, provided that such storage does not exceed more than a 9 month period.
  4. In an agricultural zoning district, the accumulation of agricultural vehicles, trailers, tractors, machinery and/or parts thereof, typically used for agricultural purposes will not be considered a junk or salvage yard.

5. One unlicensed/inoperable motor vehicle may be allowed to be stored outside on a parcel. Vehicles being openly stored under this exemption must be properly screened from ordinary public view and the storage of such vehicles cannot constitute a health or safety hazard. Screening shall consist of privacy fencing, shrubs, trees, buildings or other suitable and appropriate means. An approved Conditional Use Permit may allow a person to store more than 1 unlicensed/inoperable vehicle on a parcel.

(7) Abandoned Vehicles. This ordinance is adopted pursuant to the authorization contained in s. 342.40, Wis. Stats. Abandoned motor vehicles are hereby subject to Chapter 9 of the La Crosse County Code of Ordinances, Public Peace and Good Order, section 9.02 and the regulations therein.

(8) Attached Garages. A garage is considered attached if the attachment is accessible from all connecting structures; completely enclosed by a roof, walls and floor; and is compliant with applicable regulations of the Wisconsin Uniform Dwelling Code. Openings are allowed for windows, doors, skylights and similar features.

(9) Ordinance Exemptions. Borrow Sites and Material Disposal Sites for transportation projects, subject and according to Wis. Stats 85.193 are exempted from the regulations of this ordinance.

17.05 ZONING DISTRICTS. For the purpose of this chapter, the County is hereby divided into 12 zoning districts which are identified in sections 17.05(1)-(12) of this chapter.

The boundaries of the aforesaid districts are hereby established as shown on the Official Zoning District Map of La Crosse County. This map is made a part of this chapter by reference and all notations and references shown on this map are as much a part of this chapter as though specifically described herein. It is understood that amendments made appropriately to the Official Zoning District Map of La Crosse County pursuant to s. 59.69, Wis. Stats., or any amendments thereto, after the effective date of this chapter are also part of this chapter by reference.

The district boundaries as depicted on the Official Zoning District Map of La Crosse County are either highways, roads, streets, alleys, or section, quarter section or quarter-quarter section lines, unless otherwise shown, and where the designation on the Official Zoning District Map of La Crosse County indicates that the various districts are approximately bounded by highway, road, street or alley lines, or section, quarter section or quarter-quarter section lines, such lines shall be construed to be the district boundary lines.

Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks, lots, or parcels, the district boundaries shall be construed to be lots, or parcels, and where the designations of the Official Zoning District Map of La Crosse County are approximately bounded by lot lines, such lot line shall be construed to be determined by use of the scale shown on such map.

(1) Residential District "A". In Residential District "A" no building or premises shall be used and no building shall hereafter be erected or structurally altered unless otherwise provided in this chapter.

(a) Authorized Uses.

1. One family dwellings as principal or temporary residences.
2. Conversion into a 1 family dwelling as a principal or temporary residence.
3. Accessory buildings. See Table in s. 17.14(1).
4. Accessory structures.

- 5. Three or less boarders not members of the family.
- 65. Professional offices. See s. 17.04(1)(g).
- 76. Home occupations. See s. 17.04(1)(h).
- 87. Barber shops. See s. 17.04(1)(g).
- 98. Beauty parlors. See s. 17.04(1)(g).
- 109. Nursery schools, day nurseries, daycare centers, or child care centers for 8 or less children.
- 1110. One commercially related vehicle with a Gross Vehicle Weight Rating (GVWR) of up to 16,000 pounds.
- 1211. Community Based Residential Facilities for 8 or less residents.
- 1312. Uses customarily incidental to any of the above uses when located on the same lot and not involving the conduct of any business.
- 1413. Condominium plats for principal residential single family dwellings.
- 14. Public Parks.

(b) Conditional Uses.

- 1. Golf courses, except miniature golf courses and driving ranges.
- 2. Funeral homes.
- 3. Group homes.
- 4. Home occupations and professional offices other than those defined under ss. 17.03(37) (40) and 17.03(61) (70). See ss. 17.04(1)(g) and 17.04(1)(h).
- 5. Hospitals, clinics, medical and dental offices.
- 6. Nursery schools, day nurseries, daycare centers, or child care centers for more than 8 children.
- 7. Private clubs, fraternities, sororities and lodges.
- 8. Utility buildings, exchanges, sub-stations and relay structures, provided that there is no service garage or storage yard.
- 9. Truck gardening, nurseries and greenhouses for the propagation of plants only, provided that the greenhouse heating system shall not be less than 60 feet from any property line.
- 10. New agricultural buildings, provided that agricultural buildings in which livestock are kept shall be at least 100 feet from the nearest residence or non-farm lot.
- 11. One detached accessory residential dwelling unit on the same parcel or lot subject to the Table in s. 17.14(1). The lot area must be twice the minimum as specified in s. 17.05(1)(c)5.

12. Community Based Residential Facilities for more than 8 residents.
13. Bed and Breakfast.
14. Transient Residential Uses.
15. Boarding Houses.
16. Tourist Rooming Houses.

(c) Dimensional Standards. The following dimensional standards shall apply to the principal structure:

1. Height. There shall be a maximum height of 35 feet.
2. Setback. Highway setback lines as provided in s. 17.06 or as established on a recorded subdivision or right-of-way plat.

3. Side yard. There shall be a side yard on each side of the structure. The sum of the widths of the required side yard shall not be less than 20 feet and no single side yard shall be less than 8 feet in width.

4. Rear yard. There shall be a rear yard having a minimum depth of 25 feet.

5. Lot area. There shall be a minimum lot area per dwelling as follows:

a. A lot served by a public sanitary sewer shall have a minimum lot area of 10,000 square feet for a 1 family dwelling.

b. A lot served by a POWTS shall have a minimum lot area of 20,000 square feet for a 1 family dwelling.

6. Lot width. There shall be a minimum lot width measured at the Highway or front yard setback line as follows:

a. A lot served by a public sanitary sewer shall have a minimum lot width of 75 feet.

b. A lot served by a POWTS shall have a minimum lot width of 100 feet.

(2) Residential District "B". In Residential District "B" no building or premises shall be used and no building shall be hereafter be erected or structurally altered unless otherwise provided in this chapter.

(a) Authorized Uses.

1. Any use authorized in Residential District "A". See s. 17.05(1)(a).

2. Two family dwellings as principal or temporary residences.

3. Conversion into a 1 family or 2 family dwelling as a principal or temporary residences.

4. A Condominium Plat containing 1 or more 2 family dwellings which are to be used as principal or temporary residences.

(b) Conditional Uses. As authorized and regulated in Residential District "A". See s. 17.05(1)(b).

(c) Dimensional Standards. The following dimensional standards shall apply to the principal structure:

1. Height. There shall be a maximum height of 35 feet.

2. Setback. Highway setback lines as provided in s. 17.06 or as established on a recorded subdivision plat or right-of-way plat.

3. Side yard. There shall be a side yard on each side of the structure. The sum of the widths of the required side yard shall not be less than 20 feet and no single side yard shall be less than 8 feet in width.

4. Rear yard. There shall be a rear yard having a minimum depth of 25 feet.

5. Lot area. There shall be a minimum lot area per dwelling as follows:

a. A lot served by a public sanitary sewer shall have a minimum lot area of 7,200 square feet for a 1 family or 2 family dwelling.

b. A lot served by a POWTS shall have a minimum lot area of 20,000 square feet for a 1 family dwelling and a minimum lot area of 25,000 square feet for a 2 family dwelling.

6. Lot width. There shall be a minimum lot width measured at the highway or front yard setback line as follows:

a. A lot served by a public sanitary sewer shall have a minimum lot width of 60 feet.

b. A lot served by a POWTS shall have a minimum lot width of 100 feet.

(3) Residential District "C". In Residential District "C" no building or premises shall be used and no building shall hereafter be erected or structurally altered unless otherwise provided in this chapter.

(a) Authorized Uses.

1. Any use authorized in Residential District "B". See s. 17.05(2)(a).

2. Multiple family dwelling for principal or temporary residential uses.

3. Conversion into a 1 family, 2 family or multiple family dwelling for principal or temporary residential uses.

4. A Condominium Plat containing 1 or more multiple family dwellings for principal or temporary residential uses.

5. Planned Unit Development.

(b) Conditional Uses. As authorized and regulated in Residential District "A". See s. 17.05(1)(b).

1. Tourist Rooming Houses.

(c) Dimensional Standards. The following dimensional standards shall apply to the principal structure:

1. Height. There shall be a maximum height of 35 feet.

2. Setback. Highway setback lines as provided in s. 17.06 or as established on a recorded subdivision plat or right-of-way plat.

3. Side yard. There shall be a side yard on each side of the structure. The sum of the widths of the required side yard shall not be less than 20 feet and no single side yard shall be less than 8 feet in width.

4. Rear yard. There shall be a rear yard having a minimum depth of 25 feet.

5. Lot area. There shall be a minimum lot area per dwelling as follows:

a. A lot served by a public sanitary sewer shall have a minimum lot area of 7,200 square feet for a 1 family or 2 family dwelling. A multiple family dwelling shall have a minimum lot area of 2,500 square feet per dwelling unit.

b. A lot served by a POWTS shall have a minimum lot area of 20,000 square feet for a 1 family dwelling and 5,000 square feet for each additional dwelling unit.

6. Lot width. There shall be a minimum lot width measured at the highway or front yard setback line as follows:

a. A lot served by a public sanitary sewer shall have a minimum lot width of 60 feet.

b. A lot served by a POWTS shall have a minimum lot width of 100 feet.

(4) Rural District. In the Rural District no building or premises shall be used and no building shall hereafter be erected or structurally altered unless otherwise provided in this chapter.

(a) Authorized Uses.

1. Residential.

a. Any use authorized in Residential District "B". See s. 17.05(2)(a).

b. Conservation and cluster residential subdivisions.

2. Agricultural.

a. Farm. See s. 17.03(31), (39).

b. Livestock

- the premises.
- c. One roadside stand for the sale of farm products produced on
  - d. Beekeeping.
  - e. Dairy farming.
  - f. Egg production.
  - g. Floriculture.
  - h. Fish farming.
  - i. Forest and game management.
  - j. Grazing.
  - k. Orchards.
  - l. Plant greenhouse and nurseries.
  - m. Raising of crops.
  - n. Sod farming.
  - o. Riding, training or boarding stables, paddocks, and equestrian trails.
  - p. Mineral extractions incidental to a farming operation.

(b) Conditional Uses.

- 17.05(1)(b).
- 1. As authorized and regulated in Residential District "A". See s.
  - 2. Multiple family dwelling for principal, temporary or transient residential uses.
  - 3. Conversion into a multiple family dwelling for principal, temporary or transient residential uses.
  - 4. A Condominium Plat containing 1 or more multiple family dwellings for principal, temporary or transient residential uses.
  - 5. Planned Unit Development.
  - 6. Contractor's storage.
  - 7. Commercial Animal Establishments.
  - 8. Manufactured homes within a Base Farm Tract.

(c) Dimensional Standards. The following dimensional standards shall apply to the principal structure:

- 1. Height. There shall be a maximum height of 35 feet.

2. Setback. Highway setback lines as provided in s. 17.06 or as established on a recorded subdivision plat or right-of-way plat.

3. Side yard. There shall be a side yard on each side of the structure. The sum of the widths of the required side yard shall not be less than 20 feet and no single side yard shall be less than 8 feet in width.

4. Rear yard. There shall be a rear yard having a minimum depth of 25 feet.

5. Lot area. There shall be a minimum lot area of 20,000 square feet for a 1 family dwelling and 5,000 square feet for each additional dwelling unit.

6. Lot width. There shall be a minimum lot width of 100 feet measured at the Highway or front yard setback line.

(5) Exclusive Agricultural District. In the Exclusive Agricultural District no building or premises shall be used and no building shall hereafter be erected or structurally altered unless otherwise provided in this chapter.

(a) Purpose. The Purpose of the Exclusive Agricultural District is to preserve agricultural land for food and fiber production; protect productive farmers by preventing conflicts between incompatible uses; maintain a viable agricultural base to support agricultural processing and service industries; reduce costs of providing services to scattered non-farm uses; promulgate orderly urban growth; implement the provisions of the County Farmland Preservation Plan when adopted and periodically revised; and comply with the provisions of the Farmland Preservation Law to permit eligible landowners to receive tax credits under Subchapter IX of Chapter 71, Wis. Stats.

(b) Application. This district is generally intended to apply to lands which include all classes of soils in the County that are in productive agricultural use including, but not limited to, land demonstrated to be productive for forestry, dairy, livestock raising and grazing; lands historically farmed which are integral parts of farm operations; lands for the production of specialty crops; and lands that are potentially productive if given improvements such as irrigation or drainage.

(c) Authorized Uses.

1. Residential.

a. Pre-existing residences located in areas subject to zoning under this chapter may be continued in residential use and shall not be subject to any limitations imposed or authorized under s. 17.04(4). Such pre-existing residences may be structurally altered and repaired, replaced, or rebuilt if destroyed but are subject to setback, height and other dimensional requirements. If a pre-existing residence is removed, destroyed, or not occupied for a period of 12 consecutive months, it cannot be replaced or re-occupied and all future use of the property must conform to the provisions of this chapter. Pre-existing residences that are to be rebuilt, must meet the provisions of 17.05(5)(c)1.b.i or ii. Pre-existing residences shall be used as principal residences.

b. The owner of a Base Farm Tract (BFT) may be allowed to file a zoning petition to rezone to the Rural District up to 3% of a BFT for farm and/or non-farm residences. Said petition shall designate 1 contiguous area for rezoning which includes all necessary public utilities. A zoning petition to rezone to the Rural District shall not be allowed on a BFT which has been issued a Conditional Use Permit for a residential use on a BFT. The approval of a 3% rezone shall be subject to recording of deed restrictions that shall apply to the balance of the BFT. The deed restrictions shall prohibit any additional residences, subdivision of land or non-agricultural development on the remainder of the BFT. A 3% rezone petition for residential development cannot do any of the following:

i. Convert prime farmland from agricultural use or convert land previously used as cropland, other than a woodlot, from agricultural use if on the farm there is a reasonable alternative location or size for a farm residential parcel or farm residence.

ii. Significantly impair or limit the current or future agricultural use of other protected farmland.

c. Parking or storage of 1 semi-tractor and/or semi-trailer. Semi-tractors must be licensed and operable. Semi-trailers must be roadworthy.

d. Upon establishment of a farm residential dwelling, additional uses are authorized as listed in s. 17.05(1)(a) and that also meet the definition of an accessory use under s. 91.01(1), Wis. Stats.

2. Agricultural

a. Agricultural uses except for poultry operations involving more than 10,000 birds and feedlots holding more than 500 animal units.

b. Agricultural accessory uses, except for those that would otherwise require a conditional use permit.

(d) Conditional Uses.

1. Residential.

a. A Conditional Use Permit may be granted for up to 1 farm residence for every 35 acres of land included in the Base Farm Tract (BFT). A maximum of 5 farm residences are allowed. Two family dwellings are allowed but will count as 2 residences. Existing farm residences at the time of adoption of this chapter are counted against the number of farm residences allowed. If any portion of the BFT has been previously rezoned to the Rural District for residential use, farm residences cannot be authorized by a Conditional Use Permit. The approval of a Conditional Use Permit to establish a residence shall be subject to recording of deed restrictions that shall apply to the residence and to the balance of 35 acres or 1/5 of the BFT, whichever is greater, of the BFT. The deed restrictions shall prohibit any additional residences, subdivision of land or non-agricultural development on the remainder of the 35 acres identified in the legal description. An Administrative Conditional Use Permit may be issued by the Department without Committee approval under this subsection provided that the provisions of s. 17.05(5)(d)1.a.ii. are met. Residences authorized by the above can be used as primary, transient or temporary residences.

i. The boundaries of a BFT can only be modified as part of the application for a conditional use permit for residential use when an existing BFT parcel owner of land zoned in a farmland preservation zoning district has purchased additional contiguous acreage to meet or exceed the minimum area requirements for a BFT. If a BFT boundary is modified after the effective date of this ordinance, residential development can only occur through the approval of a conditional use permit on all BFTs created by the boundary modification. If the owner of a parcel, currently within a farmland preservation zoning district, has purchased additional contiguous acreage within a farmland preservation zoning district, which, in combination with the existing parcel, meets or exceeds the minimum area requirements for a BFT, the boundaries of the BFT can be modified or created as part of the application for a conditional use permit for residential use. If a BFT boundary is modified after the effective date of this ordinance, residential development can only occur through the approval of a conditional use permit on all BFTs created by the boundary modification.

ii. A parcel for a farm residence authorized by an Administrative Conditional Use Permit cannot do any of the following:

(i) Convert prime farmland from agricultural use or convert land previously used as cropland, other than a woodlot, from agricultural use if on the farm there is a reasonable alternative location or size for a farm residential parcel or farm residence.

(ii) Significantly impair or limit the current or future agricultural use of other protected farmland.

b. Temporary housing for seasonal farm laborers.

c. Manufactured homes to be used as farm residences only.

d. Any recreational vehicle, trailer or other similar transportation device, if the wheels have been removed or if otherwise temporarily or permanently fixed to the ground or attached to something having a temporary or permanent location on the ground.

e. Group homes.

f. Home occupations, including nursery schools, day nurseries, daycare centers, or child care centers for more than 8 children, and professional offices other than those defined under ss. 17.03(37) (45) and 17.03(61) (70), provided the occupation meets the requirements of s. 91.01(1), Wis. Stats. See ss. 17.04(1)(g) and 17.04(1)(h).

g. Nursery schools, day nurseries, daycare centers, or child care centers for more than 8 children. Governmental, religious, or nonprofit community uses that qualify under §91.46(5), Wis. Stats.

h. Community Based Residential Facilities for more than 8 residents, meeting 60.63(5).

i. Transient Residential Uses. (See (d)1a above)

j. Bed and Breakfast. that meet the requirements of §91.01(1), Wis. Stats..

k. Cabins for transient or temporary residential uses of the landowner.

## 2. Agricultural.

a. Fur Farms when located not less than 400 feet from any residential building other than that of the owner of the premises, their agent or their employee, and not less than 200 feet from the right-of-way line of any federal, state, county trunk highway or town road.

b. Feedlots when more than 500 animal units.

c. Poultry operations when more than 10,000 birds.

d. Sawmills when located on the premises for more than 30 days.

e. Dams and flowages.

f. Agriculturally related business uses that meet the requirements of s. 91.01(3), Wis. Stats.

g. Agriculture accessory uses that meet the requirements of §91.01(1)(d), Wis. Stats.

**g. h.** Commercial transport trailers or containers to be placed and used for agricultural storage. The wheels of any recreational vehicle, trailer or other similar transportation device shall not be removed or otherwise temporarily or permanently fixed to the ground or attached to something having a temporary or permanent location on the ground by any person in any manner unless a Conditional Use Permit is granted.

3. Other.

a. Cemeteries and related faith based buildings or structures found by the Committee and County Board to meet the requirements of s. 91.46(5), Wis. Stats.

b. Commercial animal establishments meeting the requirements of s. 91.01(1)(d), Wis. Stats.

c. Livestock veterinary services and hospitals.

d. Commercial mineral extraction generating less than 200 vehicle trips per day found by the Committee and County Board to meet the requirements of s. 91.46(6), Wis. Stats.

(e) Dimensional Standards.

1. The following dimensional standards shall apply to the principal residential structure:

a. Height. There shall be a maximum height of 35 feet.

b. Setback. Highway setback lines as provided in s. 17.06 or as established on a recorded subdivision plat or right-of-way plat.

c. Side yard. There shall be a side yard on each side of the structure. The sum of the widths of the required side yard shall not be less than 20 feet and no single side yard shall be less than 8 feet in width.

d. Rear yard. There shall be a rear yard having a minimum depth of 25 feet.

e. Lot area. There shall be a minimum lot area of 20,000 square feet for each 1 family dwelling and 25,000 for each two-family dwelling.

f. Lot width. There shall be a minimum lot width of 100 feet measured at the Highway or front yard setback line.

2. Accessory Buildings. Residential accessory buildings shall meet the dimensional standards as provided by the Table in s. 17.14(1) unless this requirement is waived for an existing rural accessory building by the Committee. Upon waiver by the Committee, the square footage and number of buildings of all accessory structures, including the rural accessory building on said parcel, shall be included in future determinations by the department as provided by the Table in s. 17.14(1).

(f) Standards for Rezoning.

1. The Department of Agriculture, Trade and Consumer Protection shall be notified of all rezoning out of the farmland preservation district by March 1 of each year.

2. Decisions on zoning petitions for rezoning areas within a farmland preservation district shall be based on the following findings that consider the following:

- a. The land is better suited for a use not allowed in the farmland preservation zoning district.
- b. The rezoning is consistent with any applicable comprehensive plan.
- c. The rezoning is substantially consistent with the county certified farmland preservation plan.
- d. The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
- e. Adequate public facilities to serve the development are present or will be provided.
- f. Provision of these facilities will not be an unreasonable burden to local government.
- g. Development will not cause unreasonable air and water pollution, soil erosion or adverse effects on rare or irreplaceable natural areas.
- h. The need of the proposed development in an agricultural area.
- i. The availability of alternate locations.
- j. The productivity of the agricultural land involved.

(g) Provisions which apply to a Conditional Use Permit for feedlots.

1. Pursuant to s. 93.90, Wis. Stats., the County of La Crosse hereby adopts and incorporates the provisions of s. 93.90, Wis. Stats., and Wisconsin Administrative Code, ATCP 51.

2. Expansion. A Conditional Use Permit is required for the expansion of an existing or previously approved livestock facility if the number of animal units kept at the expanded livestock facility will exceed all of the following:

- a. Five hundred animal units.
- b. A number that is 20% higher than the number kept on May 1, 2006. This 20% requirement shall not apply to expansions that occurred prior to May 1, 2006.

3. Provisions related to waste storage and runoff management facilities.

a. A Conditional Use Permit application, which contains plan modifications to facilities which must meet waste storage and run off management requirements pursuant to Wisconsin Administrative Code, ATCP 51, shall contain plan modifications certified by a professional engineer or agricultural engineering practitioner in accordance with Wisconsin Administrative Code, ATCP 51, or a person with the appropriate engineering job approval according to Natural Resources Conservation Service (NRCS) standards meeting the requirements of Wisconsin Administrative Code, ATCP 51.18 and 51.20.

b. The applicant shall submit as-built plans of constructed facilities, which shall be prepared by a professional engineer or agricultural engineering practitioner

or a person with appropriate engineering job approval according to NRCS standards as required for plan modifications by this subsection.

(6) General Agricultural District. In the General Agricultural District no building or premises shall be used and no building shall hereafter be erected or structurally altered unless otherwise provided in this chapter.

(a) Purpose. The purpose of the General Agricultural District is to provide for a buffer between the Exclusive Agricultural District and areas planned for eventual urban development.

(b) Authorized Uses.

1. Residential. Any use authorized in the Exclusive Agricultural District. See s. 17.05(5)(c)1.

2. Agricultural. Any use authorized in the Exclusive Agricultural District. See s. 17.05(5)(c)2.

(c) Conditional Uses. As authorized and regulated in the Exclusive Agricultural District except feedlots for more than 1,000 animal units. See s. 17.05(5)(d).

(d) Dimensional Standards. As authorized and regulated in the Exclusive Agricultural District. See s. 17.05(5)(e).

(e) Standards for Rezoning. As authorized and regulated in the Exclusive Agricultural District. See s. 17.05(5)(f).

(f) Provisions which apply to a Conditional Use Permit for feedlots. As authorized and regulated in the Exclusive Agricultural District except feedlots for more than 1,000 animal units. See s. 17.05(5)(g).

(7) Recreational and Natural Resource District. In the Recreational and Natural Resource District no building or premises shall be used and no building shall hereafter be erected or structurally altered unless otherwise provided in this chapter.

(a) Authorized Uses.

1. Natural Resource Uses.

a. Forest preserves, forestry and the production of forest products.

b. The harvesting of any wild crops such as marsh hay, ferns, moss, berries, nuts or seeds.

c. Plant greenhouses and nurseries.

d. Grazing.

e. Commercial animal establishments.

f. Fur and animal farms.

g. Mines, quarries and gravel pits.

h. Processing of natural resources.

- i. Dams, flowages and hydroelectric power and flood control dams, dikes or other structures.
- j. Telephone, electric and cable transmission lines and related buildings or structures.
- k. Aircraft landing fields, basins and hangers.
- l. Fire control structures.

2. Recreational Uses.

- a. Public parks, private parks and playgrounds.
- b. Campgrounds.
- c. Hunting, fishing and trapping cabins.
  - i. Cannot be used as Principal Residences
  - ii. Cabins are subject to dimensional requirements of a minimum lot size of 20,000 square feet for the first cabin and 5,000 for each additional.
- d. Boat liveries and bait shops.
- e. Golf Courses & Driving Ranges.

3. Residential Uses. Existing residences located in areas subject to zoning under this chapter may be continued in principal residential use and shall not be subject to any limitations imposed or authorized under s. 17.04(4). Such residences may be structurally altered and repaired, replaced, or rebuilt if destroyed but are subject to setback, height and other dimensional requirements.

(b) Conditional Uses.

- 1. One single family dwelling for a watchman, caretaker or supervisor employed on the premises and used as a principal or transient residence.
- 2. Hotels and motels.
- 3. Riding, shooting and hunting clubs.
- 4. Off road vehicle clubs.
- 5. Any use generating more than 200 vehicle trips per day.
- 7. **Tourist Rooming Houses**

(c) Dimensional Standards. The following dimensional standards shall apply to structures:

- 1. Height. The maximum height for the principal residential structure shall be 35 feet.
- 2. Setback. Highway setback lines as provided in s. 17.06 or as established on a recorded subdivision plat or right-of-way plat.

as follows:

3. Side yard. There shall be a side yard on each side of the structure

a. The sum of the widths of the required side yard for the principal residential structure shall not be less than 20 feet and no single side yard shall be less than 8 feet in width.

b. There shall be a minimum side yard on both sides for all other structures of 25 feet.

4. Rear yard. There shall be a rear yard having a minimum depth of 25 feet.

5. Lot Area. There shall be a minimum lot area as follows:

a. One single family dwelling for a watchman, caretaker or supervisor employed on the premises shall have a minimum lot area of 20,000 square feet.

b. Campgrounds shall be a minimum of 5 acres in size and shall provide a minimum lot area of 1,000 square feet per recreational vehicle.

6. Lot Width. There shall be a minimum lot width for the principal residential structure of 100 feet measured at the Highway or front yard setback line.

(8) Commercial District. In the Commercial District no building or premises shall be used and no building shall be hereafter erected or structurally altered unless otherwise provided in this chapter. When a property with commercial zoning is being used for both commercial and residential uses, the height, side yard, lot area and lot width shall be regulated by the principal use of the property.

(a) Authorized Uses.

1. Residential. Any use authorized in Residential District "C". See s. 17.05(3)(a).

2. Commercial.

a. Retail businesses.

b. Wholesale businesses.

c. Offices.

d. Service industry businesses.

e. Warehouses under 100,000 square feet not to exceed 2 stories in height.

f. Commercial animal establishments.

g. Any other uses similar in character and the processing or treatment of products clearly incidental to the conduct of any of the above uses on the premises.

h. Bed and Breakfast.

i. Transient Residential Uses.

(b) Conditional Uses.

1. Light manufacturing and assembly.
2. Distribution businesses.
3. Warehouses over 100,000 square feet.
4. Truck terminals and freight houses.
5. Commercial transport trailers or containers to be placed and used for business related storage.
6. One detached accessory residential dwelling unit on the same parcel or lot subject to the Table in s. 17.14(1). The lot area must be twice the minimum as specified in s. 17.05(3)(c)5.

(c) Dimensional Standards. The following dimensional standards shall apply to structures:

1. Residential. As authorized and regulated in Residential District "C". See s. 17.05(3)(c).

2. Non-residential. For non-residential structures the following shall apply:

- a. Height. There shall be a maximum height of 45 feet.
- b. Setback. Highway setback lines as provided in s. 17.06 or as established on a recorded subdivision plat or right-of-way plat.
- c. Side yard. There shall be a minimum side yard on both sides of the structure of 25 feet.
- d. Rear yard. There shall be a rear yard having a minimum depth of 25 feet.
- e. Lot Coverage. The total ground floor of every building or part of a building hereafter erected or structurally altered shall not exceed 35% of the total lot area.

(9) Light Industrial District. In the Light Industrial District no building or premises shall be used and no building hereafter shall be erected or structurally altered unless as provided in this chapter. Authorized uses and/or approved conditional uses shall not produce odors, noise, vibration, glare or heat of such nature or quantity as to be obnoxious or unhealthy outside the premises. The guide for determining measurement and control shall be standards set in the Wisconsin Administrative Code.

(a) Authorized Uses.

1. Any use as authorized in the Commercial District except new residential uses. See s. 17.05(8)(a). However, residential structures existing on the date of adoption of this chapter shall not be subject to any limitations imposed or authorized for non-conforming structures or uses under s. 17.04(4) but can be used as principal residences. Such residences may be structurally altered and repaired, replaced, or rebuilt if destroyed but are subject to setback, height and other dimensional requirements. An increase in density of residential use is not authorized under this section.

2. Light manufacturing and assembly.

3. Distribution businesses.
4. Warehouses.
5. Truck terminals and freight houses.
6. Any other uses similar in character and the processing or treatment of products clearly incidental to the conduct of any of the above uses on the premises.

(b) Conditional Uses.

1. Manufacturing and assembly businesses.
2. Commercial transport trailers or containers to be placed and used for business related storage.

(c) Dimensional Standards. As authorized and regulated in the Commercial District. See s. 17.05(8)(c)2.

(10) Industrial District. In the Industrial District no building or premises shall be used and no building hereafter shall be erected or structurally altered unless as provided in this chapter. Authorized uses and/or approved conditional uses may produce odors, noise, vibration, glare or heat on the premises.

(a) Authorized Uses.

1. Any use authorized in the Light Industrial District. See s. 17.05(9)(a).
2. Manufacturing and assembly businesses.
3. Commercial transport trailers or containers to be placed and used for business related storage.
4. Any other uses similar in character and the processing or treatment of products clearly incidental to the conduct of any of the above uses on the premises.

(b) Conditional Uses.

1. Abattoirs, except for the slaughter of poultry.
2. Acid manufacturing.
3. Cement, lime, gypsum or plaster of paris manufacturing.
4. Distillation of Bones.
5. Explosives manufacturing or storage.
6. Fat rendering.
7. Fertilizer manufacturing.
8. Garbage, rubbish, offal or dead animal reduction or dumping.
9. Garbage, trash or recycling transfer stations or facilities.
10. Glue manufacturing.

11. Junk or salvage yards. See s. 17.04(6).
12. Petroleum refining.
13. Smelting of tin, copper, zinc or iron ores.
14. Stockyards.
15. Asphalt or concrete plants.
16. Any use generating more than 200 vehicle trips per day.
17. Mines, Quarry and Gravel Pits.

(c) Dimensional Standards. The following dimensional standards shall apply to structures:

1. Height. There shall be a maximum height of 60 feet in height.
2. Setback. Highway setback lines as provided in s. 17.06 or as established on a recorded subdivision plat or right-of-way plat.
3. Side yard. There shall be a minimum side yard on both sides of the structure of 10 feet.
4. Rear yard. There shall be a rear yard having a minimum depth of 25 feet.

(11) Manufactured Home Community District. In the Manufactured Home Community District no building or premises shall be used and no building shall hereafter be erected or structurally altered unless otherwise provided in this chapter.

(a) Manufactured Home Community Plan. All newly created Manufactured Home Communities and expansions of existing communities after adoption of this chapter must meet the following permit requirements and standards. After submission and approval of a Manufactured Community Plan, the Department shall issue a permit. A Manufactured Community Plan must address the following:

1. Delineates all utilities such as, but not limited to, stormwater, sanitary, electrical, cable, telephone and water.
2. Delineates locations of all proposed utility buildings and other structures incidental to the park operation such as, but not limited to, well houses, laundry facilities, community shelters, sanitary facilities, and storage buildings.
3. Delineates and defines all roadways within the community.
4. Delineates the foundation envelope for each Manufactured Home Site.
5. Delineates all Manufactured Home Site boundaries by corner markers or other adequate monumentation methods.
6. Delineates all private roadways and/or highway right-of-ways and identifies the appropriate setbacks.
7. Delineates all parking areas.

8. Delineates all property topography with a minimum of 5 foot contours.
9. Delineates all shoreland district boundaries, navigable waters, drainage patterns and floodplain.
10. Delineates a Manufactured Home Site boundary for a For a manufactured home greater than 20 feet in width to be twice the area limit minimum as outlined as provided in s. 17.05(11)(d)7. All other dimensional standards shall remain the same.

(b) Authorized Uses.

1. Manufactured homes as defined in s. 101.91(2), Wis. Stats. for any type of residential use (Principal, Transient or Temporary).
2. Mobile homes for any type of residential use (Principal, Transient or Temporary).
3. Occasional sales of privately owned manufactured or mobile homes.
4. Professional offices. See s. 17.04(1)(g).
5. Home occupations. See s. 17.04(1)(h).
6. Barber shops. See s. 17.04(1)(g).
7. Beauty parlors. See s. 17.04(1)(g).
8. Nursery schools, day nurseries, daycare centers, and child care centers for 8 or less children.
9. Additions to a principal dwelling in compliance with the provisions of this code and written approval from the park manager.
10. One detached accessory building per Manufactured Home Site with a maximum size of 144 square feet and written approval from the park manager.
11. Utility and accessory buildings incidental to the Manufactured Home Community operations.
12. Park office.
13. Storage units for manufactured home community residents.

(c) Conditional Uses.

1. Manufactured homes with a width of more than 16 feet. For a manufactured home with a width greater than 20 feet, the manufactured home site must be twice the area limit minimum as outlined as provided in s. 17.05(11)(d)7. All other dimensional standards shall remain the same.
- 1.2. Storage units for persons other than Manufactured Home Community residents.
2. Professional offices. See s. 17.04(1)(g).

3. Home occupations. See s. 17.04(1)(h).

4. Nursery schools, day nurseries, daycare centers, or child care centers for 8 or less children.

(d) Dimensional Standards. The following dimensional standards shall apply:

1. Height.

a. All manufactured homes and detached accessory building shall have a maximum height of 15 feet.

b. All other buildings and structures, including the park office, incidental to the Manufactured Home Community operations shall have a maximum height of 35 feet.

2. Setback. All buildings, structures, manufactured homes and additions thereto must meet the applicable Highway setback lines as provided in s. 17.06.

3. Perimeter Setback. All buildings, structures, manufactured homes and additions thereto must meet a minimum 25 foot setback from the boundary of the Manufactured Home Community.

4. Roadway. All buildings, structures, manufactured homes and additions thereto must meet a minimum 20 foot setback from any roadway within the Manufactured Home Community.

5. Side yard.

a. All manufactured homes and additions thereto must meet a minimum combined side yard of 20 feet with a minimum of 8 feet on 1 side from the boundary of the Manufactured Home Site.

b. All detached accessory buildings must meet a minimum side yard of 3 feet from the boundary of the Manufactured Home Site.

6. Rear yard.

a. All manufactured homes and additions thereto must meet a minimum 20 foot rear yard from the boundary of the Manufactured Home Site.

b. All detached accessory buildings must meet a minimum rear yard of 3 feet from the boundary of the Manufactured Home Site.

7. Lot Area. All Manufactured Home Communities must be a minimum of 5 acres in size. All Manufactured Home Sites must provide a minimum of 5,000 square feet per dwelling unit.

8. Lot Width. All manufactured home sites must be a minimum of 50 feet wide along the frontage of any roadway or site access.

(e) General Provisions.

1. Manufactured home sales other than resale of existing homes within the park are prohibited.

2. Manufactured Home Communities must provide at least 5% of the Manufactured Home Community area to be used and dedicated for public recreational uses.

3. All Manufactured Home Communities must provide an on-site park office.

(12) Public Facilities and Institutional District. In the Public Facilities and Institutional District no building or premises shall be used and no building hereafter shall be erected or structurally altered unless as provided in this chapter.

(a) Authorized Uses.

1. Faith based buildings or structures.

a. One Single Family Residence is allowed as an accessory use on the same parcel, or an adjacent parcel, but is subject to the dimensional requirements of 17.05(1). Said residence must be occupied by a family associated with the faith based use and shall be owned by the same owner as the faith based building or structure and be used as a principal residence.

2. Schools.

3. Libraries.

4. Colleges and dormitories.

5. Municipal buildings, structures, and parking facilities.

6. Recreational and community centers.

7. Cemeteries.

8. Public airports.

9. Utility type structures & facilities (Water towers, transformers, sub-stations, etc)

(b) Conditional Uses.

1. Sewage treatment facilities.

2. Municipal solid waste facilities.

3. Garbage, trash or recycling transfer stations or facilities.

4. Correctional facilities.

5. Telecommunications facilities.

6. Private aircraft landing fields, basins and hangers.

(c) Dimensional Standards. The following dimensional standards shall apply to buildings and structures:

1. Height. There shall be a maximum height of 60 feet.

2. Setback. Highway setback lines as provided in s. 17.06 or as established on a recorded subdivision plat or right-of-way plat.

3. Side yard. There shall be a minimum side yard on both sides of the structure of 25 feet.
4. Rear yard. There shall be a rear yard having a minimum depth of 25 feet.
5. Lot Coverage. The total ground floor of every building or part of a building hereafter erected or structurally altered shall not exceed 35% of the total lot area.

#### 17.06 HIGHWAY SETBACK LINES.

(1) Setback Lines Established. In order to promote the public safety, general welfare and convenience, it is necessary that highway setback lines be established in La Crosse County outside the limits of incorporated cities and villages.

(a) Setback lines are hereby established along all public highways, at the intersections of highways with highways and highways with railways as hereafter provided.

(b) Where a highway is located on a city or village boundary, this section is not intended to be effective on the side within the city or village.

(c) Where a highway is located along the boundary with another county, this section is not intended to be effective on the side within the adjacent county.

#### (2) Classes of Highways.

(a) Class 1 Highway. Improved or unimproved Town Roads or other public roads not identified as a Class 2 or 3 Highway.

(b) Class 2 Highway. Improved or unimproved County Roads.

(c) Class 3 Highway. Improved or unimproved State or Federal Roads.

#### (3) Setback Distances.

(a) Whenever a highway is improved to a classification requiring a greater setback distance than what is required by this chapter prior to such improvement, the setback distance of the latter classification shall be applicable.

(b) Recorded subdivision plats or right-of-way plans may require a different setback than what is listed in this chapter. The setback lines established by such plat or plan will be enforced even if such setback is less restrictive than this chapter.

(c) In cases where the provisions of this section may be interpreted to provide for different setback distances, the greater setback distance shall be enforced.

(d) The setback distances for the respective highway classes shall be as follows:

1. Class 1 Highway. Sixty feet from the centerline but not less than 25 feet from the highway right-of-way line.

2. Class 2 and 3 Highway. Eighty feet from the centerline but not less than 50 feet from the highway right-of-way line.

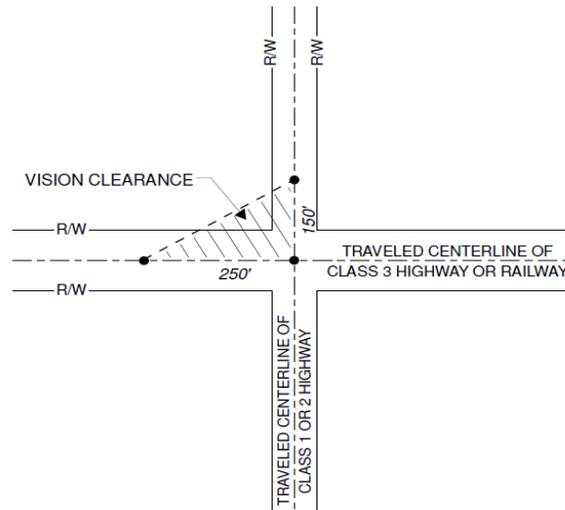
3. For a parcel which does not abut a Class 1, 2, or 3 Highway, a 25 foot front yard setback shall apply.

(4) Vision Clearance. There shall be an area of vision clearance at all highway and railway intersections. The vision clearance shall be an area calculated by connecting the endpoints of line segments which begin at the vertex of an intersection thence along the traveled centerlines away from the vertex for a measured distance of:

(a) One hundred and fifty feet along the traveled centerline of a Class 1 and 2 Highway.

(b) Two hundred and fifty feet along the traveled centerline of a Class 3 Highway and the centerline of a railway.

(c) Typical Vision Clearance Diagram.



(5) Structures Allowed Within Highway Setbacks. The following may be placed between the setback lines but shall not be placed within the highway right-of-way.

(a) Open fences.

(b) Parking lots.

(c) Utility transmission lines & power poles.

(d) Utility structures not exceeding 64 square feet in size and 5 feet in height. Provided however that such structure is not placed within the vision clearance area.

(e) Underground structures provided that they are not capable of being used as foundations for future prohibited structures.

(f) The planting of shrubs, trees or other ornamental vegetation and the planting and harvesting of field crops, provided however that such planting does not occur within the vision clearance area.

(g) Other landscaping or ornamental features which do not exceed 16 square feet in area and 6 feet in height.

(h) Retaining walls that do not obstruct vision.

(i) Structures for public use such as bus shelters, salt boxes, drinking fountains, etc.

(6) Structures Prohibited within Highway Setbacks.

(a) No new building or structure or part thereof shall be placed within the setback, except as otherwise provided in this chapter. Buildings, signs or structures existing between the established setback lines on the adoption date of this chapter shall be considered non-conforming and therefore subject to s. 17.04(4) of this chapter.

(b) Solid fences.

17.07 BOARD OF ADJUSTMENT PROVISIONS.

(1) Establishment.

(a) The Board of Adjustment shall consist of 3 members appointed by the Chairperson of the County Board with the approval of the County Board for terms of 3 years, beginning July 1. The incumbent members shall continue to serve until their terms expire. Members of the Board and alternate members to the Board shall all reside within the county and outside the limits of any incorporated cities and villages within the county, provided however that no 2 members shall be from the same town. One member of the Board may be a member of the County Board. The County Board may allow the same compensation for members of the Board as is allowed County Board members for attendance at committee meetings. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. The Board shall choose its own Chair.

(b) The County Board Chairperson shall appoint 2 alternate members to the Board who are subject to the approval of the County Board. Annually, the Chairperson of the County Board shall designate 1 of the alternate members as the first alternate and the other as the second alternate. The first alternate shall act, with full power, only when a member of the Board refuses to vote because of a conflict of interest or when a member is absent. The second alternate shall act only when the first alternate refuses to vote because of a conflict of interest or is absent, or if more than 1 member of the Board refuses to vote because of a conflict of interest or are absent.

(2) Rules and Procedures. The Board shall adopt rules for the conduct of business of the Board. The Board may adopt further rules as necessary to carry into effect the regulations of the County Board. Meetings shall be held at the call of the Chairperson and at such times as the Board may determine. The Chairperson, or in his or her absence, the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member on each question, or, if absent or failing to vote, indicating such fact. All records of the Board shall be immediately filed with the office of the Board and shall be a public record.

(3) Appeals.

(a) An appeal to the Board may be taken by any aggrieved person, or by any officer, department, board or bureau of the municipality affected by any decision of the Administrator. Such appeal shall be taken within a reasonable time period, as provided by the rules of the Board, by filing with the Administrator and with the Board, a notice of appeal in writing, specifying the grounds thereof. The Administrator shall then transmit to the Board all the papers constituting the records upon which the action appealed from was taken. The Chairperson shall fix a date for hearing the appeal and cause notice thereof to all parties in interest as provided by the rules of the Board.

(b) Any person appealing to the Board from the determination of the Administrator shall pay an application fee. If the appeal is made for a variance after construction has commenced, the variance shall be considered after-the-fact.

(4) Powers. The Board shall have the following powers:

(a) To hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made by the Administrator.

(b) To authorize upon appeal in specific cases, such variance to the terms of this chapter ordinance, as will not be contrary to the public interest, where, owing to special conditions peculiar to a specific lot or tract of land, a literal enforcement will result in an unnecessary hardship, and so that the spirit of this chapter shall be observed and substantial justice done. In every case where a variance from these regulations has been granted by the Board, the minutes of the Board shall affirmatively show that an unnecessary hardship exists and the records of the Board shall clearly show in what particular and specific respects an unnecessary hardship is created.

(c) To grant special exceptions and variances for renewable energy resource systems. If the Board denies an application for a special exception or variances for such a system, the Board shall provide a written statement of the reasons for denying the application.

(d) To reverse or affirm wholly or in part or modify any order requirement, determination or decision appealed from and shall make such order, requirement, decision or determination as ought to be made on the premises and to that end shall have all the powers of the Administrator. The concurring vote of 2 members of the Board shall be necessary to reverse any action appealed from or to decide in favor of the applicant on any matter on which it is required to pass or to effect any variation in the requirements of this chapter.

(e) To call on any other county department or official for assistance in the performance of its duties, and it shall be the duty of each other department and official to render such assistance as may be reasonably required.

(f) No action of the Board shall have the effect of permitting in any district uses prohibited in that district.

(g) In exercising any of the foregoing powers, the Board may, in appropriate cases establish suitable conditions and safeguards in harmony with the general purpose and intent of this chapter.

17.08 ADMINISTRATION AND ENFORCEMENT. This chapter shall be enforced by the Administrator. The Administrator shall have the following duties in connection with the enforcement of this chapter:

(1) Keep records of all violations to the terms of this chapter and report such violations to the respective property owner for resolution.

(2) Issue citations for forfeitures for violations of this chapter when necessary.

(3) Post stop work orders for any activity that has commenced prior to the issuance of a required Zoning/Occupancy Permit.

(4) Keep records of all existing non-conforming structures or buildings as established by this chapter. Such record shall be kept current and shall show any such buildings or structures that are removed if damaged to the extent that their reconstruction will be contrary to this chapter. These records are to include:

(a) The distance of said structure or building from the centerline and/or property line.

(b) The size of said structure or building.

(c) The type of construction and use.

(d) The location and quarter section of said structure or building.

(e) Names and addresses of the owners and/or occupant(s) and the date on which the record is made.

(5) Issue Zoning/Occupancy Permits. The Administrator shall issue Zoning/Occupancy Permits prior to construction activities such as, but not limited to, the construction or erection of any new building or structure, the change in use of any existing building or structure, or the structural alteration or addition to any existing building or structure.

(a) If the Administrator finds that the proposed Zoning/Occupancy Permit Application will not be in violation of this or any other ordinance, the Administrator shall issue a Zoning/Occupancy Permit. The Administrator shall retain one copy of the permit and any pertinent application materials and return any other documents and an approved permit to the applicant.

(b) If the Administrator finds that the proposed Zoning/Occupancy Permit Application is not in compliance with the provisions of this Chapter, the Administrator will deny such application and inform the applicant of the reasons for denial.

(c) Zoning/Occupancy Permit Applications shall be issued or the application shall be denied within 10 days after receipt of the application.

(d) A Zoning/Occupancy Permit shall not be issued without prior issuance of any other applicable permit, such as but not limited to: Sanitary Permit, Well Permit, Erosion Control Permit, Stormwater Permit, Driveway Permit or Conditional Use Permit.

(e) A Zoning/Occupancy Permit is not required for agricultural buildings constructed on a farm. The Administrator shall provide forms, which the property owner shall submit to the Department, certifying that an existing or proposed structure will be used solely for agricultural purposes.

(f) A Zoning/Occupancy Permit is not required for accessory buildings 100 square feet or less. All lots and accessory buildings shall meet the requirements as specified in the Table in s. 17.14(1).

(g) A separate Zoning/Occupancy Permit is required for each unit within a Condominium Plat where the units are not connected to one another.

(h) A separate Zoning/Occupancy Permit is required for each building within a Planned Unit Development (PUD).

(i) If activity has commenced prior to the issuance of a Zoning/Occupancy Permit, any Zoning/Occupancy Permit issued for said activity will be considered an after-the-fact permit.

(j) Zoning/Occupancy Permits issued after the effective date of this ordinance shall expire 24 months from the date of issuance.

#### 17.09 ZONING/OCCUPANCY PERMIT APPLICATIONS.

(1) Zoning/Occupancy Permit Applications shall be made on forms provided by the Department and all applications shall include:

(a) A map in duplicate, drawn to scale showing:

1. The location, shape and dimensions of the parcel or lot to be built on.
2. The location and dimensions of all existing and proposed construction.

3. The dimensions necessary to determine the exact location of the proposed building or structure on the parcel or lot.

4. The location of all existing or proposed septic systems and private wells.

(b) The proposed use of any existing or proposed buildings or structures.

(c) The height of all existing and proposed buildings or structures.

(d) The estimated cost of any new construction activity.

(e) Any other information deemed necessary to ensure compliance with this chapter.

(f) Application fee. See s. 17.13.

(2) Signed applications that are made under oath and any willfully false statement in the application shall subject the person making the application to the penalties of this chapter, in addition to other penalties for false swearing.

(3) A Zoning/Occupancy Placard shall be posted on the premises so as to be visible from the highway at all times until such construction has been completed.

17.10 PUBLIC HEARING PROCEDURES. Text and map amendments, conditional use permits and special exception permits are subject to the following procedures:

(1) Applications for text or map amendments, conditional use permits and special exception permits shall be made in accordance with the procedures provided in s. 59.69(5)(e)1., Wis. Stats. In addition to the procedures provided for public hearings by s. 59.69(5)(e)2., Wis. Stats., the County shall notify adjoining property owners in writing of the date and place of a public hearing of the requested zoning amendment. Adjoining owners are all owners of property adjacent to the entire parcel owned by the Petitioner, whether or not the entire parcel or a portion of the property is sought to be rezoned.

(2) If activities or uses relating to a text or map amendment, conditional use permit or special exception permit have commenced prior to application for said amendment, conditional use permit or special exception permit, the application shall be considered after-the-fact.

(3) After an application for a text or map amendment or conditional use permit has been heard and denied, no other petition or application affecting the same property or portion thereof requesting the same change may be filed and heard for a period of 1 year from the date of said denial.

(4) Once a public hearing is held on a text or map amendment or conditional use permit, the amendment or application cannot be withdrawn unless a majority vote of the Committee approves such withdrawal at said public hearing.

(5) Applications shall be made on forms furnished by the Department and shall include the following:

(a) A map in duplicate, drawn to a minimum scale of 1" to 100' showing:

1. The parcel boundaries and its legal description.

2. The legal description of the area affected.

3. The location of all structures, existing and proposed on the property, all roads, wells, sanitary sewers, stormwater drainage and any other pertinent information.

4. The ordinary high-water mark of any navigable waters within 300 feet of parcel boundaries.

(b) Application fee. See s. 17.13. Any costs incurred by the Department in obtaining legal, planning, engineering and/or other technical and professional assistance in connection with the review of a text or map amendment, conditional use permit or special exception permit and preparation of conditions to be imposed on such uses shall be charged to the applicant. If required by the Department, a fee covering such costs shall accompany the application fee.

(c) An impact statement summarizing the impacts of the proposed application to the property and its surrounding properties.

(d) Any additional information deemed necessary to ensure compliance with this chapter.

(6) Upon submittal of an application a public hearing shall be held at a regular meeting of the Committee.

(7) If the Committee determines that an application is not complete and postpones the public hearing, the applicant shall be required to pay an additional application fee.

(8) Except for conditional uses approved under 17.05 (5)(D)(2b) and La Crosse County Code of Ordinances Chapter 28, which require only County Board approval, all other cConditional use permits require both Town Board and County Board approval.

#### 17.11 VIOLATIONS AND PENALTIES.

(1) Any person, firm or corporation who violates, disobeys, neglects, omits or refuses to comply with or who resists the enforcement of any provisions of this chapter, shall, upon conviction or order for removal by a court, remove any structure or part thereof which violates the terms of this chapter within 30 days of such conviction or order. Upon failing to do so, the county may remove or request the appropriate Town to remove such structure or part thereof which violates the terms of this chapter and the cost of such removal shall become a lien or special assessment upon the property.

(2) Any person, firm or corporation who violates, disobeys, neglects, omits or refuses to comply with or who resists the enforcement of any provisions of this chapter may also be required, upon conviction, to forfeit not less than \$100, nor more than \$500 for each offense, together with the costs of prosecution. Failure to pay said forfeiture may result in imprisonment in the county jail until such forfeiture and costs are paid, but not to exceed 30 days.

(3) Each day that a violation exists or continues may be considered a separate offense.

17.12 VALIDITY. Should any section, clause or provision of this chapter be declared invalid, the same shall not affect the validity of the chapter or any part thereof, other than the part so declared invalid.

17.13 DEPARTMENT FEES. The fees under this chapter shall be determined by the County Board.

#### 17.14 ORDINANCE TABLES

(1) Accessory Buildings. Accessory buildings shall comply with the requirements of the following table. These standards may not apply in certain situations where the lot is within a Shoreland Zoning District. See Chapter 20 of the La Crosse County Code of Ordinances for Shoreland Zoning.

LOT SIZE	0 - 7,500 S.F.	7,501 S.F. - 1 AC.	1.01 - 3 AC.	3.01 - 5 AC.	5.01 - 10 AC.	10.01+ AC.
HEIGHT	17'	17'	17'	17'	21'	40'
AREA S.F.	576	768	1,008	1,500	3,200	5,000
FRONT YARD	See 17.06 Highway Setback Lines					
SIDE YARD	3'	3'	3'	5'	5'	10'
REAR YARD	3'	3'	3'	5'	5'	10'
NUMBER OF BUILDINGS	1	2	2	3	3	3

(2) Original date of adoption of farmland preservation zoning by towns. These dates shall be used when determining if a residence is defined as pre-existing under 17.03(58) and 17.05(5)(c)1.a.

<u>Town</u>	<u>Original Date of Adoption</u>
Bangor	August 19, 1982
Barre	November 11, 1980
Burns	July 21, 1983
Campbell	Did not adopt
Farmington	November 12, 1980
Greenfield	November 12, 1980
Hamilton	November 18, 1982
Holland	September 19, 1985
Medary	Did not adopt
Onalaska	November 19, 1980
Shelby	November 17, 1980
Washington	November 12, 1980

(3) Dates of towns adoption of 1/30/12 Comprehensive Revision of this Code.

<u>Town</u>	<u>Original Date of Adoption</u>
Banger	December 18, 2012
Barre	November 30, 2012
Burns	Did Not Adopt
Campbell	Did Not Adopt
Farmington	September 7, 2012
Greenfield	December 21, 2012
Hamilton	December 12, 2012
Holland	May 18, 2012
Medary	November 16, 2012
Onalaska	January 10, 2013
Shelby	September 27, 2012
Washington	June 15, 2012