

**COUNTY OF DUNN  
MENOMONIE, WISCONSIN  
NOTICE OF PUBLIC MEETING**

In accordance with the provisions of Section 19.84, Wisconsin Statutes, notice is hereby given that a public meeting of the **Dunn County Planning, Resource, and Development Committee** will be held on **Wednesday, April 17, 2024 at 8:30am in Room 54 at the Dunn County Government Center, 3001 US HWY 12 East, Menomonie, Wisconsin.** **The building entrance for meetings is on the lower level of the Government Center and will be open 30 minutes ahead of the meeting start time.** Items of business to be discussed or acted upon at this meeting are listed below. A video recording of the meeting will be available for subsequent viewing on the Dunn County YouTube channel at the following link:

<https://www.youtube.com/@dunncounty1854>


Members of the public who require assistance in accessing the meeting, please call (715) 231-6505. Upon reasonable notice, the County will make efforts to accommodate the needs of disabled individuals through sign language, interpreters, or other auxiliary aids. For additional information, or to request the service, contact the County Human Resources Manager at 715-232-2429 (Office), 715-232-1324 (FAX) or 715-231-6406 (TDD) or by writing to the Human Resources Manager, Human Resources Department, 3001 US HWY 12 E, Suite 225, Menomonie, Wisconsin 54751.

**AGENDA**

1. **Call to Order**
2. **Call of the Roll**
3. **Approval of the Minutes – April 3, 2024**
4. **Public Comments**
5. **Public Hearing:**
  - A. Proposed amendments to Chapter 13 of the Comprehensive Zoning Ordinance.  
Continuation of the public hearing from March 20, 2024.
6. **Staff Reports:**
  - A. Register of Deeds monthly report.
  - B. Environmental Services monthly department reports.
  - C. Groundwater Ad Hoc Recommendations Report.
7. **Items placed at the request of the Chairperson:**
  - A. Review of current status and activity of the Dunn County Housing Workgroup.
8. **Consideration of Actions to be taken by the Planning, Resource, and Development Committee:**

None.
9. **Consideration of reports, resolutions, and ordinances to the County Board from the Planning, Resource, and Development Committee:**
  - A. Proposed amendments to Chapter 13 of the Comprehensive Zoning Ordinance.
10. **Announcements:**
11. **Future meeting date and any agenda items: May 1, 2024**
12. **Adjournment**

Tom Quinn, Chairperson

Signed:   
Thomas P. Carlson  
Dunn County Surveyor

**COUNTY OF DUNN  
MENOMONIE, WISCONSIN  
MINUTES**

**Minutes of the Meeting of the Dunn County Planning, Resource, and Development Committee.  
Held on April 3, 2024, in the Government Center, Room 54.**

**DRAFT**

- 1. Call to Order.** There being a quorum of the Dunn County Planning, Resource, and Development Committee, Chairperson Quinn called the meeting to order at 8:31 a.m.
- 2. Call of the Roll.** Present were Tom Quinn (Chair), Gary Bjork (Vice Chair), Mike Kneer, Monica Berrier, and Diane Morehouse.
- 3. Approval of Minutes.** Supervisor Morehouse made a motion to approve the minutes from the March 20, 2024 meeting as distributed. Supervisor Berrier seconded the motion. All in favor. Motion approved by voice vote.
- 4. Public Comments.** Tom Carlson, County Surveyor read a submitted public comment from Marie Kilde regarding accessory dwelling units.
- 5. Public Hearing.** None.
- 6. Staff Reports:**
  - A. 2023 Register of Deeds Annual Report.** Heather Kuhn, Register of Deeds presented the 2023 Register of Deeds Annual Report. Discussion by committee and staff.
  - B. Discuss Proposed Text Amendments to Chapter 13: ADUs.** Christian Farina, Assistant Corporation Counsel and Anne Wodarczyk, Planner/ Zoning Administrator recapped text amendment changes. Tony Christopherson, Chairperson for the Town of Elk Mound spoke. Discussion by committee and staff on standards.
- 7. Items placed at the request of the Chairperson.** None.
- 8. Consideration of Actions to be taken by the Planning, Resource, and Development Committee.** None.
- 9. Consideration of reports, resolutions, and ordinances to the County Board from the Planning, Resource, and Development Committee.** None.
- 10. Announcements.** None.

**11. Future Meeting Date and any agenda items.** Next meeting date will be Wednesday, April 17, 2024.

**12. Adjournment.** There being no further business, Chairperson Quinn declared the meeting adjourned at 9:51 a.m.

Respectfully Submitted,  
Tracie Albrightson  
Recording Secretary

## NOTICE OF PUBLIC HEARING

In compliance with Chapter 985 of the Wisconsin Statutes, this serves as public notice that the Dunn County Planning, Resource, and Development Committee will convene a public hearing to discuss proposed text amendments to Dunn County's Chapter 13 Comprehensive Zoning Ordinance. The committee may also make recommendations for consideration by the Dunn County Board of Supervisors.

The public hearing will take place during the committee meeting scheduled for April 17<sup>th</sup>, 2024, commencing at 8:30 a.m. in Room 54 at the Dunn County Government Center, located at 3001 US Highway 12 East, Menomonie, Wisconsin.

All interested parties are invited to attend and provide feedback on the proposed text amendments. Persons unable to attend may submit written comments by sending an email beforehand to [publiccomment@co.dunn.wi.us](mailto:publiccomment@co.dunn.wi.us). Persons needing assistance in accessing the meeting, please call (715) 231-6505.

For further inquiries or information regarding this public hearing, please contact the Dunn County Planning and Land Use (Zoning) office at 715-231-6520. A copy of the proposed ordinance amendments is available for inspection at the Dunn County Environmental Services Department, located at 3001 US HWY 12 East, Suite 240, Menomonie, Wisconsin, or on the Dunn County website at [www.co.dunn.wi.us](http://www.co.dunn.wi.us)

# REFERENCE CHART

CHANGE	LOCATION	LANGUAGE	PURPOSE & INTENT
<p><b>Amend</b> § 13.2.3.02(a)</p>	<p>R1 Principal Uses Line 401</p>	<p>(a) <del>Single family housing</del> Single-family dwelling.</p>	<p>Consistency with the rest of the ordinance.</p>
<p><b>Create</b> § 13.2.3.02(k)</p>	<p>R1 Principal Uses Line 414</p>	<p>(k) Attached Accessory Dwelling Unit (AADU) pursuant to Section 13.3.17</p>	<p>To address AADUs as a permitted principal use and attached regulation standards to protect public health, safety, and welfare.</p>
<p><b>Create</b> § 13.2.3.04(e)</p>	<p>R1 Accessory Uses Line 431</p>	<p>(e) Junior Accessory Dwelling Unit (JADU) pursuant to Section 13.3.17.</p>	<p>Allowing detached Junior Accessory Dwelling Units (JADUs) up to 600 sq. ft. offers flexibility for property owners, accommodating evolving family needs. It reduces infrastructure costs while generating income and boosting property values, thereby increasing the tax base.</p>
<p><b>Amend</b> § 13.2.3.05, 13.2.4.05, and 13.2.5.05</p>	<p>R1: Line 436 R2: Line 483 R3: Line 524 GA: Line 783</p>	<p>13.2.3.05 Permitted Accessory Structures: Those structures necessary to house the accessory uses. Permits must be issued for a permitted principal structure (13.2.3.03) before permits will be issued for accessory structures. Accessory structures shall not be designed or used in part or whole for human habitation or any unauthorized accessory <u>use unless properly permitted.</u></p>	<p>A Bed and Breakfast is an existing permitted accessory use. The existing blanket restriction on human habitation in accessory structures conflicted with the nature of this use.</p>

# SUMMARY OF PROPOSED CHANGES

CHANGE	LOCATION	LANGUAGE	SUMMARY/PURPOSE
Amend § 13.2.4.04 (a through e)	R2 Accessory Uses Lines 473 to 478	13.2.4.04 Permitted Accessory Uses: <del>Those permitted accessory uses found in the Residential (R1) district</del>	Remove reference to R1 and instead list all R1 uses that are also permitted in R2. Makes the permitted uses clearer for R2.
Create § 13.2.4.04(e)	R2 Accessory Uses Line 478	(e) Detached Accessory Dwelling Unit pursuant to Section 13.3.17.	Adds DADUs as a permitted accessory use in R2.
Amend § 13.2.8.02(h)	GA Principal Uses Line 766	(h) <del>Single-Family housing</del> Single-Family dwelling (02/18/2015)	Maintain consistency throughout the ordinance.
Create § 13.2.8.02(k)	GA Principal Uses Line 769	(k) Attached Accessory Dwelling Unit (AADU) pursuant to Section 13.3.17	Adds AADU as a permitted principal use.
Create § 13.2.8.04(e)	GA Accessory Uses Line 780	(e) Detached Accessory Dwelling Unit (ADU) pursuant to Section 13.3.17	Adds DADU as a permitted accessory use.

# CONSIDERATIONS

## CONSIDERATION

## SUMMARY

## Asst. CC Opinion

### Removal of Detached Junior ADUs from R1

Three towns have raised concerns that permitting detached JADUs may conflict with their planning objectives, particularly in areas zoned for single-family residences (R1).

Certainly feasible. However, updating the language regarding allowable uses in R2 and R3 districts would be necessary since they currently reference "allowed uses in R1."

### Establishing Minimum Lot Size/ Limit construction on Non-Conforming Lots

Restricting the construction of ADUs on non-conforming lots or lots smaller than what is permitted by town ordinance in a subdivision.

This could be implemented within the Supplemental Use Regulations section using language chosen by the committee. Clarity is essential in specifying the restrictions (i.e., the specific area limitation in the specific ordinance)

### Establishing Town Veto Power

A provision granting towns the authority to review and veto the issuance of ADU permits within a designated district.

Implementing ADUs in a district as a "permitted" or "by right" use poses significant challenges. Clear standards must be established for applicants to obtain permits, outlining factors for review, timelines, and decision-making processes. While we can't mandate how towns conduct meetings, we can define the process for recognizing a valid veto. If towns fail to adhere to this process when submitting a veto, the county may lack legal grounds to deny the application, potentially leading to conflicts. Resolution methods, such as providing additional review time or investigating procedural issues, remain unclear.

1 **DUNN COUNTY COMPREHENSIVE ZONING ORDINANCE**

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**CHAPTER 13**

**DUNN COUNTY COMPREHENSIVE ZONING ORDINANCE**

**Section 1.** Chapter 13 of the Dunn County Code of Ordinances is created to read as follows:

**13.1.0 GENERAL PROVISIONS**

**13.1.0.01 Compliance**

The use, size, shape and placement of lots on any land as well as the use, size and location of structures on land shall be in full compliance of this ordinance.

**13.1.0.02 Interpretation**

The provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the county. These provisions shall not be deemed a limitation or repeal of any other powers granted by Wisconsin Statutes.

**13.1.0.03 Severability**

The several sections, subsections, and paragraphs of this ordinance are hereby declared to be severable. If any section, clause, provision or portion of this ordinance shall be declared by a decision of a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the other provisions of this ordinance, or of the section of which the invalid portion or paragraph may be a part. Furthermore, if any application of any section, clause, provision or portion of this chapter to a particular structure, land or water shall be declared by a decision of a court of competent jurisdiction to be invalid, such decision shall not be applicable to any other structure, land or water not specifically included in the decision.

**13.1.0.04 Determination of District Boundaries**

**General Zoning Maps:** The boundaries of the general zoning districts established in Section 13.2.1 of this ordinance are shown on the maps entitled "Zoning Maps of Dunn County". These maps on file in the office of the County Zoning Administrator are the official version and shall control in any cases where differences occur between it and other copies. All notations and references shown on the zoning maps are a part of this ordinance by reference. The Zoning Administrator shall update the official zoning maps to reflect adopted amendments. Where uncertainty exists as to the boundaries of districts as shown on the official zoning maps, the following shall apply:

- (a) Boundaries indicated as approximately following the centerlines of streets, highways, railroads, or lakes, streams and other water bodies, shall be construed to follow such centerlines.
- (b) Boundaries indicated as approximately following platted and certified survey lot lines, quarter-quarter section lines, or municipal boundaries, shall be construed to follow such lines.
- (c) Boundaries indicated as being parallel to or an extension of the features listed in subsection (a) or (b) above shall be so construed. Distances not specified on the map shall be determined by the map scale.
- (d) In situations not covered by Section 13.1.0.04 (a) through (c) above, or when there is a dispute over a determination of district boundaries made by the Zoning Administrator, the Planning, Resource and Development Committee shall determine district boundaries.

101 **Effective Date of Town Zoning Maps:** Such map shall become effective in a town as of the date a  
 102 certified copy of approving town resolution is filed with the County Clerk. The County Clerk shall record  
 103 the dates of adoption in the following format:  
 104

TOWNSHIP	DATE OF ADOPTION	TOWNSHIP	DATE OF ADOPTION
COLFAX		RED CEDAR	
DUNN		ROCK CREEK	
EAU GALLE		SAND CREEK	
ELK MOUND		SHERMAN	
GRANT		SHERIDAN	
HAY RIVER		SPRING BROOK	
LUCAS		STANTON	
MENOMONIE		TANTER	
NEW HAVEN		TIFFANY	
OTTER CREEK		WESTON	
PERU		WILSON	

105  
 106 **13.1.0.05 Abrogation**

107  
 108 **General Supersession:** This Comprehensive Zoning Ordinance supersedes all inconsistent provisions of  
 109 any county zoning ordinance enacted under Section 59.69, Wis. Stats.  
 110

111 **Non-Impairment of Deeds:** It is not otherwise intended by the ordinance to repeal, abrogate, or impair  
 112 any existing deed restrictions, easements, covenants, or permits already issued, or ordinances other than  
 113 zoning to the extent specified in Section 13.1.0.05 General Suppression of this ordinance; however, where  
 114 this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.  
 115

116 **Buildings Under Construction:** Nothing herein contained shall require any change in the plans,  
 117 construction size, or designated use of any building or structure or part thereof on which construction has  
 118 started, or a particular use has been commenced, or upon which a bona fide construction contract has been  
 119 entered into before the effective date of this ordinance provided that such construction, use or construction  
 120 contracts are in compliance with all ordinances existing at the time of commencement.  
 121

122 **13.1.0.06 Jurisdiction**

123  
 124 The jurisdiction of this ordinance shall apply to all land located outside the limits of incorporated cities and  
 125 villages subject to town approval as provided in Section 59.69, Wis. Stats.  
 126

127 **13.1.0.07 Purpose**

128  
 129 It shall be the purpose of this ordinance through the regulation of the use of lands and structures, through  
 130 the establishment of physical standards, through the creation of separate zoning districts and through the  
 131 mechanisms provided herein for enforcement and administration to:  
 132

- 133 (a) Promote the public health, safety, convenience and general welfare of the citizens of Dunn  
 134 County;
- 135 (b) To encourage planned and orderly land use development;
- 136 (c) To aid in the implementation of the Dunn County Comprehensive Land Use Plan as required by  
 137 66.1001 Wis. Stats.;
- 138 (d) To protect property values and the property tax base;
- 139 (e) To permit the careful planning and efficient maintenance of highway systems;
- 140 (f) To ensure adequate highway, utility, health, educational and recreational facilities;
- 141 (g) To recognize the needs of agriculture, forestry, industry and business in future growth;

- 142 (h) To encourage uses of land and other natural resources which are in accordance with their character
- 143 and adaptability;
- 144 (i) To provide adequate light and air;
- 145 (j) To encourage the protection of groundwater resources, the preservation of wetlands and the
- 146 conservation of soil, water and forest resources;
- 147 (k) To protect the beauty and amenities of landscape and man-made developments;
- 148 (l) To provide healthy surroundings for family life; and
- 149 (m) To promote the efficient and economical use of public funds.
- 150
- 151

152 **13.2.0 GENERAL ZONING**

153 **Introduction and Explanation**

154 This chapter contains the central core of the Comprehensive Zoning Ordinance. This chapter indicates

155 what uses may be made of property, the permissible lot size, height of buildings, and dimensions of

156 required yards and open spaces. The ordinance divides the area in which it applies into thirteen (13)

157 districts. Each district has its own set of rules on use, yard space, lot size, and building height. Zoning

158 districts are parcel- based, which means a zoning district shall be defined by the parcel boundaries. There

159 shall be no more than one zoning district per parcel. (01/18/2017)

160 The locations of the thirteen (13) districts are shown on the official zoning maps that are available in the

161 Zoning Administrator's Office.

162 Within each district, there are listed "permitted uses" and "special exceptions." **Permitted Uses** are uses

163 which are allowed in that district provided that the property owner obtains a permit by showing that the

164 proposed use is listed as a permitted use and conforms to all applicable provisions of this ordinance.

165 **Special Exceptions** are uses that are allowed only after the County Board of Adjustment reviews the

166 proposed use, holds a public hearing, and decides whether to approve or deny the permit based upon the

167 application of standards found in this Section and Section 13.4.0.

168 In any zoning district, whenever a use is neither specifically permitted nor specially permitted, the Zoning

169 Administrator may determine which zoning district, if any, is most appropriate for the use contemplated

170 and determine if it is a permitted use or special exception.

171 The Zoning Administrator shall designate the zoning district applicable to public property when such

172 property or portions thereof become privately owned or when a public use requires such designation.

173 **13.2.1 Districts**

174 For the purpose of this ordinance the county is hereby divided into zoning districts which shall be as

175 follows:

- 176 1 Residential District (R1)
- 177 2 Residential District (R2)
- 178 3 Residential District (R3)
- 179 4 Intensive Agriculture District (IA)
- 180 5 Primary Agriculture District (PA)
- 181 6 General Agriculture (GA)
- 182 7 Limited Commercial District (LC)
- 183 8 General Commercial District (GC)
- 184 9 Light Industrial District (LI)
- 185 10 Heavy Industrial District (HI)
- 186 11 Shoreland & Recreational District (SR)
- 187 12 Non-metallic Mining Overlay District (NMM)

198  
199 **13.2.2 General Provisions of Height and Area.** Minimum lot size shall be that specified by the zoning district that  
200 applies.  
201

202 (a) A mobile recreational vehicle shall not be used as a permanent principal residence, and is defined  
203 as: "A vehicle which is built on a single chassis, 400 square feet or less when measured at the  
204 largest horizontal projection, designed to be self-propelled, carried or permanently towable by a  
205 licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed  
206 primarily not for use as permanent dwelling, but as temporary living quarters for recreation,  
207 camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of  
208 land, but do not remain capable of being towed or carried, including park model homes, do not fall  
209 within the definition of "mobile recreational vehicles."  
210

211 (1) Temporary use of a mobile recreational vehicle is permitted in all districts where  
212 a single family dwelling is allowed providing:

- 213 a. Zoning and sanitary permit(s) have been issued for the permanent dwelling.
- 214 b. Use does not exceed 365 days out of 547 days.

215 (2) Temporary use of a mobile recreational vehicle is permitted in all  
216 Agriculture districts providing:

- 217 (a) It is for the recreational use of the owner/lessee of the  
218 property.
- 219 (b) The use does not exceed more than 180 days in a calendar  
220 year.
- 221 (c) The mobile recreational vehicle is not connected to any private  
222 on-site waste disposal system or well.  
223

224 (b) Except in the case of condominiums, or as otherwise provided in this ordinance, not more than one  
225 principal building or use and its accessory buildings or uses may be located on a lot or parcel of  
226 land.  
227

228 (c) When a lot has an area less than the minimum number of square feet as required for the district in  
229 which it is located and was of record as such as of the effective date of this ordinance, such lot  
230 may be used subject to the provisions of Section 13.3.7.  
231

232 (d) Measurements for determining setbacks will be taken from the parcel lot lines to the foundation of  
233 the building, excluding the ordinary projection of sills, belt courses, cornices, eaves, landings and  
234 ornamental features projecting not more than 48 inches. When a structure or use is proposed to be  
235 constructed or created across a parcel line, within the required setbacks, or on a contiguous lot, the  
236 two parcels must be replatted by certified survey map procedures prior to issuance of any permits.  
237 (01/18/2017)  
238

239 (e) For the purpose of this ordinance, frontage or front property line of a corner lot/parcel shall be  
240 determined by the landowner. In all other instances frontage or front property line shall be  
241 determined according to the road/highway. (01/18/2017)  
242

243 (f) The regulations contained herein relating to the height of building or structures and the size of  
244 yards and other open spaces shall be subject to the following exceptions:  
245

- 246 (1) Structures used for religious purposes, schools, and other public and quasi-public  
247 buildings may be erected to a height not exceeding 60 feet, nor more than five stories,  
248 provided the front, side, and rear yards required in the district in which such building or  
249 structure is to be located, are each increased at least one foot for each additional foot of  
250 height above the height limit otherwise established for the district in which such building  
251 or structure is to be located.

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- (2) Chimneys, cooling towers, symbolic extensions on structures used for religious purposes, tanks and water towers are hereby exempt from the height regulations of this ordinance and shall be erected in accordance with other state or federal height regulations. Governmental communication towers, amateur radio towers, and television receiving antennas and dishes are exempt from the requirements of Section 13.3.12 when a permit is required.
- (3) (Repealed 01/18/2017)
- (4) Agricultural structures are hereby exempt from the height regulations provided that the applicable setbacks are increased at least one foot for each additional foot of height above 35 feet.

(h) The following standards shall apply in all **Residential and Shoreland Recreation Districts (R1, R2, R3 and SR)**:

**Minimum Lot Area**

- (1) Lots served by community sewer shall be a minimum of 10,000 square feet and a minimum of 60 feet wide at the highway or building setback line. (01/18/2017)
- (2) Lots not served by community sewer shall be a minimum of one acre excluding road right-of-way and a minimum of 85 feet wide at the highway or building setback line. (01/18/2017)

**Height**

- (1) The maximum height for principal and accessory structure shall be 35 feet. (01/18/2017)

**Side Yard**

- (1) The minimum side yard setback shall be 10 feet for principal structures.
  - (a) In the R2 & R3 Districts a zero side lot line is permitted provided the dwelling to be developed is constructed as one building with one or more common walls and the lot size of each lot shall meet the minimum lot size.
- (2) The minimum side yard setback shall be 5 feet for accessory structures. Principal structure setbacks apply for accessory structures greater than 1000 square feet.
- (3) When an accessory structure is attached to the principal structure, it shall be considered as one structure and the conditions set forth for the principal structure shall apply.
- (4) The side yard setback on corner lots shall be 25 feet for all principal structures and 10 feet for all accessory structures.

**Rear Yard**

- (1) The minimum rear yard setback shall be 25 feet for principal structures.
- (2) The minimum rear yard setback shall be 5 feet for accessory structures. Principal structure setbacks apply for accessory structures greater than 1000 square feet.
- (3) When an accessory structure is attached to the principal structure, it shall be considered as one structure and the conditions set forth for the principal structure shall apply.

**Highway/Front Yard:** The minimum highway and front yard setbacks shall be regulated under Section 13.3.2.

(i) The following standards shall apply in all **Agriculture Districts (IA, PA, GA)**:

**Minimum Lot Area**

- 307 (1) The minimum lot size for non-farm single / two family residence and non-farm  
308 residential cluster shall be one acre in the IA and PA districts.  
309 (2) The GA District shall have a minimum lot size of one acre, excluding road right-of-way.  
310

311 **Height**

- 312 (1) The maximum height of a residential structure shall be 35 feet  
313 (2) Agricultural structures such as barns, silos, tanks, and windmills are hereby exempt from  
314 the height regulation provided the front, side and rear yard setbacks are each increased at  
315 least one foot for each additional foot of height above 35 feet.  
316

317 **Side Yard**

- 318 (1) The minimum side yard setback shall be 10 feet for principal structures  
319 (2) The minimum side yard setback shall be 5 feet for accessory structures  
320 (3) The minimum side yard setback for livestock facilities greater than 500 animal units are  
321 as per Section 13.3.5.  
322

323 **Rear Yard**

- 324 (1) The minimum rear yard setback shall be 25 feet for principal structures.  
325 (2) The minimum rear yard setback shall be 5 feet for accessory structures.  
326 (3) The minimum rear yard setback for livestock facilities greater than 500  
327 animal units are as per Section 13.3.5.  
328

329 **Highway/Front Yard:** The minimum highway and front yard setbacks shall be  
330 regulated under Section 13.3.2.  
331

332 (j) The following standards shall apply in the **Limited Commercial and General**  
333 **Commercial Districts**  
334

335 **Minimum Lot Area**

- 336 (1) There shall be no minimum lot area required for these districts. The lot  
337 shall accommodate the principal and accessory structures with regard to:  
338 a. Highway, side yard and rear yard setbacks  
339 b. On-site waste disposal  
340 c. Off-street parking and loading  
341

342 **Height**

- 343 (1) The maximum height of a principal structure shall be 35 feet.  
344 (2) The maximum height of an accessory structure shall be 20 feet.  
345

346 **Side Yard**

- 347 (1) The minimum side yard setback for all structures shall be one of the following:  
348 a. Zero feet if sharing a common wall(s)  
349 b. 10 feet if abutting a commercial district  
350 c. 20 feet if abutting a residential district or agriculture district  
351

352 **Rear Yard**

- 353 (1) The minimum rear yard setback for all structures shall be one of the following:  
354 a. 10 feet if abutting a commercial district  
355 b. 20 feet if abutting a residential district or agriculture district  
356

357 **Highway/Front Yard:** The minimum highway and front yard setbacks shall be  
358 regulated under Section 13.3.2.  
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360 (k) The following standards shall apply in the **Light Industrial and Heavy**  
361 **Industrial Districts:**

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**Minimum Lot Area**

(1) There shall be no minimum lot area required for these districts. The lot shall be of sufficient size to accommodate the principal and accessory structures with regard to:

- a. Highway, side yard and rear yard setbacks
- b. On-site waste disposal
- c. Off-street parking and loading

**Height**

(1) The maximum height of a principal and accessory structure shall be 35 feet.  
(2) The height of the principal and accessory structures exceeding 35 feet shall be setback at least one foot for each additional foot of height above 35 feet.

**Side Yard**

(1) The minimum side yard setback for all structures shall be 20; or  
(2) The minimum side yard setback for all structures shall be 50 feet if abutting a Residential or Agriculture District (01/18/2017)

**Rear Yard**

(1) The minimum rear yard setback for all structures shall be 20 feet; or  
(2) The minimum rear yard setback for all structures shall be 50 feet if abutting a Residential or Agriculture District (01/18/2017)

**Highway/Front Yard:** The minimum highway and front yard setbacks shall be regulated under Section 13.3.2.

**Prohibited Uses of Yards:** Any yard which abuts a boundary of a non-industrial district shall not have a stockpile, waste or salvage pile, equipment storage or other accumulation of material or equipment in the open, placed in such yard, except that loading platforms may be established in a yard if it abuts a railroad.

**13.2.3 Residential District (R1)**

**13.2.3.01 Purpose:** To identify those areas where predominately single family residential development has occurred or will likely occur.

**13.2.3.02 Permitted Principal Uses**

- (a) Single family dwelling
- (b) Schools, public and parochial and their accessory uses
- (c) Essential services
- (d) Religious activities
- (e) Public parks and playgrounds
- (f) Family child care centers as per DCF 250 Wis. Admin. Code and 66.1017 Wis. Stats.
- (g) Adult family home, community based residential facility and community living arrangement, with a capacity for eight (8) or fewer persons. (See 59.69(15) (c) Wis. Stats.)
- (h) Adult daycare facility as defined in Section 13.7.0 with a capacity for eight (8) or fewer persons
- (i) Electric distribution, gas distribution, gas transmission, renewable energy generation facility (small) and town border station. (06/17/2015)
- (j) Maximum of 2 animal units as per Section 13.3.13. See Appendix A for the Animal Units Calculator applicable in R1, R2 and R3 Districts. (06/17/2015)
- (k) Attached Accessory Dwelling Unit (AADU) pursuant to Section 13.3.17

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**13.2.3.03 Permitted Principal Structures:**

- (a) Structures necessary to house the permitted uses.
- (b) Single family dwelling, excluding mobile homes constructed before June 15, 1976, as defined in Wis. Stats. § 101.91 (10) (01/18/2017)

**13.2.3.04 Permitted Accessory Uses**

- (a) Home occupations and professional offices as per Section 13.3.3
- (b) Private recreational uses including but not limited to swimming, tennis, horticulture and
  - 1. playground activities.
- (c) Bed and breakfast establishments pursuant to Chapter 254.61 Wis. Stats
- (d) Crop farming on unimproved lots. (09/20/2017)
- (e) **Junior Accessory Dwelling Unit (JADU) pursuant to Section 13.3.17**

**13.2.3.05 Permitted Accessory Structures:** Those structures necessary to house the accessory uses. Permits must be issued for a permitted principal structure (13.2.3.03) before permits will be issued for accessory structures. Accessory structures shall not be designed or used in part or whole for human habitation or any unauthorized accessory use **unless properly permitted.**

**13.2.3.06 Special Exceptions**

The following uses and related structures may be allowed as a special exception upon the approval by the Board of Adjustment as provided in Section 13.4.0.04:

- (a) Adult family home, community based residential facility, and community living arrangement, (with a capacity for nine (9) or more persons). (See 59.69(15)(d) Wis. Stats.)
- (b) Group child care center as per DCF 251 Wis. Admin. Code
- (c) Crop farming on un-improved lots.
- (d) Keeping of honey bees as per Section 13.3.4
- (e) Keeping of chickens as per Section 13.3.1
- (f) Public or private club and fraternity to include but not limited to tennis courts, golf course and archery ranges. (02/18/2015)
- (g) Electric transmission, renewable energy generation (large and intermediate) and substations. (06/17/2015)
- (h) More than 2 animal units and up to a maximum of 5 animal units. (06/17/2015)

**13.2.4 Residential District (R2)**

**13.2.4.01 Purpose:** To identify those areas when predominately single family and two family residential development has or will occur, along with certain community and recreational uses to serve the residents of the district.

**13.2.4.02 Permitted Principal Uses**

- (a) Those permitted principal uses found in the Residential (R1) district
- (b) Two family housing

**13.2.4.03 Permitted Principal Structures**

- (a) Those structures necessary to house the permitted uses.
- (b) Single/two-family dwelling, excluding mobile homes defined in 101.91(10) Wis. Stats.

**13.2.4.04 Permitted Accessory Uses:**

- (a) Home occupations and professional offices as per Section 13.3.3
- (b) Private recreational uses including but not limited to swimming, tennis, horticulture and playground activities.
- (c) Bed and breakfast establishments pursuant to Chapter 254.61 Wis. Stats
- (d) Crop farming on un-improved lots.
- (e) Detached Accessory Dwelling Unit pursuant to Section 13.3.17

**13.2.4.05 Permitted Accessory Structures:** Those structures necessary to house the accessory uses. Permits must be issued for a permitted principal structure (13.2.4.03) before permits will be issued for an accessory structure. Accessory structures shall not be designed or used in part or whole for human habitation or any unauthorized accessory use unless properly permitted.

**13.2.4.06 Special Exceptions**

The following uses may be allowed as a special exception upon the approval by the Board of Adjustment as provided in Section 13.4.0.04:

- (a) Those special exceptions found in the Residential (R1) District
- (b) Mobile/manufactured home communities subject to the provisions of Section 13.3.6 and Chapter 66.0435 Wis. Stats. (02/18/2015)
- (c) Public swimming places pursuant to Chapter DHS 172 Wis. Admin. Code. (02/18/2015)

**13.2.5 Residential District (R3)**

**13.2.5.01 Purpose:** To identify those areas when predominately residential development has or will occur, along with certain community and recreational uses to serve the residents of the district.

**13.2.5.02 Permitted Principal Uses**

- (a) Those permitted principal uses found in the Residential (R1, R2) Districts
- (b) Multiple family housing
- (c) Mobile and manufactured home communities subject to the provisions of Sec.13.3.6 and Chapter 66.0435 Wis. Stats.
- (d) Rest and nursing homes

**13.2.5.03 Permitted Principal Structures**

- (a) Those structures necessary to house the permitted principal uses.
- (b) Single/two-family/multiple dwellings, excluding mobile homes defined in 101.91(10) Wis. Stats.
- (b) Public buildings excluding sewage disposal plants, landfill and garbage incinerations, transfer stations and buildings for the repair or storage of road maintenance equipment

**13.2.5.04 Permitted Accessory Uses:** Those permitted accessory uses found in the Residential (R1, R2) Districts

**13.2.5.05 Permitted Accessory Structures:** Those structures necessary to house the permitted accessory uses. Permits must be issued for a permitted principal structure before permits will be issued for an accessory structure. Accessory structures shall not be designed or used in part or whole for human habitation or any unauthorized accessory use unless properly permitted.

**13.2.5.06 Special Exceptions:** Those special exceptions found in the Residential (R1) and (R2) Districts

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**13.2.6 Intensive Agriculture District (IA)**

**13.2.6.01 Purpose: The (IA) Intensive Agriculture District is established to:**

- (a) Preserve agricultural land and maintain land owner rights by harmonizing agricultural preservation and land development.
- (b) Minimize current and future conflicts among agricultural practices, infrastructure needs and land uses.
- (c) Provide tools and tax incentives for farmers to maximize their incomes and save taxes while protecting farmland through soil and water conservation practices.
- (d) Permit, provide and encourage uses which are consistent with farm businesses and farm economic activities.
- (e) Comply with the Farmland Preservation Program under Chapter 91 of the Wisconsin Statutes. (06/17/2015)

**13.2.6.02 Permitted Principal Uses**

- (a) Agricultural uses with the purpose of earning an income or livelihood. Subject to the requirements of Wis. Stat. § 91.01(2), such uses include, but are not limited to, the following (06/17/2015), (06/15/2016):
  - 1. Apiculture
  - 2. Aquaculture
  - 3. Crop or forage production
  - 4. Enrolling land in a federal agriculture commodity payment program or a federal or state agricultural land conservation payment program
  - 5. Floriculture
  - 6. Forest and game management
  - 7. Fur farming
  - 8. Horticulture
  - 9. Livestock facilities less than 500 animal units
  - 10. Keeping of livestock to include bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites, and farm-raised fish
  - 11. Nursery, sod and Christmas tree production
  - 12. Orchards
- (b) Undeveloped natural resources and open space areas
- (c) A single-family/two-family farm residence that is the only residential structure on the farm
- (d) A single-family/two family farm residence that is occupied by any of the following:
  - 1. An owner or operator of the farm
  - 2. A parent or child of an owner or operator of the farm
  - 3. An individual who earns more than 50 percent of his or her gross income from the farm
- (e) A migrant labor camp that is certified under s. 103.92, Wis. Stats.
- (f) Transportation, utility, communication, or other uses that are required under state or federal law to be located in a specific place, or that are authorized to be located in a specific place under a state or federal law
- (g) Electric distribution, gas distribution, gas transmission, renewable energy generation facility (small and intermediate), town border stations and substations that are required under state or federal law to be located in a specific place, or that are authorized to be located in a specific place under a state or federal law (06/17/2015), (06/15/2016)

**13.2.6.03 Permitted Principal Structures:** Those structures used to house permitted principal uses and meeting the requirements of Wis. Stat. § 91.01(1). (06/15/2016)

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**13.2.6.04 Permitted Accessory Uses**

- (a) Sales of agriculture-related products including temporary seasonal roadside sales
- (b) Sales of agriculture-related products such as feed, seed, fertilizer, herbicides and pesticides by a farmer to supplement farm income and customarily carried on as part of the farm operation.
- (c) Home occupations and professional offices that meet the requirements of section 13.3.3 of this ordinance and section 91.01(1)(b) or (d) of the Wisconsin Statutes. (06/17/2015)
- (d) Second housing unit pursuant to Section 13.2.6.02(d)
- (e) Bed and breakfast establishments pursuant to Chapter DHS 197, Wis. Admin. Code, that meet the requirements of section 91.01(1)(b) of the Wisconsin Statutes. (06/17/2015)
- (f) Family child care centers as per DCF 250.03(9), Wis. Admin. Code, that meet the requirements of section 91.01(1)(b) of the Wisconsin Statutes.
- (g) Adult family home, community based residential facility and community living arrangements, with a capacity for eight (8) or fewer persons. (See 59.69(15)(c) Wis. Stats)
- (h) Adult daycare facility with a capacity of fewer than eight (8) persons as defined in Section 13.7.0 that meet the requirements of section 91.01(1) of the Wisconsin Statutes. (06/15/2016)

**13.2.6.05 Permitted Accessory Structures:** Those structures used to house permitted accessory uses and meeting the requirements of Wis. Stat. § 91.01(1). (06/15/2016)

**13.2.6.06 Special Exceptions:** The following uses may be allowed as a special exception upon the approval by the Board of Adjustment as provided in Section 13.4.0.04(f) and in accordance with the applicable standards in Wis. Stat. § 91.46. (06/15/2016)

- (a) New or expanded livestock facilities that will have 500 or more animal units subject to the Livestock Facility Siting provisions contained in 13.3.5.
- (b) A grain warehouse, potato warehouse, or other warehouse that stores raw agricultural commodities received from farms
- (c) A dairy plant that processes or handles milk from farms
- (d) A meat slaughter establishment
- (e) A food processing plant that processes raw agricultural commodities
- (f) A feed mill or rendering plant that processes raw agricultural commodities or agricultural by-products received directly from farms, or supplies animal feed directly to farms.
- (g) An ethanol plant, bio-diesel plant, communal manure digester, pelletizing plant or other facility that processes raw agricultural commodities, agricultural by-products or agricultural wastes (received directly from farms) to produce fuel or other products.
- (h) A sawmill or other facility that processes wood or other forest products received directly from farms
- (i) A facility that is engaged in sale and servicing of farm vehicles or other farm equipment.
- (j) A facility that is engaged in providing agronomic or veterinary services to farms
- (k) Telecommunication and Broadcast facilities as per Sec. 13.3.12 and Wis. Stat. § 91.46(4)
- (l) Religious activities, subject to section 91.46(5) of the Wisconsin Statutes. (06/17/2015)
- (m) Schools, public and parochial, and their accessory uses subject to section 91.46(5) of the Wisconsin Statutes. (06/17/2015)
- (n) Cemeteries, not ancillary to a permitted use subject to section 91.46(5) of the Wisconsin Statutes. (06/17/2015)
- (o) Non-farm residences not constructed as a residential cluster, provided the following standards are met:
  1. The ratio of non-farm residential acreage to farm acreage in the base farm tract will not exceed 1:20.
  2. There will not be more than 2 non-farm residences, nor more than 5 residences of any kind, in the base farm tract.

- 637 3. Neither the non-farm residence, nor the parcel on which the non-farm residence is located,  
638 will convert prime farmland, or cropland other than a woodlot, from agricultural use, unless  
639 no reasonable alternative site is available, or significantly impair or limit the current or  
640 future agricultural use of any other protected farmland.  
641 4. The request includes a certified survey of the parcel(s). (06/17/2015)  
642  
643 (p) Non-farm residences constructed as a residential cluster, provided the following standards  
644 are met (03/23/2016):  
645 1. The ratio of non-farm residential acreage to farm acreage in the base farm tract will not  
646 exceed 1:20.  
647 2. There will not be more than 2 non-farm residences, nor more than 5 residences of any kind,  
648 in the base farm tract.  
649 3. Neither the non-farm residence, nor the parcel on which the non-farm residence is located,  
650 will convert prime farmland, or cropland other than a woodlot, from agricultural use, unless  
651 no reasonable alternative site is available, or significantly impair or limit the current or  
652 future agricultural use of any other protected farmland.  
653 4. Each parcel must share a boundary with at least one other parcel.  
654 5. The request includes a certified survey of the parcels. (06/17/2015)  
655 (q) Transportation, communications, pipeline, electric transmission, electric generation  
656 facility, utility, or drainage uses subject to section 91.46(4) of the Wisconsin Statutes. (06/17/2015),  
657 (06/15/2016)  
658 (r) Governmental mining operations of less than twenty-five (25) acres, excluding industrial  
659 sand mining, (based on the life of the mine) meeting the requirements of section 13.3.8 of this  
660 ordinance and section 91.46(5) of the Wisconsin Statutes. (06/17/2015)  
661 (s) Governmental nonmetallic mining operations of less than twenty-five (25) acres, excluding  
662 industrial sand mining, (based on the life of the mine) meeting the requirements of section 13.3.8 of  
663 this ordinance and the requirements of section 91.46(5) of the Wisconsin Statutes. (06/17/2015),  
664 (06/15/2016)  
665 (t) Nonmetallic mining, when the product is used by the property owner for their own use on  
666 the same parcel or on parcels under the same ownership and the requirements of section 91.46(6) of  
667 the Wisconsin Statutes are met. (06/17/2015)  
668 (u) Repealed (06/15/2016)  
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### 13.2.6.07 Rezoning land out of this district

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673 (a) Except as provided in sub. (b), the Dunn County Board of Supervisors may not rezone  
674 land out of this district unless the Planning, Resource and Development Committee does all of the  
675 following prior to the rezoning:  
676  
677 1. Finds all of the following in writing, after public hearing, as part of the  
678 official record of the rezoning:  
679 a) The rezoned land is better suited for a use not  
680 allowed in this district  
681 b) The rezoning is consistent with any comprehensive  
682 plan, adopted by Dunn County which is in effect at the time of rezoning.  
683 c) The rezoning is substantially consistent with the  
684 Dunn County Farmland Preservation Plan, certified under ch. 91, Wis. Stats.,  
685 which is in effect at the time of the rezoning.  
686 d) The rezoning will not substantially impair or limit  
687 current or future agricultural use of other protected farmland.  
688 (b) Subsection (a) does not apply to any of the following:  
689 1. A rezoning that is affirmatively certified by the Wisconsin Department  
690 of Agriculture, Trade and Consumer Protection under ch. 91, Wis. Stats.

- 691 2. A rezoning that makes the farmland preservation zoning ordinance map  
692 more consistent with Dunn County's Farmland Preservation Plan map, certified under ch.  
693 91, Wis. Stats, which is in effect at the time of the rezoning.
- 694 (c) On or before March 1 of each year the Dunn County Zoning Office will provide to the Department  
695 of Agriculture, Trade and Consumer Protection (DATCP) a report of the number of acres rezoned  
696 out of a farmland preservation zoning district during the previous year and a map showing the  
697 location of those acres. (06/17/2015)
- 698 (d) On or before March 1 of each year all political subdivisions (not a county) within Dunn County will  
699 submit a copy of the information that it reports to DATCP the Dunn County Zoning Office.  
700 (06/17/2015)
- 701 (e) Comply with the Farmland Preservation Program under Chapter 91 of the Wisconsin Statutes.  
702 (06/17/2015)
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### 705 **13.2.7 Primary Agriculture District (PA)**

#### 706 **13.2.7.01 Purpose: The (PA) Agriculture District is established to:**

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- 708 (a) Preserve agricultural land and maintain land owner rights by harmonizing agricultural  
709 preservation and land development.
- 710 (b) Minimize current and future conflicts among agricultural practices, infrastructure needs  
711 and land uses.
- 712 (c) Provide tools and tax incentives for farmers to maximize their incomes and save taxes  
713 while protecting farmland through soil and water conservation practices.
- 714 (d) Permit, provide and encourage uses which are consistent with farm businesses and farm  
715 economic activities.
- 716 (e) Comply with Farmland Preservation Program under Chapter 91 of the Wisconsin  
717 Statutes. (06/15/2016)
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#### 720 **13.2.7.02 Permitted Principal Uses:**

- 721
- 722 (a) Those permitted principal uses found in the IA District;
- 723 (b) New or expanded livestock facilities that will have no more 500 animal units subject to the Livestock  
724 Facility Siting provisions in section 13.3.5 of this ordinance. (06/17/2015)
- 725

#### 726 **13.2.7.03 Permitted Principal Structures:** Those permitted principal structures found in the Intensive 727 Agriculture (IA) District

#### 728 **13.2.7.04 Permitted Accessory Uses:** Those permitted accessory uses found in the Intensive Agriculture 729 (IA) District

#### 730 **13.2.7.05 Permitted Accessory Structures:** Those permitted accessory structures found in the Intensive 731 Agriculture (IA) District

#### 732 **13.2.7.06 Special Exceptions:** The following uses may be allowed as a special exception upon the approval 733 by the Board of Adjustment as provided in section 13.4.0.04(f) and in accordance with the applicable standards 734 in section 91.46 of the Wisconsin Statutes:

- 735
- 736 (a) Those special exception uses listed in 13.2.6.06(b) through (t), subject to all additional or modified  
737 requirements provided in this section. (06/15/2016)
- 738 (b) Non-farm single/two family residences not constructed as a residential cluster shall meet all  
739 requirements of section 13.2.6.06(o), except that there shall be not more than 4 non-farm residences  
740 nor more than 5 residences of any kind in the base farm tract.
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744 (c) Non-farm residential clusters for single/two family residences creating two or more lots shall meet  
745 all requirements of section 13.2.6.06(p), except that there shall be not more than 4 non-farm  
746 residences nor more than 5 residences of any kind, in the base farm tract. (06/17/2015)  
747

748 **13.2.7.07** Rezoning land out of this district shall meet those standards found in the Intensive Agriculture (IA)  
749 District 13.2.6.07.  
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### 751 **13.2.8 General Agriculture District (GA)** 752

753 **13.2.8.01 Purpose:** This district is created to establish areas within which agricultural uses, commercial uses  
754 serving agriculture and residential uses may be located. This district preserves the county's natural resources  
755 and open spaces and recognizes the importance of historic agricultural structures. (06/17/2015)  
756

#### 757 **13.2.8.02 Permitted Principal Uses**

- 758 (a) Those permitted principal uses found in the IA and PA districts
- 759 (b) Public parks and playgrounds
- 760 (c) Governmental uses such as town halls, garages, solid waste transfer stations, and recycling collection  
761 centers or depots
- 762 (d) Rest and nursing homes
- 763 (e) Religious activities
- 764 (f) Schools, public and parochial and their accessory uses
- 765 (g) Cemeteries, not ancillary to a permitted use
- 766 (h) Single family dwelling (02/18/2015)
- 767 (i) Seed sales (09/20/2017)
- 768 (j) Buildings for the repair or storage of governmental road maintenance equipment. (09/20/2017)
- 769 (k) Attached Accessory Dwelling Unit (AADU) pursuant to Section 13.3.17  
770

771 **13.2.8.03 Permitted Principal Structures:** Those structures necessary to house the permitted principal  
772 uses.  
773

#### 774 **13.2.8.04 Permitted Accessory Uses**

- 775 (a) Those permitted accessory uses found in the agriculture districts (IA, PA)
- 776 (b) Private recreational uses to include but not limited to swimming pools, tennis courts, playground  
777 equipment (not including motorized vehicles or rides) and playhouses. (06/17/2015)
- 778 (c) Greenhouses and storage sheds
- 779 (d) Agri-tourism (06/17/2015)
- 780 (e) Detached Accessory Dwelling Unit (ADU) pursuant to Section 13.3.17  
781

#### 782 **13.2.8.05 Permitted Accessory Structures:**

- 783 (a) Those structures necessary to house the permitted accessory uses. Permits must be issued for a  
784 permitted principal structure (13.2.8.03) before permits will be issued for accessory structures.  
785 Accessory structures shall not be designed or used in part or whole for human habitation or any  
786 unauthorized accessory use unless properly permitted.
- 787 (b) Seasonal sign (06/17/2015)  
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790 **13.2.8.06 Development Standards:** Development in this district shall be according to either the default  
791 standards (Parent Tract Standards) or according to the optional standards (Contiguous Tract Standards).  
792

(a) Parent Tract Standards

- 793 (1) Maximum Residential Density shall be 1 residential parcel per 8 acres (1:8).
- 794 (2) The allowable number of residential parcels shall be calculated by dividing the area of the  
795 Parent Tract by 8. (Example 26 acre Parent Tract divided by 8 = 3.25 parcels.) Any  
796 fractional lot resulting from the calculation which is at least 0.80 (80%) shall be rounded up  
797 to the next whole number.

- 798 (3) Any dwelling unit which exists on the Parent Tract shall be counted towards residential  
799 density.  
800 (4) No parcel shall be created which does not carry with it the allowance for at least one  
801 dwelling unit under the density calculation.  
802 (5) Density shall be based on the area of a parent tract. For the purpose of calculating density,  
803 the parent tract shall not cross a line of a government protracted quarter-quarter section or  
804 shall not cross a line of a government lot.  
805 (6) Allowable density shall be recorded on an Official Maximum Residential Density Map kept  
806 on file in the Zoning Office.  
807 (7) Parcels of land existing prior to the adoption of this ordinance which are 8 acres or less shall  
808 be allowed to continue as non-conforming parcels and cannot be further subdivided.  
809 (8) Parcels of land existing prior to the adoption of this ordinance which are greater than 8 acres  
810 and smaller than 16 acres may be subdivided to create one additional parcel.

811 (b) Contiguous Tract Standards

- 812 (1) Maximum Residential Density shall be 1 residential parcel per 8 acres (1:8).  
813 (2) The allowable number of residential parcels shall be calculated by dividing the area of the  
814 Contiguous Tract by 8. (Example 26 acre Contiguous Tract divided by 8 = 3.25 parcels.)  
815 Any fractional lot resulting from the calculation which is at least 0.80 (80%) shall be  
816 rounded up to the next whole number.  
817 (3) Any dwelling unit which exists on the Contiguous Tract shall be counted towards residential  
818 density.  
819 (4) No parcel shall be created which does not carry with it the allowance for at least one  
820 dwelling unit under the density calculation.  
821 (5) Density shall be based on the area of a contiguous tract.  
822 (6) Allowable density shall be recorded on an Official Maximum Residential Density Map kept  
823 on file in the Zoning Office.  
824 (7) Transfer of density between contiguous parcels shall be permitted, provided:  
825 a. The applicant, the County Surveyor and the Zoning Administrator meet and agree on  
826 transfer of density conditions.  
827 b. Dunn County shall draft a deed restriction, declaring the number of density credits for  
828 each parcel in the Contiguous Tract.  
829 c. The applicant shall pay a Transfer of Density fee (see fee schedule).  
830 d. The applicant shall file such deed restrictions with the Register of Deeds prior to County  
831 approval of any land division. (02/15/2015)

832 **13.2.8.07 Special Exceptions**

833  
834 The following uses may be allowed as a special exception upon the approval by the Board of Adjustment as  
835 provided in Section 13.4.0.04.  
836

- 837 (a) Governmental mining operations and nonmetallic mining operations of less than twenty-  
838 five (25) acres, excluding industrial sand mining (based on the life of the mine). See additional  
839 requirements in Section 13.3.8.  
840 (b) Construction aggregate nonmetallic mining operations. See additional requirements in  
841 Section 13.3.8.  
842 (c) Telecommunication and broadcast facilities as per Section 13.3.12.  
843 (d) Agriculture-related businesses, other than those permitted accessory uses as defined in  
844 Section 13.2.8.04 which includes but not limited to:  
845 1) Veterinary services and animal hospitals  
846 2) Livestock sales facilities  
847 3) Farm machinery dealers and repair services  
848 4) Seed, fertilizer and chemical dealers  
849 5) Processing of agricultural products produced on farms.  
850

- 851 (e) Temporary pavement mixing plants serving public transportation projects. (06/17/2015)
- 852 (f) Transfer stations and buildings for the repair or storage of road maintenance equipment
- 853 (g) Sawmills when on location for more than 90 days
- 854 (h) Commercial kennels
- 855 (i) Public and private airstrips and pads (FAA regulated)
- 856 (j) Outdoor activities to include but not limited to automobile, motor-cross, snowmobile, and
- 857 ATV racing and related activities.
- 858 (k) (Repealed) (06/17/2015)
- 859 (l) Contractors storage yards, public or private landfills, automobile wrecking yards and junk
- 860 yards (06/17/2015)
- 861 (m) Concrete and asphalt mixing plants (06/17/2015)
- 862 (n) Automotive and general machinery repair services and fabrication
- 863 (o) Public and private campgrounds, recreational and educational camps (See DHS 175 &
- 864 178)
- 865 (p) Exotic animals as defined in 13.7.0
- 866 (q) Metallic mining. See additional requirements in Section 13.3.8.
- 867 (r) Agricultural entertainment (6/17/2015)
- 868 (s) Electric generation facility and electric transmission. (06/17/2015)
- 869

### 870 13.2.9 Limited Commercial District (LC)

871  
872 **13.2.9.01 Purpose:** This district is intended to provide for commercial establishments using less than 3,000  
873 sq. ft. for its operation not including parking. Non-owner-occupied single family and/or multi-family  
874 dwellings shall be included in the 3,000 sq. ft. restriction. (01/18/2017)

875  
876 It is recognized that it is neither possible nor practical to list all of the principal and accessory uses that are  
877 compatible with those listed below and therefore it is intended that the following list of principal and  
878 accessory uses only be illustrative. Any individual aggrieved by a failure to list a particular principal or  
879 accessory use in this subsection shall have the right of review by the Zoning Administrator for a  
880 determination as to the similarity of the intended use with the principal and accessory uses listed below.

#### 881 13.2.9.02 Permitted Principal Uses

- 882 (a) The following classified uses with examples are permitted in the Limited Commercial District.
- 883 (b) Electric generation facility, electric transmission, renewable energy generation (small,
- 884 intermediate and large), electric distribution, gas distribution, gas transmission and town border
- 885 station and substations. (06/17/2015)
- 886
- 887
- 888

#### 889 Food/Grocery

- 890 1. Bakeries
- 891 2. Bars and taverns
- 892 3. Convenience stores
- 893 4. Fruit and vegetable stores
- 894 5. Grocery stores
- 895 6. Restaurants, including fast food and drive-in (01/18/2017)
- 896

#### 897 Financial/Professional/Business

- 898 1. Banks and other financial institutions
- 899 2. General and professional office buildings
- 900

#### 901 Retail/Sales

- 902 1. Antique and collector stores
- 903 2. Drug stores
- 904 3. Florist, Floriculture
- 905 4. Hardware stores

- 906 5. Hobby and craft stores
- 907 6. Jewelry and artisan sales
- 908 7. Liquor stores
- 909 8. Shoe repair stores
- 910 9. Variety stores

911  
912 Service

- 913 1. Barber shops and beauty shops
- 914 2. Clinics and labs to include medical, dental and veterinary
- 915 3. Dry cleaning and laundry establishments
- 916 4. Health and fitness centers
- 917 5. Libraries and museums
- 918 6. Nursery schools and daycare centers
- 919 7. Utility substations

920  
921 Seasonal or Temporary Artisan Sales

- 922 1. Fruit and vegetable stands, farmers market
- 923 2. Christmas tree sales

924  
925 **13.2.9.03 Permitted Principal Structures**

- 926
- 927 (a) Temporary structures necessary for the sale of seasonal and artisan products
- 928 (b) Non-owner occupied dwelling, including single and multi-family dwellings (01/18/2017)
- 929 (c) Other structures appropriate for permitted principal uses of this district (01/18/2017)
- 930

931 **13.2.9.04 Permitted Accessory Uses**

- 932
- 933 (a) Single and multi-family dwelling (01/18/2017)
- 934 (b) Parking of trucks or delivery vehicles used in conjunction with the principal or allowed special exception uses
- 935
- 936 (c) Activities and uses which are customarily associated with the principal uses
- 937

938 **13.2.9.05 Permitted Accessory Structures**

- 939
- 940 (a) Structures which are used in conjunction with principal or special exception uses
- 941 (b) Single and multi-family dwelling adjacent to the principal use (01/18/2017)
- 942 (c) Parking lot structures
- 943

944 **13.2.9.06 Special Exceptions**

- 945
- 946 (a) The following uses and related structures may be allowed as a special exception upon the approval by the Board of Adjustment as provided in Section 13.4.0.04.
- 947

- 948
- 949 1. Flea markets
- 950 2. Automobile service stations
- 951 3. Indoor archery and shooting ranges
- 952 4. Telecommunication and Broadcast facilities as Per Sec. 13.3.12
- 953 5. Renewable energy generation facility with a name plate rating 501kW
- 954 p to 1,500kW. (6/17/2015); (03/23/2016)
- 955

956 **13.2.10 General Commercial District (GC)**

- 957
- 958 **13.2.10.01 Purpose:** This district is intended to provide for commercial establishments.
- 959

960 It is recognized that it is neither possible nor practical to list all of the principal and accessory uses that are  
961 compatible with those listed below and therefore it is intended that the following list of principal accessory  
962 uses only be illustrative. Any individual aggrieved by a failure to list a particular principal or accessory use  
963 in this subsection shall have the right of review by the Zoning Administrator for a determination as to the  
964 similarity of the intended use with the principal and accessory uses listed below.  
965

966 **13.2.10.02 Permitted Principal Uses**  
967

968 (a) Those uses found in the Limited Commercial District as well as those commercial  
969 establishments greater than 3000 sq. ft. are permitted in the General Commercial District:  
970

971 Food/Grocery

- 972 1. Candy, confectionaries and ice cream
- 973 2. Dairy stores
- 974 3. Delicatessens
- 975 4. Fish Markets
- 976 5. Frozen Food lockers
- 977 6. Supermarkets
- 978 7. Meat markets
- 979 8. Brewpubs, Microbrewery (01/18/2017)  
980

981 Retail/Sales

- 982 1. Apparel and accessory stores
- 983 2. Appliance, carpet and furniture stores and related warehousing
- 984 3. Art supply stores, art galleries, artist studios or schools
- 985 4. Book stores
- 986 5. Building materials, lumberyards, under roof
- 987 6. Cabinets and woodworking sales and supplies
- 988 7. Camera and photographic supply and processing stores
- 989 8. Clothing and apparel stores
- 990 9. Crockery
- 991 10. Department stores
- 992 11. Fireworks sales (commercial grade)
- 993 12. Furnace and wood burning stove stores
- 994 13. Furriers and fur apparel
- 995 14. Gift stores
- 996 15. Grain storage
- 997 16. Greenhouse and garden supply stores
- 998 17. Hardware stores
- 999 18. Luggage stores
- 1000 19. Music stores, accessories and studios
- 1001 20. Newspaper and magazine stores and pressrooms
- 1002 21. Office supply
- 1003 22. Optical stores
- 1004 23. Packaged beverage stores
- 1005 24. Paint, glass and wallpaper stores
- 1006 25. Pawn shops
- 1007 26. Parking lots
- 1008 27. Pet stores
- 1009 28. Second-hand stores
- 1010 29. Shoe sales, repair and leather goods stores
- 1011 30. Signs
- 1012 31. Sporting good stores
- 1013 32. Stationary stores
- 1014 33. Tobacco shops

- 1015 34. Toy stores
- 1016 35. Automobile, marine and agriculture sales
- 1017 36. Open sales lots for the purpose of buying and selling automobiles,
- 1018 trucks, motorcycles, boats trailers, recreational vehicles, mobile/manufactured homes and
- 1019 similar products (01/18/2017)
- 1020

1021 Seasonal or Temporary Artisan Sales

- 1022 1. Christmas tree sales
- 1023 2. Fruit and vegetable stands, Farmers markets
- 1024

1025 Service

- 1026 1. Car washes
- 1027 2. Caterers
- 1028 3. Churches and other religious entities, schools
- 1029 4. Crematoria and funeral homes
- 1030 5. Dressmaking, seamstress, tailor
- 1031 6. Essential services
- 1032 7. Government or municipal buildings
- 1033 8. Interior decorators
- 1034 9. Locksmiths
- 1035 10. Motels, motor lodges, hotels
- 1036 11. Opticians, goods and services
- 1037 12. Personal service establishments
- 1038 13. Plumbing, electrical and heating sales and service
- 1039 14. Printing and duplicating
- 1040 15. Radio – TV broadcast studios
- 1041 16. Taxidermy shops
- 1042 17. Travel bureaus or agencies
- 1043 18. Upholstery shops
- 1044 19. Warehousing
- 1045 20. Wholesaling (01/18/2017)
- 1046

1047 Social/Fraternal/Recreation

- 1048 1. Athletic clubs, including tennis and handball courts, swimming pools
- 1049 and other recreational uses
- 1050 2. Boat launches
- 1051 3. Commercial indoor recreation, such as bowling alleys, skating rinks
- 1052 and other recreational uses
- 1053 4. Fraternal buildings
- 1054 5. Lodges and clubs, public and private
- 1055 6. Theaters (except drive-in)
- 1056 7. Union halls
- 1057

1058 **13.2.10.03 Permitted Principal Structures**

- 1059
- 1060 (a) Those permitted principal structures found in the Limited Commercial (LC) district
- 1061 (b) Structures as may be appropriate for permitted principal uses of this district.
- 1062

1063 **13.2.10.04 Permitted Accessory Uses**

- 1064
- 1065 (a) Those permitted accessory uses found in the Limited Commercial (LC)
- 1066 (b) Activities and uses which are customarily associated with the principal uses.
- 1067

1068 **13.2.10.05 Permitted Accessory Structures**

1069

- (a) Those permitted accessory structures found in the Limited Commercial (LC)
- (b) Structures which are used in conjunction with principal or special exception uses

**13.2.10.06 Special Exceptions**

- (a) The following uses and related structures may be allowed as a special exception upon the approval by the Board of Adjustment as provided in Section 13.4.0.04:

1. Those special exceptions found in the Limited Commercial (LC) District
2. Arenas and stadiums
3. Automobile, marine and agriculture sales, service and repair
4. Contractor’s storage yard
5. Crop farming on un-improved lots
6. Drive-in theaters
7. Machinery and/or fabrication facilities
8. Mini-warehouses for storage of personal goods such as furniture, boats and recreational Vehicles
9. Outdoor commercial recreational uses, such as go-carting, golf courses and driving ranges, motor cross, ATV trails
10. Resource recovery facilities
11. Truck stop sales and service
12. Renewable energy generation facility with a name plate rating 501kW up to 1,500kW. (06/17/2015)
13. Microbrewery Large (01/18/2017)

**13.2.11 Light Industrial District (LI)**

**13.2.11.01 Purpose:** This district is intended for any manufacturing or industrial operation which, on the basis of actual physical and operational characteristics would not be detrimental to the surrounding area or to the County as a whole, by reason of noise, dirt, smoke, odor, traffic, physical appearance or other similar factors.

It is recognized that it is neither possible nor practical to list all of the principal and accessory uses that are compatible with those listed below and therefore it is intended that the following list of principal accessory uses only be illustrative. Any individual aggrieved by a failure to list a particular principal or accessory use in this subsection shall have the right of review by the Zoning Administrator for a determination as to the similarity of the intended use with the principal and accessory uses listed below.

**13.2.11.02 Permitted Principal Uses**

- (a) Automobile sales and service stations
- (b) Cleaning, pressing and dyeing establishments
- (c) Commercial greenhouses
- (d) Dwellings, single family, but only as an accessory to a principle use, for the caretaker or owner and his family only.
- (e) Food locker plants
- (f) General or clerical office
- (g) Light industrial plants such as required for production of millwork, machine tools, paper containers, patterns, die castings, light metal fabrication and similar small industries which do not require loud presses.
- (h) Lumber yards
- (i) Manufacture, fabrication, packing, packaging and assembly of products from furs, glass, leather, metals, paper, plaster, plastic, textiles and wood manufacture, fabrication, packing,

- 1125 packaging and assembly of confections, cosmetics, electrical appliances, electronic devices,
- 1126 instruments, jewelry, pharmaceuticals, tobacco, toiletries and foods except cabbage, fish and fish
- 1127 products, meat and meat products and pea vineries.
- 1128 (j) Manufacturing and bottling of nonalcoholic beverages
- 1129 (k) Painting
- 1130 (l) Printing
- 1131 (m) Professional offices
- 1132 (n) Publishing
- 1133 (o) Research and testing laboratories
- 1134 (p) Schools and training centers
- 1135 (q) Warehousing, inside storage and mini warehousing. Inside storage of contractors'
- 1136 supplies and equipment, and outside storage when screened from the view of any public right-of-
- 1137 way and residences other than the owner's.
- 1138 (r) Wholesalers and distributors. Common and contract hauler parking and structures for the
- 1139 repair and maintenance of the vehicles.
- 1140 (s) Transportation terminals, taxi, limo and bus terminals
- 1141 t) Storage, processing and production of biomass materials when screened from view of any
- 1142 residential district and 500 feet from any residence other than the owner's.
- 1143 (u) Electric generation facility, electric transmission, renewable energy generation (small,
- 1144 intermediate and large), electric distribution, gas distribution, gas transmission, town border station,
- 1145 substations and renewable energy generating facility with a name plate rating 501kW up to
- 1146 1,500kW. (06/17/2015)
- 1147 (v) Automobile, construction and farm machinery sales or service businesses (01/18/2017)
- 1148 (w) Governmental and cultural uses, such as fire and police stations, community centers,
- 1149 library, public emergency shelter, parks, playgrounds and museums. (01/18/2017)
- 1150 (x) Manufacturing, processing and storage of dry ice, building materials and lumber yards
- 1151 (01/18/2017)

1152  
1153 **13.2.11.03 Permitted Principal Structures:** Structures as may be appropriate for permitted principal uses  
1154 of this district

1155  
1156 **13.2.11.04 Permitted Accessory Uses**

- 1157
- 1158 (a) Dwellings, single-family, only as an accessory to a principal use, for the caretaker or
- 1159 owner and his family only.
- 1160 (b) Parking of trucks or delivery vehicles used in conjunction with the principal or allowed special
- 1161 exception uses.
- 1162 (c) Activities and uses which are customarily associated with the principal uses.
- 1163

1164 **13.2.11.05 Permitted Accessory Structures**

- 1165
- 1166 (a) Structures which are used in conjunction with principal or special exception uses
- 1167 (b) Owner-occupied or caretaker dwelling utilized for a principal use.
- 1168 (c) Parking lot structures
- 1169

1170 **13.2.11.06 Special Exceptions**

1171

1172 (a) The following are special uses permitted when the location of the use shall have been

1173 approved and a special exception permit granted after a public hearing by the Board of

1174 Adjustment:

- 1175
- 1176 1. Airports, air strip and landing fields providing the site area is not less than 20 acres
- 1177 2. Commercial service facilities, such as restaurants and fueling stations provided all such
- 1178 services are physically and sales-wise oriented toward industrial district users and employees and
- 1179 other users are only incidental customers.

3. Public passenger transportation terminals, such as heliports, bus and rail depots, provided all principal structures and uses are not less than 100 feet from any residential district boundary.
4. Governmental mining operations and nonmetallic mining operations of less than twenty-five (25) acres, excluding industrial sand mining, (based on the life of the mine) See additional requirements in Section 13.3.8.
5. Construction aggregate nonmetallic mining operations. See additional requirements in Section 13.3.8.
6. Telecommunication and Broadcast facilities as per Sec. 13.3.12
7. Renewable energy generation facility with a name plate rating greater than 1,500kW. (06/17/2015)
8. Temporary pavement mixing plants serving public transportation projects. (06/17/2015)

**13.2.12 Heavy Industrial District (HI)**

**13.2.12.01 Purpose:** This district is intended for manufacturing or industrial operation which by their nature could exhibit characteristics that would be harmful, noxious, or detrimental to surrounding uses of this land. Such facilities that produce, use or store any of the extremely hazardous substances in quantities equal to or greater than threshold quantities as defined in the EPA chemical list of lists referred to in Section 11002(a) of 42 USC 11002 are required to be in this district. The facilities in this district are required to have an emergency operations plan as defined by the Emergency Planning and Community Right to Know Act, EPCRA as defined in Wisconsin Statute 323.60.

It is recognized that it is neither possible nor practical to list all of the principal and accessory uses that are compatible with those listed below and therefore it is intended that the following list of principal accessory uses only be illustrative. Any individual aggrieved by a failure to list a particular principal or accessory use in this subsection shall have the right of review by the Zoning Administrator for a determination as to the similarity of the intended use with the principal and accessory uses listed below.

**13.2.12.02 Permitted Principal Uses**

(a) In addition to those industrial and office uses permitted in the Light Industrial District, the processing, manufacturing and/or storage of the following are permitted in the Heavy Industrial District:

1. Automotive heavy repair and upholstery, body shop including the storage of up to ten (10) unlicensed or inoperative vehicles when stored inside a structure, or behind a plant screen or solid fence, rendering the vehicles not visible from the public road or any other person's property.
2. Freight yards and depots including livestock collection, transfer and sales
3. Breweries
4. Inside storage and outside storage when fenced
5. Ethanol processing and production facilities

**13.2.12.03 Permitted Principal Structures**

- (a) Those permitted principal structures as found in the Light Industrial (LI) district
- (b) Structures as may be appropriate for permitted principal uses of this district.

**13.2.12.04 Permitted Accessory Uses:** Those permitted accessory uses found in the Light Industrial (LI) district

**13.2.12.05 Permitted Accessory Structures:** Those permitted accessory structures found in the Light Industrial (LI) district.

**13.2.12.06 Special Exceptions**

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(a) The following are special uses permitted when the location of the use shall have been approved and a special exception permit granted after a public hearing by the Board of Adjustment:

1. Those special exceptions found in the Light Industrial (LI) District
2. Creameries, condenseries
3. Crematories
4. Manufacture and processing of abrasives, acetylene, acid, alkalis, ammonia, asphalt, batteries, bedding, bleach, bone, cabbage, candle, carpeting, celluloid, cement, cereals, charcoal, chemicals, chlorine, coal tar, coffee, coke, cordage, creosote, dextrine, disinfectant, dye, excelsior, fish, fuel, gelatin, glucose, hair products, ice, ink, insecticide, lampblack, lime, lime products, linoleum, matches, meat, oilcloth, paint, peas, perfume, pickle, plastics, poison, polish, potash, pulp, pyroxylin, rope, rubber, sausage, shoddy, size, starch, textiles and varnish.
5. Manufacture and bottling of alcoholic beverages, bag cleaning, canneries, cold storage warehouse, electric and steam generating plants, electro plating, enameling, forges, foundries, garbage incinerators, lacquering, lithographing, offal, rubbish or animal reduction, oil, coal and bone distillation refineries, road test facilities, slaughterhouses, smelting stockyards and tanneries provided such uses shall be at least 600 feet from residential districts.
6. Manufacturing, processing and storage of building materials, explosives, dry ice, fat, fertilizer, flammables, gasoline, glue, grains, grease, lard, plastics, radioactive materials, shellac, soap, turpentine, vinegar and yeast.
7. Automobile wrecking yard, junk yard, or salvage yard, and portable tire shredders shall be surrounded by a solid fence or evergreen planting screen completely preventing a view from any other property or public right-of-way and shall be at least 600 feet from the nearest residence except that of the owner, his agent or employee.
8. Municipal sewage disposal plants and related facilities.
9. Solid waste and recycling transfer stations
10. Metallic mining. See additional requirements in Section 13.3.8.

### 13.2.13 Shoreland Recreational District (SR)

**13.2.13.01 Purpose:** The Shoreland recreational district is created to provide limited use of the shoreland for recreational purposes.

#### 13.2.13.02 Permitted Principal Uses

- (a) Public parks and playgrounds
- (b) Single-family dwelling for year round or seasonal use for owner occupancy, rent or lease (01/18/2017)
- (c) Restaurants, dinner clubs, night clubs and taverns
- (d) Gift and specialty shops customarily found in recreational areas
- (e) Marines, boat liveries, sale of bait, hunting and fishing equipment, boats and off-road recreational vehicles
- (f) Family child care centers as per DCF 250 WI. Admin. Code and Wis. Stats. 66.1017
- (g) Adult family home, community based residential facility and community living arrangement with capacity for eight (8) or fewer persons. (See 59.69(15)(c) Wis. Stats.)
- (h) Adult daycare facility as defined in Section 13.7.0 with a capacity for eight (8) or fewer persons.
- (i) Electric distribution, gas distribution, gas transmission, renewable energy generation facility (small) and town border station. (06/17/2015)
- (j) Public or private club and fraternity to include but not limited to tennis courts, golf courses and archery ranges. (01/18/2017)

- 1290 (k) Churches and other structures used for religious purposes and other buildings integral to
- 1291 the functioning of religious organizations. (01/18/2017)
- 1292 (l) Public swimming places pursuant to Chapter DHS 172, Wis. Admin. Code. (01/18/2017)
- 1293 (m) Crop farming on un-improved lots. (01/18/2017)
- 1294

1295 **13.2.13.03 Permitted Principal Structures:** Those structures necessary to house the permitted uses.

1296  
1297 **13.2.13.04 Permitted Accessory Uses**

- 1298 (a) Private recreational uses including but not limited to swimming, tennis, horticulture and
- 1299 playground activities
- 1300 (b) Bed and breakfast establishments pursuant to Chapter 254.61 Wis. Stats.
- 1301 (c) Parking in conjunction with the principal or allowed special exception uses
- 1302 (d) Home occupation/Professional office as per Section 13.3.3
- 1303
- 1304

1305 **13.2.13.05 Permitted Accessory Structures:** Those structures necessary to house the permitted accessory

1306 uses.

1307

1308 **13.2.13.06 Special Exceptions**

1309  
1310 The following uses may be allowed as a special exception upon the approval by the Board of Adjustment as

1311 provided in Section 13.4.0.04:

1312

- 1313 (a) Multi-family dwellings, provided that the minimum lot size shall increase 2000 square
- 1314 feet for every unit over two
- 1315 (b) Hotels, motels and tourist rooming houses (See DHS 195)
- 1316 (c) Public and private campgrounds, recreational and educations camps (See DHS 175 &
- 1317 178)
- 1318 (d) Mobile and manufactured home communities subject to the provisions of Section 13.3.6
- 1319 and Chapter 66.0435 Wis. Stats.
- 1320 (e) Electric transmission and substations. (06/17/2015)
- 1321

1322 **13.2.14 Nonmetallic Mining Overlay District (NMM)**

1323 **13.2.14.01 Purpose:** It is the primary purpose of this overlay district to apply impartial standards to

1324 regulate the extraction, processing, utilization and transport of nonmetallic mineral resources and products

1325 to ensure maximum protection to surrounding properties and the physical environment, protect the public

1326 health, safety and general welfare, and to promote aesthetic values. This district is also created to protect

1327 mineral extraction operations against problems caused by intrusion of incompatible land uses, and to allow

1328 for protection of deposits of minerals.

1329

1330

1331 **Findings of Fact:** While Industrial Sand Mining and Nonmetallic Mineral Mining are legitimate and

1332 permissible parts of the state and local economy, and while they may provide good jobs and beneficial

1333 economic activity, the activities, processes and chemicals employed can adversely affect groundwater and

1334 surface water, drastically alter aesthetic appearance of natural landscape, and produce harmful levels of soil

1335 erosion, dust, noise and other negative impacts. Industrial sand mining and nonmetallic mining operations

1336 can have negative impacts and present safety concerns to members of the public, create traffic problems,

1337 road damage, and lead to other off-site impacts that may adversely affect the safety and well-being of

1338 county residents and landowners. Property values may also be adversely affected by such mines and the

1339 transportation of nonmetallic minerals on nearby roads. Other potential impacts from Industrial Sand

1340 Mining and Nonmetallic Mineral Mining and processing include potentially detrimental changes in land

1341 use, storm water runoff, excessive groundwater use and the addition of potential sources of surface and

1342 ground water contamination, exposure to respirable silica dust, noise and light, all of which may adversely

1343 impact human health and the environment.

1344

1345 Furthermore, there are substantial cumulative impacts associated with industrial sand mining and the  
1346 permitting of multiple industrial sand mining locations. Whereas gravel and other construction aggregates  
1347 are typically mined sporadically on an as needed, project by project basis at a local level, industrial sand  
1348 mining is a continuous, daily process wherein operators attempt to mine continuously and as quickly as  
1349 possible given the immediate and far-reaching need for the commodity. The incremental impacts of each  
1350 individually permitted industrial sand mine on the environment, human health and land use are much  
1351 greater when considered cumulatively. Industrial sand mining operations are deemed to be collectively  
1352 significant which necessitates considerable review. When considered cumulatively, industrial sand mining  
1353 presents vastly different impacts than other nonmetallic mineral mining operations or construction  
1354 aggregate and requires more stringent regulations due to the cumulative nature of these impacts. Thus, all  
1355 industrial sand mining operations shall be performed in the Nonmetallic Mining Overlay District and shall  
1356 be subject to the review and permitting procedures of Section 13.3.8.

1357  
1358 **Applicability.**

- 1359  
1360 (a) Overlay district boundaries will follow platted lot lines, government lot lines, CSM lot  
1361 lines, quarter-quarter section lines, or municipal boundaries, centerlines of streets, highways,  
1362 railroads, or lakes, streams, and other water bodies.  
1363 (b) The overlay district does not remove land use restrictions from the underlying zoning  
1364 district. However, should there be a conflict between the underlying zoning and the overlay district  
1365 the overlay district supersedes the underlying zoning.  
1366 (c) The overlay district will remain in effect until the applicant receives a certificate of  
1367 compliance from the Environmental Services Department in accord with the nonmetallic mining  
1368 reclamation standards and County reclamation standards and any other applicable County  
1369 ordinance provisions. In the event that a reclamation plan is not required under NR135, the  
1370 overlay district will remain in effect until the nonmetallic mining operation is discontinued for a  
1371 period of 12 months or otherwise in accordance with County standards.  
1372 (d) The Nonmetallic Mining Overlay District is only available in an underlying GA, LI or HI  
1373 districts.  
1374

1375 **13.2.14.02 Permitted Principal Uses**

- 1376  
1377 (a) Uses allowed by the underlying zoning district.  
1378 (b) Nonmetallic mining operations that have been previously permitted with a  
1379 special exception use permit and/or by a nonmetallic mining reclamation permit to operate shall be  
1380 allowed to continue to operate under the terms and conditions of those permits on file prior to the  
1381 effective date of this ordinance.  
1382

1383 **13.2.14.03 Permitted Principal Structures**

- 1384  
1385 (a) Structures allowed by the underlying zoning district.  
1386 (b) Any structures permitted by previously permitted mines.  
1387

1388 **13.2.14.04 Permitted Accessory Uses:** Uses allowed by the underlying zoning district.  
1389

1390 **13.2.14.05 Permitted Accessory Structures:** Accessory structures allowed by the underlying zoning  
1391 district.  
1392

1393 **13.2.14.06 Special Exception Uses:** In the nonmetallic mining overlay district, the following are special  
1394 exception uses and are subject to the  
1395 provisions of Section 13.3.8:  
1396

- 1397 (a) Nonmetallic Mining Operations, subject to the provisions of Section 13.3.8.  
1398 (b) Industrial Sand Mining Operations, subject to the provisions of Section 13.3.8  
1399 (c) Special exception uses allowed by the underlying zoning district.

1400  
1401 **13.2.14.07 Structures Subject to Special Use Permits**  
1402

- 1403 (a) Structures associated with Nonmetallic Mining Operations and its accessory uses.  
1404 (b) Structures associated with Industrial Sand Mining Operations and its accessory uses.  
1405 (c) Structures for temporary hot mix and concrete batch plant operations.  
1406 (d) Structures allowed by the underlying zoning district.  
1407

1408 **13.2.14.08 Lot, height and yard requirements:** The following lot, height and yard requirements are  
1409 established for the nonmetallic mining overlay district:  
1410

- 1411 (a) Lot size and access  
1412 1. The minimum lot size of the district shall conform to the underlying zoning district lot  
1413 size.  
1414 2. The overlay district shall directly abut a public highway and shall have direct access to  
1415 that highway.  
1416 (b) Height: All structures, except nonmetallic mining  
1417 structures and industrial sand mining structures, shall conform to the underlying  
1418 zoning district provisions.  
1419 (c) Setbacks  
1420 1. The minimum highway setback for structures shall be 200 feet from the  
1421 right of way, except when railroad access for a transloading facility is within 200 feet of  
1422 the right of way.  
1423 2. The minimum side-yard setback for nonmetallic mining structures shall  
1424 be 100 feet.  
1425 3. The minimum rear-yard setback for nonmetallic mining structures shall  
1426 be 100 feet.  
1427 (d) More restrictive use, lot, height and yard  
1428 requirements may be established at the time of special exception use permit  
1429 approval.  
1430

1431 **13.2.14.09 Standards for overlay zoning:** Zoning to the nonmetallic mining overlay district shall be  
1432 based on findings that consider the following factors:

- 1433 (a) The land use is consistent with Dunn County's comprehensive plan and the general purpose of this  
1434 ordinance as stated in Section 13.1.07.  
1435 (b) The suitability of the land for mining based on the nonmetallic mineral deposits.  
1436 (c) The potential that the mining operation will unduly burden facilities in the County or otherwise  
1437 impact the County's ability to meet the demands of users of County facilities including roadways,  
1438 utilities, sanitary/sewer, waste facilities and other County facilities.  
1439

1440 **13.2.14.10 Petition for Overlay District:** A petition to amend the district boundaries (rezone) to include a  
1441 parcel of land in the nonmetallic mining overlay district shall be done in accord with Section 13.6.0 of this  
1442 ordinance and may be applied for at the same time as a request to amend the underlying zoning district of  
1443 the parcel.  
1444

1445 **13.2.15 Conservancy District**  
1446

1447 **13.2.15.01 Purpose:** The Conservancy District is established to preserve and perpetuate in an open state  
1448 certain areas such as lowland swamps, marshes and wetlands, floodplains and stream beds, slopes, bluffs,  
1449 wooded areas and other areas of aesthetic value which, because of their unique physical features, are  
1450 deemed desirable to be retained for the benefit of this and future generations. The regulations of the  
1451 Conservancy District are intended not only to preserve and perpetuate open space land and water areas  
1452 consistent with the intent and purpose of this chapter, but also to protect the community and the County  
1453 from costs and consequences which may be incurred when unsuitable development occurs in such areas.  
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**13.2.15.02 Permitted Uses**

- (a) Grazing
- (b) The harvesting of any wild crop such as marsh hay, ferns, wild rice, berries, tree fruits and tree seeds
- (c) Sustained yield forestry, or enrolled in Managed Forest Law. (01/18/2017)
- (d) Hunting, fishing, trapping, preservation of scenic, historic and scientific areas, wildlife preserves
- (e) Nonresident buildings used solely in conjunction with the raising of waterfowl, minnows and other similar lowland animals, fowl or fish
- (f) Hiking trails or bridle paths
- (g) Accessory uses
- (h) Public and private parks, picnic areas, golf courses and similar uses
- (i) Signs, subject to the restrictions of 13.3.11
- (j) Electric distribution, gas distribution, gas transmission, renewable energy generation facility (small) and town border station. (06/17/2015)

**13.2.15.03 Special Exceptions:** The following uses may be allowed as a special exception upon the approval by the Board of Adjustment as provided in Section 13.4.0.04:

- (a) General farming, provided farm animals shall be kept at least 100 feet from any nonfarm residence
- (b) Dams, power plants, flowages, ponds, utility uses such as, but not restricted to telephone, telegraph and power transmission lines
- (c) Relocation of any watercourse
- (d) Filling, drainage or dredging of wetlands
- (e) Removal of topsoil or peat
- (f) Cranberry bogs
- (g) (repealed 01/18/2017)
- (h) Electric transmission and substations. (06/17/2015)

**13.3.0 SUPPLEMENTARY USE REGULATIONS**

**13.3.0.01 Purpose:** This chapter contains additional regulations applicable to specific types of uses that supplement the requirements found in other chapters. Supplementary use regulations apply to the following:

- (a) Chickens, Keeping of – Sec. 13.3.1
- (b) Highway Setback – Sec. 13.3.2
- (c) Home Occupation and Professional Offices - Sec. 13.3.3
- (d) Honeybees, Keeping of – Sec. 13.3.4
- (e) Livestock Siting Facilities - Sec.13.3.5
- (f) Mobile Manufactured Home Communities – Sec. 13.3.6
- (g) Non-Conforming Uses, Structure and Lots - Sec. 13.3.7
- (h) Nonmetallic and Metallic Mining Standards – Sec. 13.3.8
- (i) Off-Street Parking and Loading - Sec. 13.3.9
- (j) Setback Areas, Allowable Uses in – Sec. 13.3.10
- (k) Signs, Regulation of - Sec. 13.3.11
- (l) Telecommunication, radio and television broadcast facilities – Sec. 13.3.12

**13.3.1 Keeping of Chickens in Residential Districts**

**13.3.1.01 Purpose: To Protect the Public Health, Safety, and General Welfare by:**

- 1509 (a) Establishing certain requirements of sound practices which are intended to avoid problems that
- 1510 may otherwise be associated with the keeping of chickens in Residential Districts (01/18/2017);
- 1511 (b) The keeping of chickens not in compliance with this section is prohibited.
- 1512

**13.3.1.02 Standards Applicable to the Keeping of Chickens Provided that:**

- 1515 (a) It shall be unlawful for any person to permit or allow any domesticated fowl to run at large.
- 1516 (b) It shall be lawful for any person to keep, permit or allow any fowl under the following terms and
- 1517 conditions:
- 1518 1. No more than four (4) hens shall be allowed for each single-family
- 1519 dwelling
- 1520 2. Roosters shall not be allowed
- 1521 3. There shall be no outside slaughtering of chickens.
- 1522 4. All chickens must be kept at all times in a secure enclosure.
- 1523 5. Enclosures must be situated at least twenty-five (25) feet from the
- 1524 nearest neighbor's residence
- 1525 6. Enclosures must be kept in a neat and sanitary condition at all times
- 1526 and must be cleaned on a regular basis so as to prevent offensive odors
- 1527 7. All chicken feed must be stored in rodent-proof containers

**13.3.2 Highway Setback Provisions**

1530 **13.3.2.01 Purpose:** In order to promote the public safety, general welfare, and convenience, it is necessary  
 1531 that highway setback lines be established, and they are hereby established in Dunn County outside the  
 1532 limits of incorporated villages and cities, along all public highways, and the intersection of highways and  
 1533 highways with railroads.

1535 **13.3.2.02 Jurisdiction Boundaries:** Where a highway is located on a village or city boundary, this  
 1536 ordinance is not intended to be effective on the side within the village or city nor on the side within another  
 1537 county where the highway is located on a county boundary.

1539 **13.3.2.03 Structures Prohibited Within Setback Lines:** Unless provided otherwise by this ordinance, no  
 1540 new building, sign, or part thereof, shall be placed between the setback lines established by Section  
 1541 13.3.2.05 of this ordinance and the highway.

1543 **13.3.2.04 Classification :** For the purpose of this ordinance, the highway classifications are divided into  
 1544 functional classifications as follows:

FUNCTIONAL CLASSIFICATION

HIGHWAY CLASSIFICATION

1547 Class A  
 1548 Principal arterial highways (interstate)

1551 Class B  
 1552 Minor arterial highways (state highways)

1554 Class C  
 1555 Major collector highways, and all state trunk  
 1556 highways not in Class A or Class B (county  
 1557 highways)

1558 Class D  
 1559 Minor collector highways, local highways,  
 1560 town roads, and all county trunk highways not in  
 1561 Class A, B, or C (town highways)

1562 Class E  
1563 Town roads located within subdivisions  
1564 (platted streets)  
1565

1566 **13.3.2.05 Setback Distances:** Along public highways, the setback distance from the right-of-way (R/W)  
1567 line at any point for the respective classes of highways shall be as follows:  
1568

1569 Class A Highways, setback distance: 50 feet (interstate)  
1570 Class B Highways, setback distance: 50 feet (state highways)  
1571 Class C Highways, setback distance: 50 feet (county highways)  
1572 Class D Highways, setback distance: 42 feet (town highways)  
1573 Class E Highways, setback distance: 30 feet (platted streets)  
1574

1575 **13.3.2.06 Setbacks where the road does not extend across the entire frontage:** In situations where the  
1576 road serving a property terminates within the property, the setback shall be measured from the road and  
1577 from a computed extension of the road, unless the Zoning Administrator determines after diligent inquiry  
1578 that it is not likely the road will ever be so extended.  
1579

1580 **13.3.2.07 Reduced Setback from Right-of-Way:** A setback less than that required in Section 13.3.2.05  
1581 may be permitted by the Zoning Administrator in areas where existing building development has occurred  
1582 which does not meet right-of-way setback requirements, provided that:  
1583

- 1584 (a) an existing principal structure or accessory structure having less than the required right-of-way  
1585 setback exists on an adjoining lot or lots and exists within 200 feet of the lot requesting a reduced  
1586 setback.  
1587 (b) in such case, the reduced setback shall be the average of the setback of the existing principal  
1588 structure or accessory structure and the required right-of-way setback, or  
1589 (c) when existing principal or accessory structures exist on either side of the lot requesting the  
1590 reduced setback, meeting the condition of Section 13.3.2.08 the reduced setback shall be the  
1591 average of the two existing principal structures or accessory structures.  
1592 (d) the reduced setback for the proposed principal structure shall be determined by using the setback  
1593 of the adjoining existing principal structures. The reduced setback for the proposed accessory  
1594 structure shall be determined by using the setback of the adjoining existing accessory structures.  
1595

1596 **13.3.2.08 Vision Triangles:** In each quadrant of every public street intersection, except Class E highways,  
1597 there shall be a visual clearance triangle that is bounded by the street center lines and a line connecting  
1598 points on them 200 feet from a state highway intersection, 150 feet from a county highway intersection, and  
1599 100 feet from a town road intersection.  
1600

1601 **13.3.2.09 Driveway Standards:** The following standards shall apply to the portions of all driveways  
1602 within the jurisdiction of the right-of-way of all Class B, C, and D highways.  
1603

- 1604 (a) Access/Driveway permits. A permit shall be obtained from the jurisdiction having control over  
1605 the highway prior to issuance of a zoning permit. The Wisconsin Department of Transportation  
1606 and the Dunn County Highway Department require a permit, pursuant to WI. Stat. ch. 86.07, for  
1607 construction or modifications on or across any highway right-of-way under their jurisdiction.  
1608 Individual municipalities may also require a permit for roads under their jurisdiction.  
1609 Applications for these permits are available at the Wisconsin Department of Transportation, Eau  
1610 Claire, WI for state highways and at the Dunn County Highway Department for county highways.  
1611 Township permits can be acquired from the town business office or the town chair where  
1612 applicable.  
1613 (b) All new driveways proposed to be installed or any existing driveway or alleged existing driveway  
1614 on which the landowner proposes improvements or changes in use shall be subject to these  
1615 requirements.  
1616 (c) The driveway requirements set forth by the issuing agency shall govern.

1617  
1618 **13.3.3 Home Occupations - Professional Offices**  
1619

1620 **13.3.3.01 Purpose:** The purpose of this section is to set standards under which home occupations and  
1621 professional offices may be conducted so that such occupations do not undermine the purpose and intent of  
1622 this section and the zoning district in which it is located.  
1623

1624 **13.3.3.02 Standards for home occupations:** Home occupation is allowed in all residential, shoreland  
1625 recreational and agriculture districts, upon completion of the application and approval by the Zoning  
1626 Administrator. A home occupation is a gainful occupation conducted by persons residing on the premises  
1627 and conducted entirely within the dwelling or its accessory building, providing:  
1628

- 1629 (a) No stock-in-trade shall be displayed outside or as a window display.  
1630 (b) Only two persons, other than the residents of the dwelling, shall be employed  
1631 (c) One occupation sign is permitted per property denoting only the business name and not  
1632 exceeding nine square feet.  
1633 (d) No alteration to the dwelling or accessory building shall indicate from the exterior that  
1634 the building is being utilized in part for any purpose other than a residential use or residential  
1635 accessory use.  
1636 (e) The home occupation shall be continuously conducted in such a manner so as not to  
1637 create any public nuisance, including, but not limited to, offensive noise, vibration, smoke, dust,  
1638 odors, heat or glare, noticeable at or beyond the property line.  
1639 (f) The floor area devoted does not exceed 750 square feet.  
1640

1641 Examples of permitted home occupations include, but are not limited to:  
1642

- 1643 (a) Artists, sculptors, authors, composers, or photographers  
1644 (b) Barber and beauticians; provided that only one operator shall be permitted  
1645 (c) Home crafts, such as model making, rug weaving, lapidary work, cabinet making, picture  
1646 framing, and the like  
1647 (d) Office facilities for route salesmen or manufacture's representatives  
1648 (e) Teachers, including music and dance instructions, provided that instructions shall be  
1649 limited to five pupils at anytime, except occasional groups  
1650 (f) Seamstresses or tailors  
1651 (g) Sale of firearms or ammunition; and the repair of firearms  
1652 (h) Home cooking and preserving  
1653 (i) Telephone answering or soliciting  
1654 (j) Computer sales and repair  
1655 (k) Internet consulting and sales  
1656 (l) Mail order business  
1657 (m) Small appliance repair  
1658 (n) Similar uses at the discretion of the Zoning Administrator  
1659

1660 **13.3.3.03 Standards for professional offices:** A professional office is allowed in all residential, shoreland  
1661 recreational and agriculture districts upon completion of the application and approval by the Zoning  
1662 Administrator. A professional home office is a gainful occupation conducted by persons residing on the  
1663 premises and conducted within the dwelling or its accessory buildings.  
1664

- 1665 (a) No alteration to the dwelling or accessory building shall indicate from the exterior that  
1666 the building is being utilized in part for any purpose other than a residential use or residential  
1667 accessory use.  
1668 (b) Only two persons, other than the residents of the dwelling, shall be employed  
1669 (c) The floor area devoted does not exceed 750 square feet  
1670 (d) Professional nameplate sign not exceeding nine square feet  
1671

1672 Examples of permitted professional home offices include, but are not limited to:

- 1673
- 1674 (a) Accountants
- 1675 (b) Architecture
- 1676 (c) Art
- 1677 (d) Dentistry
- 1678 (e) Engineering
- 1679 (f) Industrial design
- 1680 (g) Insurance brokerage
- 1681 (h) Law
- 1682 (i) Medicine
- 1683 (j) Music
- 1684 (k) Optometry
- 1685 (l) Planning
- 1686 (m) Real Estate brokerage
- 1687 (n) Science
- 1688 (o) Teaching
- 1689 (p) Theology
- 1690 (q) Writing
- 1691
- 1692

### 1693 **13.3.4 Honeybees, Keeping of**

#### 1694 **13.3.4.01 The Purpose of this Section is to Protect the Public Health, Safety, and General Welfare by:**

- 1695 (a) Establishing certain requirements of sound beekeeping practices which are intended to avoid
- 1696 problems that may otherwise be associated with the keeping of honey bees in populated areas;
- 1697
- 1698 (b) The keeping of honey bee colonies in the county not in compliance with this section, by any
- 1699 person, is prohibited.
- 1700

#### 1701 **13.3.4.02 Standards:**

- 1702
- 1703 (a) Hives may be located only on lots with residential use.
- 1704 (b) No more than six (6) hives may be located on a lot.
- 1705 (c) No hive shall exceed twenty (20) cubic feet in volume.
- 1706 (d) No hive shall be located closer than ten (10) feet from any property line.
- 1707 (e) No hive shall be located closer than one-hundred (100) feet from a principal building on an
- 1708 abutting lot.
- 1709 (f) A constant supply of fresh water shall be provided for all hives.
- 1710 (g) A flyway barrier at least six (6) feet in height shall shield any part of a property line that is within
- 1711 twenty-five (25) feet of a hive.
- 1712 (h) The flyway barrier shall consist of a wall, fence, dense vegetation or a combination
- 1713 thereof and it shall be positioned to transect both legs of a triangle extending from an apex at the
- 1714 hive to each end point of the part of the property line to be shielded.
- 1715 (i) The applicant shall notify all adjoining property owners of the intent to keep honeybee hives.
- 1716 (j) All honey bees shall be kept in hives with removable frames which shall be kept in sound and
- 1717 useable condition.
- 1718
- 1719

### 1720 **13.3.5 Livestock Facilities**

1721 **13.3.5.01 Purpose:** The purpose of this section is to comply with requirements of Sec. 93.90 of WI.

1722 Statutes and ch. ATCP 51, WI. Adm. Code, and to establish standards and authority to protect the public

1723 health and safety of the people of the County of Dunn. This section sets forth the procedures for obtaining

1724 a permit for the siting of new and expanded livestock facilities.

1725

1726

1727 **13.3.5.011 “Livestock” Defined.** For purposes of livestock facility and siting regulation pursuant section  
1728 13.3.5, “Livestock” means domestic animals traditionally used in this state in the production of food, fiber  
1729 or other animal products. “Livestock” includes cattle, swine, poultry, sheep and goats. “Livestock” does not  
1730 include equine animals, bison, farm-raised deer, fish, captive game birds, rartites, camelids or mink.  
1731 (06/15/2016)  
1732

### 1733 **13.3.5.02 Permit Required**

#### 1734 (a) General

1735 1. A Special Exception permit is required for new or expanded livestock  
1736 facilities that will have 500 or more animal units in the IA district.

1737 2. A Special Exception permit is required for the expansion of a pre-  
1738 existing or previously approved livestock facility if the number of animal units kept at the  
1739 expanded livestock facility will exceed all of the following:

1740 a) The applicable size threshold for a permit,

1741 b) The maximum number of animal units previously approved, or if no  
1742 maximum number of animal units was previously approved, a number that is  
1743 20% higher than what was in existence on the effective date of this ordinance.

1744 3. A Special Exception permit is not required for a livestock facility that was  
1745 previously issued a special exception permit, except as provided in sub. 2. A prior  
1746 approval for the construction of a livestock facility implies approval for the maximum  
1747 number of animal units that the approved livestock facility was reasonably designed to  
1748 house, except as otherwise clearly provided in the approval. Prior approval of a single  
1749 livestock structure, such as a waste storage structure, does not constitute prior approval of  
1750 an entire livestock facility.  
1751  
1752

### 1753 **13.3.5.03 Permit Standards**

#### 1754 (a) The standards for issuing a permit are as follows:

1755 1. The state livestock facility siting standards adopted under ATCP 51,  
1756 Wis. Adm. Code, inclusive of all appendices and worksheets and any future amendments  
1757 to this chapter, except as may be noted in this section of the ordinance, are incorporated  
1758 by reference in this ordinance, without reproducing them in full.

1759 2. The following setbacks shall apply to livestock structures:

#### 1760 a) Property lines

1761 Except as provided for waste storage structures, livestock structures must be located a  
1762 minimum of 100 feet from the property line if the livestock facility will have fewer than  
1763 1,000 animal units, and 200 feet from the property line if the livestock facility will have  
1764 1,000 or more animal units.  
1765  
1766

1767 The setback requirements do not prevent the use or expansion of a livestock structure that  
1768 was located within the setback area prior to the effective date of the setback  
1769 requirements, except that a structure may not be expanded closer to the property line.  
1770  
1771

#### 1772 b) Public road right-of-way

1773 Except as provided for waste storage structures, livestock structures must be located a  
1774 minimum of 100 feet from public road right-of-way if the livestock facility will have  
1775 fewer than 1,000 animal units, and 150 feet from a public road right-of-way if the  
1776 livestock facility will have 1,000 or more animal units.  
1777  
1778

1779 The setback requirements do not prevent the use or expansion of a livestock structure that  
1780 was located within the setback area prior to the effective date of the setback  
1781 requirements, except that a structure may not be expanded closer to the right-of-way.

1782 c) Waste Storage Structure  
1783 A new waste storage structure may not be located within 350 feet of a property line, or  
1784 within 350 feet of the nearest point of any public road right-of-way.

1785 A single new waste storage structure may be constructed closer to the property line or  
1786 public road if the new structure is:

1787 Located on the same tax parcel as a waste storage structure in existence before the  
1788 effective date of this ordinance

- 1789 i. No larger than the existing structure
- 1790 ii. No further than 50 ft. from the existing structure
- 1791 iii. No closer to the road or property line than the existing structure.

1792 This setback requirement does not apply to existing waste storage structures, except that  
1793 an existing structure within 350 feet of a property line or road may not expand toward  
1794 that property line or road.

1795 **13.3.5.04 Application**

- 1796 (a) A livestock operator must complete the application form and worksheets prescribed by ATCP 51,  
1797 including any authorized local modifications. The application form and worksheets must  
1798 demonstrate compliance with standards in ATCP 51 and this ordinance.
- 1799 (b) The operator must file three (3) duplicate copies of the application form, including worksheets,  
1800 maps and documents (other than engineering design specifications) included in the application.  
1801

1802 **13.3.5.05 Application Fee:** A non-refundable application fee of \$750.00 payable to Dunn County Zoning  
1803 shall accompany an application for the purpose of offsetting the county costs to review and process the  
1804 application. The Board of Adjustment may retain or appoint third party experts and/or legal professionals  
1805 as the Board deems prudent to examine the application and to make recommendations to the Board of  
1806 Adjustment on whether the livestock facility siting application proposed by the applicant will meet the  
1807 standards of this ordinance, to assist in evaluating special exception requests and considering conditions  
1808 and to assist the Board in administering and enforcing the ordinance. The applicant shall pay for the  
1809 reasonable cost of all third party experts as a condition of approval.

1810 **13.3.5.06 Application Procedures**

- 1811 (a) Pursuant to ATCP 51.30 (5), within 45 days after staff receives an application, it shall notify the  
1812 applicant whether the application is complete. If the application is not complete, the notice shall  
1813 describe the additional information needed. Within 14 days after the applicant provides all of the  
1814 required information, staff shall notify the applicant that the application is complete. This notice  
1815 does not constitute an approval of the proposed livestock facility.
- 1816 (b) Upon determination of completeness, a public hearing will be held for those livestock facilities  
1817 that are proposed in the IA district.

1818 **13.3.5.07 Criteria for Issuance of a permit**

- 1819 (a) A permit shall be issued if the application for the proposed livestock facility:
  - 1820 1. Complies with this section, and
  - 1821 2. Is complete, and
  - 1822 3. Contains sufficient credible information to show, in the absence of clear and convincing  
1823 information to the contrary, that the proposed livestock facility meets the standards  
1824 specified in this section.

1825

- 1826 (b) A permit shall be denied if any of the following apply:  
1827  
1828 1. The application, on its face, fails to meet the standards for approval in the previous  
1829 paragraph,  
1830 2. The Board of Adjustment finds, based on other clear and convincing information in the  
1831 record that the proposed livestock facility does not comply with applicable standards in  
1832 this ordinance.  
1833 3. Other grounds authorized by s. 93.90, Wis. Stats. that warrant disapproving the proposed  
1834 livestock facility.

1835 **13.3.5.08 Transferability of Permit:** A permit and the privileges granted by this permit run with the land  
1836 and remain in effect, despite a change in ownership of the livestock facility, as long as the new operator  
1837 does not violate the terms of the approval.

1838 **13.3.5.09 Expiration of Permit**

- 1839 (a) Except as provided in sub. b) or s. ATCP 51.34(4), the special exception permit:  
1840 1. Runs with the land and remains in effect despite a change in ownership of the livestock  
1841 facility or the land on which it is located.  
1842 2. Remains in effect regardless of the amount of time that elapses before the livestock  
1843 operator exercises the authority granted under the permit and regardless of whether the  
1844 livestock operator exercises the full authority granted by the approval.  
1845 (b) The Board of Adjustment may withdraw approval granted under this chapter unless the livestock  
1846 operator does all of the following within 2 years after approval is granted:  
1847 1. Begins populating the approved livestock facility.  
1848 2. Begins construction on every new or expanded livestock housing structure, and every  
1849 new or expanded waste storage structure, proposed in the application for approval.

1850 **13.3.5.10 Terms of Modification:** A permit and the privileges granted by a permit issued under this  
1851 ordinance are conditioned on the livestock operator's compliance with the standards in this ordinance, and  
1852 the commitments made in the application for a permit. The operator may make reasonable changes that  
1853 maintain compliance with the standards in this ordinance, and Dunn County shall not withhold  
1854 authorization for those changes.

1855 **13.3.5.11 Appeals of Livestock Facilities Requiring a Special Exception permit**

- 1856 (a) In addition to other appeal rights provided by law, Sec. 93.90(5), States, provides that any  
1857 "aggrieved person" may request review by the Livestock Facility Siting Review Board of any  
1858 decision by the Board of Adjustment in connection with a permit application. An "aggrieved  
1859 person" may challenge the decision on the grounds that the Board of Adjustment incorrectly  
1860 applied the standards under this ordinance or violated Sec. 93.30, Wis. Stats.  
1861 (b) An "aggrieved person" under this section as defined in Sec. 93.90(5) of Wis. Statutes means a  
1862 person who applied to the Board of Adjustment for approval of a livestock siting or expansion, a  
1863 person who lives within 2 miles of the livestock facility that is proposed to be sited or expanded,  
1864 or a person who owns land within 2 miles of a livestock facility that is proposed to be sited or  
1865 expanded.  
1866 (c) Any appeal to the State Livestock Facility Siting Review Board shall comply with Sec. 93.90 of  
1867 Wis. Statutes and administrative rules of said board.

1868  
1869 **13.3.6 Mobile Home/Manufactured Home Communities**  
1870

1871 **13.3.6.01 Purpose:** The purpose of this section is to regulate the establishment and continuation of  
1872 mobile/manufactured home communities in order to provide a safe and healthful environment for the

1873 residents thereof, to insure environmental protection and to minimize possible adverse effects on  
1874 neighboring properties.

1875  
1876 **13.3.6.02 Mobile/Manufactured Home Community Application**  
1877

- 1878 (a) Mobile / manufactured home community is a permitted use in the Residential District  
1879 (R3), and as a Special Exception in the R2 and SR districts.  
1880 (b) Mobile / manufactured home community means any plot or plots of ground upon which  
1881 three (3) or more manufactured homes or mobile homes are occupied for dwelling or sleeping  
1882 purposes. "Manufactured home community" does not include a farm where the occupants of the  
1883 manufactured homes are the father, mother, son, daughter, brother or sister of the farm owner or  
1884 operator or where the occupants of the manufactured homes work on the farm. (101.91(5m) Wis.  
1885 Stats.)  
1886 (c) A manufactured home is a structure that is designed to be used as a dwelling with or  
1887 without a permanent foundation and that is certified by the Federal Department of Housing and  
1888 Urban Development as complying with the standards established under 42 USC 5401 to 5425.  
1889 (d) A mobile home is a structure manufactured or assembled before June 15, 1976, designed  
1890 to be towed as a single unit or in sections upon the highway by a motor vehicle and equipped and  
1891 used, or intended to be used, for habitation, with walls of rigid uncollapsible construction, which  
1892 has an overall length in excess of 45 feet. Mobile home includes the mobile home structure, its  
1893 plumbing, heating, air conditioning and electrical systems, and all appliances and all other  
1894 equipment carrying a manufacturer's warranty.  
1895 (e) The mobile /manufactured home community operator shall provide a copy of the  
1896 Department of Safety and Professional Services (or its agent, Dunn County Department of Health)  
1897 permit.  
1898

1899 **13.3.6.03 Mobile/Manufactured Home Community Standards**  
1900

- 1901 (a) Mobile / manufactured home communities shall meet all requirements of the Comm. 26  
1902 WI Administrative Code.  
1903 (b) One single family dwelling is allowed for the owner, operator or caretaker.  
1904 (c) Service buildings, such as a community office, laundromat, storm shelter, and mini  
1905 storage, are permitted for the exclusive use of the mobile / manufactured community.  
1906

1907 **13.3.7 Nonconforming Uses, Structures and Lots**  
1908

1909 **13.3.7.01 Purpose:** Within the districts established by this ordinance or amendments hereto, there exist  
1910 uses, structures or lots which were lawful prior to the adoption of this ordinance but would be prohibited or  
1911 more greatly restricted under the terms of this ordinance. These uses, structures and lots are declared legal  
1912 nonconformities. It is the intent to permit legal nonconformities until they are removed, but not to  
1913 encourage their continuation.  
1914

1915 It is the intent to permit these non-conforming lots, structures and uses existing as of the effective date of  
1916 this ordinance or amendment thereof to remain and continue in accordance with the provisions hereinafter  
1917 set forth until they are removed by economic forces or otherwise. It is not the intent of this section to  
1918 encourage the survival of non-conformities since it has been determined that they are incompatible with the  
1919 character of the districts involved, or to permit non-conformities to be enlarged upon, expanded, or  
1920 extended except as provided for herein. Existing non-conformities shall not be used to justify adding  
1921 structures or uses prohibited elsewhere in the same district.  
1922

1923 **13.3.7.02 Nonconforming Uses:** A nonconforming use of land or structure which existed as of the  
1924 effective date of this ordinance, or amendments thereto, may be continued, but shall comply with the  
1925 following provisions:  
1926

- 1927 (a) Only that portion of the lands actual use may be continued to be used. The nonconforming use
- 1928 shall not be extended, enlarged, substituted, or moved in a manner to increase its nonconformity,
- 1929 except when required by law or order or to bring the use into conformity with the provisions of
- 1930 this subtitle.
- 1931 (b) Diminishing assets – Application of the rule extension or enlargement may work a singular
- 1932 hardship where the use in question involves metallic and non-metallic mining. A nonconforming
- 1933 non-metallic or metallic mine may continue within the property ownership boundaries at the time
- 1934 of it becoming a nonconforming use. No mining operation may expand onto land acquired after
- 1935 enactment of this ordinance, nor expand onto land not contiguous with the original operation,
- 1936 except in conformance with this ordinance.
- 1937 (c) Once a nonconforming use has been changed to a conforming use, it shall not revert to
- 1938 nonconforming status.
- 1939 (d) If the nonconforming use has been discontinued for a period of twelve consecutive months, it shall
- 1940 be considered abandoned. Any future use shall conform to the provisions of this ordinance.
- 1941 (e) Uses which are nuisances shall not be permitted to continue as nonconforming uses.
- 1942 (f) Nonconforming uses that are located in the shoreland and floodplain of Dunn County may have
- 1943 additional or more restrictive regulations.
- 1944

**13.3.7.03 Nonconforming Structures:** A structure which does not conform to the yard, height, parking, loading and access requirement of this ordinance may be continued to be used but shall comply with the following provisions:

- 1948
- 1949 (a) Normal maintenance is allowed
- 1950 (b) Structural repairs, alterations and additions are allowed, provided they do not intensify the
- 1951 nonconforming nature of the structure; additions cannot exceed the total square feet of the existing
- 1952 structure
- 1953 (c) Non-conforming structures damaged or destroyed by violent wind, fire, flood or
- 1954 vandalism may be reconstructed or repaired, to the size, location, and use it had immediately
- 1955 before the damage occurred if the landowner can establish the damage was not due to a deliberate
- 1956 act by the landowner or by his or her agent, or due to general deterioration or dilapidated
- 1957 condition.
- 1958 (d) A non-conforming structure shall not be moved or relocated to any other location on the
- 1959 lot unless such structure is made to conform to all regulations of the district in which it is located.
- 1960 Once a nonconforming structure has been moved or altered to comply with the provisions of the
- 1961 ordinance, it shall not revert to nonconforming status.
- 1962 (e) Nonconforming structures that are located in the shorelands and floodplains of Dunn
- 1963 County may have additional or more restrictive regulations.
- 1964

**13.3.7.04 Nonconforming Lots:** A lot of record may be used for any use or structure allowed in the district in which it lies, provided it complies with the following:

- 1965
- 1966
- 1967
- 1968 (a) All structures shall meet the setback, yard, height, parking, loading, and access requirements of
- 1969 this ordinance insofar as practical, subject to the approval of the Zoning Administrator, or if
- 1970 appealed, the Board of Adjustment.
- 1971 (b) The lot is of record in the County Register of Deeds office prior to the effective date of this
- 1972 ordinance, and is at least 7,500 square feet in area.
- 1973 (c) The lot is in separate ownership from abutting lands. If abutting lands and nonconforming lot are
- 1974 owned by the same owner, the nonconforming lot shall not be used without full compliance with
- 1975 the terms of this ordinance.
- 1976 (d) Dimensional requirements required by DSPS 383 prevail unless a variance is obtained from the
- 1977 Department of Safety and Professional Services (DSPS).
- 1978 (e) Nonconforming lots that are located in the shorelands and floodplains of Dunn County may have
- 1979 additional or more restrictive regulations.
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**13.3.7.05 Existing Special Exception Uses:** Existing special exception uses shall be treated in the following manner:

- (a) An existing special exception use which, under the terms of this ordinance is a permitted use in the district in which it is located, shall be deemed a permitted use, provided the use and structures meet the regulations of the district in which it is located.
- (b) An existing special exception use which, under the terms of this ordinance, is a special exception use in the same district in which it is located, may be continued, provided the terms of the permit are being followed.
- (c) An existing special exception use which, under the terms of this ordinance, is neither a special exception use nor a permitted use shall be deemed to be a nonconforming use and shall be subject to the provisions of this section.

**13.3.8 Nonmetallic and Metallic Mining**

**13.3.8.01 Purpose:** It is the purpose of this section by applying impartial standards to govern the extraction, processing, utilization and transport of mineral resources and products to ensure maximum protection to surrounding properties and the physical environment, protection for the public health, safety and general welfare, and to promote aesthetic values. See provisions of Section 13.3.7.02 (a)-(f) for existing or nonconforming mine sites.

**13.3.8.02 Applicability**

- (a) Nonmetallic mining operations and construction aggregate mining operations less than 25 acres (based on the life of the mine), and government mining operations are special exception uses and may be permitted in IA, PA, GA, LI and HI districts. Construction aggregate non-metallic mining operations 25 acres or larger (based on the life of the mine) are special exception uses and may be permitted in GA, LI and HI districts. All other nonmetallic mining operations 25 acres and greater, (based on the life of the mine) and Industrial Sand Mining operations are special exception uses and may be permitted in the nonmetallic mining overlay district, as regulated by Section 13.2.14 of this ordinance.
- (b) Exemptions. This section shall apply to all nonmetallic mineral extraction operations except as follows:
  - 1. Excavations or grading by a person solely for domestic or farm use at that person’s residence or farm
  - 2. Excavations or grading conducted for construction, reconstruction, maintenance or repair of a highway, railroad or any other transportation facility where the excavations or grading is entirely within the property boundaries of the highway, railroad or other transportation facility
  - 3. Grading conducted for preparing a construction site or restoring land following a flood or other natural disaster
  - 4. Excavations for building construction purposes conducted on the building site
  - 5. Nonmetallic mining sites where less than one acre is affected
  - 6. Removal from the earth of products or commodities that contain only minor incidental amounts of nonmetallic minerals, such as commercial sod, agricultural crops, ornamental or garden plants, forest products, Christmas trees or plant nursery stock
  - 7. Borrow sites as regulated under Wis. Stat. § 85.193
  - 8. Excavations or grading when its use is exclusively for a municipal, county or state highway construction project

**13.3.8.03 Nonmetallic Mining Standards on Sites Twenty-Five (25) Acres or Larger and Industrial Sand Mining Standards**

- 2036 (a) Special Exception/Conditional Use Permit Required  
2037 Industrial\_sand mining and nonmetallic mineral mining on sites 25 acres or larger shall be  
2038 permitted only as a special use in accordance of section 13.4.0.04 of the County Ordinance and  
2039 only if a permit is obtained pursuant to the requirements of this section, any other applicable  
2040 section of this chapter and the County Ordinance in its entirety. All operators seeking a special  
2041 exception permit for all industrial sand mining operations or a nonmetallic mining site of 25 acres  
2042 or more (based on the life of the mine) shall apply on forms provided by the County and according  
2043 to the policies of the Zoning Division as applicable to the special use permit  
2044 (b) Permits  
2045 A special use industrial sand mining permit or nonmetallic mineral mining permit shall not be  
2046 considered under this section unless corresponding nonmetallic mining reclamation and all other  
2047 necessary permits, licenses and approvals have been properly applied for in accordance with any  
2048 applicable local, County, State and Federal regulations. Complete regulatory approval applications  
2049 must be submitted for all applicable County, State, Federal permits and approvals and to each  
2050 town in which any part of the proposed nonmetallic mineral mine will be located.  
2051 (c) Filing for Permit  
2052 The filing requirements contained in this section shall be in addition to the filing requirements  
2053 contained in any other section of this Ordinance, State and/or Federal laws and regulations and  
2054 shall in no way limit filings related to other applicable permits, licenses or approvals. For  
2055 nonmetallic mineral mining the filing provisions of this shall control over conflicting sections, if  
2056 any, of this chapter. An application shall include the following:  
2057 1. Filing Fees:  
2058 a) The applicant shall submit a minimum deposit of \$5,000.  
2059 b) Maintaining an adequate administrative fee deposit balance at all times is a  
2060 condition of maintaining an application and a license.  
2061 c) The deposit amount shall be held by the County and used to pay for review  
2062 expenses, any oversight and/or monitoring by state agencies, the County's  
2063 administrative and enforcement expenses experts, legal fees and related  
2064 expenses associated with the evaluation of the application at issue and the  
2065 administration enforcement, or other matters compelled by the issuance of the  
2066 license.  
2067 d) The County will provide a regular accounting of its expenses to the applicant  
2068 and the applicant shall replace depleted administrative fee deposits within 14  
2069 days of being notified by the County to do so.  
2070 e) Should the permit be approved, the account shall remain funded until the  
2071 applicant receives a certificate of compliance from the Environmental Services  
2072 Department in accordance with the nonmetallic mining reclamation standards  
2073 and County reclamation standards and any other applicable County ordinance  
2074 provisions. In the event that a reclamation plan is not required under NR135, the  
2075 deposit account shall remain funded until the nonmetallic mining operation is  
2076 discontinued for a period of 12 months or otherwise in accordance with County  
2077 standards.  
2078 f) Should a permit be denied, the account shall remain funded until all of the  
2079 applicant's appeals have been exhausted. Should the appeals uphold the Board  
2080 of Adjustment's decision the exhaustion of appeals results in a final decision and  
2081 the account shall be settled by returning any remaining funds in the account to  
2082 the applicant within 14 days of the exhaustion of appeals.  
2083 2. A Signed and Notarized Statement. The applicant must provide a signed and notarized  
2084 statement which includes:  
2085 a) The name and address of the applicant  
2086 b) A summary describing the nature and scope of the project  
2087 c) A legal description of all land proposed to be included in the project including  
2088 lands to be mined, used for accessory buildings and structures, roadways and  
2089 any other metallic mineral mining related use

- 2090 d) A description of the applicant's interest in the property including ownership,  
2091 leasehold or any other interest
- 2092 e) Approximate dates that construction will begin and end
- 2093 f) The applicant's best estimate and explanation of the life expectancy of the  
2094 project
- 2095 g) Information explaining the expected total volume of minerals to be extracted at  
2096 the metallic mineral mine
- 2097 h) Evidence of the applicant's ability to carry out the project. This evidence must  
2098 include an explanation of the method of financing, a current and complete  
2099 financial statement of the applicant, a list of the applicant's experience in similar  
2100 projects, a list of currently operating projects and the status of compliance at  
2101 each project site, letters of reference and other materials as determined to be  
2102 necessary by the County and/or Board of Adjustment.
- 2103 i) A statement that all information is accurate and complete to the best of the  
2104 applicant's knowledge
- 2105 j) A statement that the applicant agrees to abide by all of the provisions and  
2106 requirements of this chapter, other County ordinances, state and federal laws and  
2107 any and all permits and licenses granted under such laws and regulations
- 2108 3. Documents, information and plans as required by the remainder of this section
- 2109 (d) Content of Application. An application for a special exception permit shall include the following  
2110 information:
- 2111 1. All of the information required by Chapter 20 of the Dunn County Code of Ordinances
- 2112 2. A special exception use application fee as required in accordance with section 13.4.0.06  
2113 of this Ordinance in addition to the deposit fee as required under section  
2114 13.3.8.03(c)(1)(a) of this Chapter
- 2115 3. Required information and plans conforming to the requirements of 13.3.8.03(e)
- 2116 4. Proof of application for local, state and federal permits required to operate the  
2117 nonmetallic mining operation
- 2118 5. To avoid duplication, the permit application and submittals required under this subsection  
2119 may, by reference, incorporate existing plans or materials that meet the requirements of  
2120 Chapter 20, of the Dunn County Code of Ordinances.
- 2121 6. Name of company, agent, principal officer, principal stockholders or owners, state of  
2122 incorporation, date of incorporation; copies of articles of incorporation, lease of mine  
2123 sites and estoppel certificates
- 2124 (e) Required Information and Plans. The application submitted for a special exception nonmetallic  
2125 mining permit shall be accompanied by the following information and/or plans:
- 2126 1 An ALTA land survey completed by a land surveyor registered in the State of Wisconsin  
2127 at a scale of not smaller than 200 feet to the inch showing the location of the tract or  
2128 tracts of land with parcel identification numbers marked, to be included in the proposed  
2129 mining operation, including the proposed mine boundary
- 2130 2 The lateral extent of the proposed mine site at a scale not smaller than 660 feet to the  
2131 inch, with the mine site boundaries clearly shown
- 2132 3. A topographic map of the property to be affected by the mine operation at contour  
2133 intervals no greater than 2 feet and extending one half-mile beyond the proposed mine  
2134 boundary at a scale not smaller than 660 feet to the inch, with the mine site boundaries  
2135 clearly shown
- 2136 4. A map of all residential, agricultural and municipal wells within 1 mile of all proposed  
2137 mine site boundaries
- 2138 5. A map showing the location of the exploratory borings at a scale of not less than 1 inch  
2139 equals 660 feet
- 2140 6. A geologic log of each exploratory boring including the GPS location, collar elevation  
2141 and diameter of each exploratory boring, depth to groundwater observed, geologic  
2142 description of the materials encountered, the applicant's interpretation of the geologic  
2143 formations encountered and identification of the top and bottom elevations of any  
2144 nonmetallic mineral deposit intersected by the exploratory borehole.

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7. A vicinity map showing the location of the site within the town and county, including the following:
    - a) Names of owners of the tract or tracts of land to be mined and the property owners of the land within one half mile of the mine site
    - b) Locate and label all existing buildings within 1,320 feet of the outer perimeter of the mine site
    - c) The location and name of all surface water, including lakes, private or public ponds, streams (including intermittent streams and headwaters), drainage ditches, wetlands, drainage patterns and other water features on the site and within 1 mile of the proposed mine boundaries
  8. A map at a scale of not less than 200 feet to the inch, showing the proposed sequence of mining, direction of mining, depth of mining, and estimated volumes of material to be removed on an annual basis for the proposed life of the mine, including:
    - a) Cross-sections of the proposed nonmetallic mine at intervals of not more than 200 feet
    - b) The dates of the proposed commencement and cessation of the mine operation.
  9. Daily hours of operation
  10. A map of the mine site at a representative scale not less than 1 inch equals 200 feet, showing the following:
    - a) Stockpiles and storage yards
    - b) On-site haul roads
    - c) Proposed permanent or temporary structures with their identity marked
    - d) Location of roadway access points
    - e) Parking areas
    - f) Setbacks
    - g) Existing structures
  11. An estimated daily water budget that describes all the ways that water will be used in the nonmetallic mining operation including, but not limited to; the water required for the entire mine site whether for mining, human use or any function; the sources of water and all process in which the water will be used, methods for treating, handling and disposing of water; volume of water consumed and discharged, and all individual volumes of each stream of excess water and waste water diverted from the site as run-off, storm water, dewatering or any other mechanism.
  12. A description of all hazardous materials and hazardous wastes as defined by State and /or Federal standards, including fuel supplies that will be stored on site and a description of measures to be used for securing and storing all hazardous materials and hazardous wastes stored on site.
  13. A description of the measures that will be used to contain and remediate any spill or accidental discharge and notify, at minimum the following agencies as to the type, volume and location of any hazardous waste kept on a nonmetallic mining site: Dunn County Sheriff's Department, Emergency Management Coordinator, and local fire protection district.
  14. A map of all proposed transportation routes, within the county, to be used to transport the nonmetallic mineral materials from the mine to off-site processing plants or markets, including the frequency of traffic, type of vehicle used in transport, average loaded weight of vehicle, and the common schedule of travel to be used for transporting.
  15. A transportation impact analysis in accordance with Wisconsin Department of Transportation Standards.
  16. A description of which, how and where chemicals will be used on site whether for the manufacturing or processing operations, in controlling dust, maintenance or other facility needs, along with a description of the measures that will be used to secure, store and/or remediate these materials in the event of a spill or accidental discharge.
  17. A description of the distribution, thickness, type of existing topsoil and plans for topsoil storage.

- 2199 18. A description of measures to be taken to control noise, dust and vibrations from the  
2200 operations, along with a statement of the proposed frequency of blasting, if any, to be  
2201 used in the operation.
- 2202 19. A description of the mining methods, machinery and equipment to be used for extraction  
2203 and processing of extracted material.
- 2204 20. A description of measures to be taken to screen the operation from view with earth banks,  
2205 vegetative or other screening devices.
- 2206 21. A lighting plan for the nonmetallic mining operation; including the type and style of  
2207 lighting to be used and its power source.
- 2208 22. A description of measures to be taken to assure compliance with applicable air, water  
2209 quality and other environmental standards as required by State and Federal laws.
- 2210 23. The Board of Adjustment may request additional or further information or materials from  
2211 the applicant beyond that submitted by the applicant to enable the County and/or the  
2212 Board of Adjustment to adequately analyze the proposed operation in light of the  
2213 standards imposed by this ordinance. The Board of Adjustment may request additional  
2214 information at any time during the application process and the applicant shall submit the  
2215 requested information before further proceedings take place.
- 2216 24. The Board of Adjustment may retain or appoint third party experts and/or legal  
2217 professionals as the Board deems prudent to examine the application and to make  
2218 recommendations to the Board of Adjustment on whether the nonmetallic mining  
2219 operation proposed by the applicant will meet the standards of this ordinance, to assist in  
2220 evaluating special exception requests and considering conditions, and to assist the Board  
2221 in administering and enforcing the ordinance. The applicant shall pay for the reasonable  
2222 cost of all third party experts as a condition of approval.
- 2223 (f) Permit Process
- 2224 1. Ten (10) paper copies and one (1) digital copy of the application shall be submitted to the  
2225 Zoning Administrator in the County Zoning Office.
- 2226 2. The Zoning Administrator will distribute one copy of the application to each member of  
2227 the Board of Adjustment and Corporation Counsel.
- 2228 3. The Zoning Administrator shall make a completeness determination within 30 business  
2229 days of receipt of the application. When the Zoning Administrator believes that the  
2230 application is complete, that he/she needs no further information or clarification, he/she  
2231 shall notify the applicant in writing and provide a hearing date for the applicant before  
2232 the Board of Adjustment in accordance with section 13.4.0.05 of this Ordinance.
- 2233 4. The Board of Adjustment shall render a decision within 60 days of the completion of the  
2234 public hearing.
- 2235 (g) General operating requirements. The following requirements shall apply to nonmetallic mining  
2236 operations:
- 2237 1. Property Protection
- 2238 a) Buffer zone
- 2239 A buffer zone of a least 100 feet from the active mine boundary to adjoining  
2240 property lines and 200 feet from the nearest right of way shall be provided. The  
2241 buffer zone shall be maintained at all times. This shall not apply when the  
2242 railroad access for a transloading facility is within 200 feet of the right of way.
- 2243 i. Parking areas, unprocessed and processed materials stockpiles,  
2244 equipment storage, fueling stations, other related accessory uses such as  
2245 offices and scales, are not allowed within the buffer zone.
- 2246 ii. Areas within the buffer zone may be used for earthen berms, topsoil  
2247 stockpiles, fencing, and egress/ingress but may not be used for internal  
2248 haul roads. The Board of Adjustment may require additional screening  
2249 to buffer the nonmetallic mining operation from and neighboring  
2250 properties and uses.
- 2251 b) Boundaries of nonmetallic mining operations that will exceed 25 acres over the  
2252 life of the mine shall not be located within 1,320 feet of the R1, R2 or R3

- 2253 district, or 500 feet of any existing residence, not including the residence of the  
2254 owner of the mine site.
- 2255 2. Screening  
2256 Where practical, an earth berm and/or vegetative screen shall be erected and maintained  
2257 to screen the mined area. When using vegetation to screen the site, the vegetation must be  
2258 at least 4 feet in height at the time of planting. The Board of Adjustment shall determine  
2259 the practicality and necessity of aesthetic screening in each individual mining operation.
- 2260 3. Gating  
2261 The Board of Adjustment may require the nonmetallic mining operation to be gated.
- 2262 4. Lighting  
2263 Lighting shall be limited, to that which is minimally necessary for safe mining operations  
2264 and security. All lighting shall be shielded and pointed downward to avoid illuminating  
2265 off-site.
- 2266 5. Onsite fuel storage  
2267 All petroleum products kept onsite and related to the mining operation shall be stored in  
2268 state approved fuel storage containers and shall be in accordance with all applicable  
2269 standards for storage and fueling areas. All petroleum product storage tanks shall provide  
2270 leak proof containment not less than 125% of the tank capacity. Where fueling trucks are  
2271 used to refuel equipment onsite, all fueling must occur on a fueling absorption pad to  
2272 minimize any leakage.
- 2273 6. Maximum Hours of operation  
2274 Non-metallic mining operations shall be limited to reasonable hours. The nonmetallic  
2275 mining site shall only operate and remove materials from 7:00 am. to 7:00 pm. during  
2276 Daylight Savings Time and 7:00 am. to 5:00 pm. during Standard Time, Monday through  
2277 Friday. Saturday hours of operation are limited to 7:00 am. to 3:00 pm. with no mining or  
2278 material removal allowed on Sundays or Holidays unless the owner/operator of a  
2279 nonmetallic mining site notifies the Zoning Administrator within 48 hours of its operation  
2280 on Sundays, holidays or outside of stated hours of operation when a natural disaster has  
2281 occurred necessitating the need for nonmetallic mining materials for emergency repair  
2282 work.
- 2283 7. Noise  
2284 White noise back up beepers shall be installed on all equipment requiring beepers per  
2285 OSHA and MSHA standards.
- 2286 8. Dust  
2287 The operator shall utilize appropriate best management practices to control fugitive dust  
2288 as specified in Wis. Admin. Code NR 415.075. The fugitive dust plan may include the  
2289 paving of the main interior haul roads, watering processed and unprocessed stockpiles,  
2290 using sweepers to clean all paved surfaces within the mine and on the public road,  
2291 minimize the size of stockpiles, increasing the distance stockpiles are located to a  
2292 property line beyond the buffer zone. Operators of nonmetallic mining operations that  
2293 process silica sand for industrial use shall monitor the ambient level of airborne  
2294 particulate matter of 2.5 microns in size (PM2.5) and Total Suspended Particulates (TSP),  
2295 measured by the method described in Appendices L and B, respectively, of 40 CFR part  
2296 50 (2011) or by a method approved by the County in consultation with the County's  
2297 retained experts. The type and number of monitors, locations, frequency and duration of  
2298 the monitoring program shall be determined by the County after consultation with its  
2299 retained experts and operator. Air monitor results inclusive of any applicable regional  
2300 background concentration and showing more than 35 micrograms of PM2.5 or over 150  
2301 micrograms of TSP per cubic meter of air in a twenty-four (24) hour period shall require  
2302 the operator to evaluate and implement additional best management practices to minimize  
2303 the PM2.5 emissions or TSP. All costs of air monitoring and corrective measures shall be  
2304 borne by the operator. The operator shall compile summaries of air monitoring results  
2305 that shall be provided to the County within ten (10) days of when the test results become  
2306 available to the operator.
- 2307 9. Blasting

2308 All blasting shall be done in conformance with state and federal guidelines and  
2309 requirements. Blasting hours may be regulated by the conditions placed on the special  
2310 exception use permit by the Board of Adjustment. Notification must be provided to the  
2311 Zoning Administrator, adjacent neighbors within 1,320 feet, and any other local resident  
2312 within a mile who files a written request for notification with the operator. Any required  
2313 notification shall give at least 24 hours prior to any blasting.

2314 10. Blasting logs  
2315 Blasting logs shall be provided to the County on a quarterly basis and within 48 hours of  
2316 a written request from the Board of Adjustment.

2317 11. Groundwater Protection

2318 a) Nonmetallic mining operations and reclamation shall be conducted in a manner  
2319 that does not result in; groundwater becoming unfit for human consumption;  
2320 significant changes from baseline conditions outside the mine site boundary,  
2321 exceedance of any groundwater quality standard in Wis. Admin. Code chs. NR  
2322 140 and NR 809; exceedance of any state or federal health advisory limits.

2323 b) Nonmetallic mining operations and reclamation shall be conducted in a manner  
2324 that does not cause a lowering of the groundwater table that results in adverse  
2325 effects on surface waters or a significant reduction in the quantity of  
2326 groundwater available for reasonable use to current and future users.

2327 c) Any wash ponds and settling ponds that have chemicals introduced to them shall  
2328 have 5 feet of separation distance to bedrock and to the groundwater elevation,  
2329 and shall have an impervious liner. The operator is responsible for maintaining  
2330 all aspects of the wash and settling ponds, including impervious liners and  
2331 ensuring that releases from the ponds to the groundwater shall not occur. Any  
2332 portion of any pond to which chemicals were introduced that exists at an  
2333 elevation below the projected post-reclamation water table, shall be fully  
2334 excavated and removed during the reclamation and prior to allowing the water  
2335 table to rise to the elevation of the pond bottom.

2336 d) The operator shall submit a detailed hydro geologic report. The operator shall be  
2337 required to reimburse the county for the expense of professional work or  
2338 opinions in review of such hydro geologic report. The hydro geologic report  
2339 shall provide the following information, as well as a description and justification  
2340 of all hydrologic methods used including determination of existing conditions  
2341 used to establish baseline data, including but not limited to:

2342 i. Analysis of groundwater quality of private wells within one-half mile  
2343 of the mine site and on the mining site consistent with Wis. Admin.  
2344 Code 20 ch. NR 140.20, including any periodic testing required by the  
2345 Board of Adjustment.

2346 ii. Identification of all known contaminated groundwater resources within  
2347 one-half mile of the mining site.

2348 iii. Identification and location of all known karst features such as  
2349 sinkholes,  
2350 stream sinks, springs, caves, or faults within one-half mile of the  
2351 mining site.

2352 iv. Identification, location and elevation of all surface waters and  
2353 headwaters within a minimum of one-half mile of the mining site.  
2354 Elevations must include the existing water level, as well as the ordinary  
2355 high water mark where applicable.

2356 v. Identification of all existing groundwater users (e.g. neighboring  
2357 private  
2358 water-supply wells, well head protection areas, municipal wells,  
2359 irrigation wells) within one-half mile of any portion of the mining site  
2360 consistent with Wis. Admin. Code ch. NR 812. Well construction  
2361 reports including well location, well depth, depth of casing, depth to  
2362 water, and aquifers penetrated shall be identified where data exists.

- 2363 vi. Elevation of the water table, groundwater flow directions, and  
2364 groundwater velocities.
- 2365 vii. The information required above shall be presented in the form of a brief  
2366 report including one or more maps at a scale of not less than 1 inch  
2367 equals 330 feet and at least two geologic cross-sections passing through  
2368 the proposed excavation. All horizontal and vertical measurements  
2369 shall be referenced to a permanent reference point of the Dunn County  
2370 Coordinate System.
- 2371 e) Proposed operational data, including but not limited to:
- 2372 i. Elevation of the lowest point of mining and dewatering activities below  
2373 the pre-mining water table.
- 2374 ii. Description of the means planned to prevent surface water running into  
2375 the excavation.
- 2376 iii. Where dewatering is proposed, provide pumping rates and times;  
2377 elevation of the proposed groundwater draw down level; and  
2378 identification of groundwater discharge locations and quantities.
- 2379 iv. A groundwater monitoring program to ensure compliance with 11(a)  
2380 and 11(b) above. Such program shall include the installation of  
2381 monitoring wells up gradient and down gradient of the proposed area of  
2382 excavation to measure groundwater elevations, quality, flow directions,  
2383 and velocities. All proposed monitoring well locations shall be shown  
2384 on a map provided with the hydro geologic report required above.
- 2385 f) The Board of Adjustment may require the applicant to provide additional  
2386 relevant hydro geologic studies such as groundwater modeling, when:
- 2387 i. Dewatering is proposed at the mining site;
- 2388 ii. Known contaminated groundwater resources in excess of any NR 140  
2389 Preventive Action Limit exist within one-half mile of the mining site;
- 2390 iii. Known karst features such as sink holes, stream sinks, springs, or caves  
2391 exist within one-half mile of the mining site;
- 2392 iv. Exceptional, outstanding, and/or 303d WDNR-listed waters exist  
2393 within one-half mile of the mining site; or
- 2394 v. Existing wells using the same or a shallower aquifer exist within 1200  
2395 feet of the mine site.
- 2396 g) If groundwater modeling is required, the following minimum information shall  
2397 be provided:
- 2398 i. Description and justification of all input data to groundwater models.
- 2399 ii. Calibration of all groundwater models.
- 2400 iii. Sensitivity analysis for all groundwater models.
- 2401 iv. Detailed output from the hydrologic methods including the elevation of  
2402 the water, elevation of the cone of depression caused by dewatering,  
2403 groundwater flow directions, groundwater velocities, mounding  
2404 elevations, and any potential effects on nearby surface water, springs,  
2405 or users of surface and groundwater.
- 2406 v. Description of the possible existence of fractures or solution cavities in  
2407 the geologic material and their effect on groundwater flow and land  
2408 stability.
- 2409 h) As a condition of approval, the operator shall accept responsibility for  
2410 remediation of any spill, release, accidental discharge, waste  
2411 accumulation, or similar concern, of a hazardous, chemical, or  
2412 otherwise actionable nature caused or exacerbated by the mining  
2413 operation. Should the operator fail to comply with this provision in a  
2414 timely manner the permit may be revoked.
- 2415 12. The operator must promptly disclose any and all notices received from any other  
2416 government body or agency of violation, citation, or other enforcement action affecting

- 2417 or related to the mine site and site operations, including off-site hauling, waste or other  
2418 activities.
- 2419 13. Surface Water Protection: Constructed wash ponds and settling ponds shall have at least  
2420 sufficient capacity to contain all wastewater, sediment, and any precipitation resulting  
2421 from a 100 year, 24-hour storm event that falls within or flows into the area of  
2422 containment, with a minimum one (1) foot freeboard above the maximum operating level.  
2423
- 2424 (h) Factors to be Considered.  
2425 A special exception use shall only be granted if it is found that the application meets the  
2426 requirements of Section 13.4.0.04 of this ordinance. In addition to the standards under Section  
2427 13.4.0.04, the Board of Adjustment shall consider the cumulative impacts of all land uses within  
2428 the county of the proposed mining operations. The Board of Adjustment may impose additional  
2429 conditions that include, but are not limited to, restrictive provisions and proof of financial security  
2430 for county and town road maintenance and repair, restrictions on hours of operation, restrictions  
2431 on truck routes on town and county roads, restrictions on truck and traffic volume in to and out of  
2432 the mine site, restrictions to protect the groundwater quantity and quality, restrictions to safeguard  
2433 public and private drinking and agricultural wells, restrictions to control air emissions and dust  
2434 from the mine and its operations and any other restrictions deemed necessary and appropriate to  
2435 protect the public health, safety and welfare.
- 2436 (i) Financial Assurance.  
2437 To assure site reclamation, the applicant shall submit a financial assurance that conforms to  
2438 Chapter 20.
- 2439 (j) Permit Review, Emergency Review, Site Modification, Transfer of Permit, Cancellation and  
2440 Termination.
- 2441 1. The Board of Adjustment shall review original permits 2 years from the date of issuance  
2442 at a public hearing and shall review the permit then in effect every 5 years thereafter. The  
2443 purpose of this review is to determine compliance with the permit, environmental  
2444 standards, laws and regulations, and any complaints registered with the Board. The  
2445 applicant will be responsible for the public hearing fees. Should the review determine that  
2446 the operator is currently failing to operate in compliance, or has had several violations of  
2447 the permit terms, county ordinance, or state and/or federal laws, then the Board of  
2448 Adjustment may appropriately modify or rescind the permit. Should the Board of  
2449 Adjustment, through the review determine new instances of non-compliance or other  
2450 violations of county ordinance, state and/or federal law (issues which had never before  
2451 been the subject of an enforcement action) the Board may allow the operator not less than  
2452 60 days to rectify any instances of non-compliance or other violations. If, after the time  
2453 allowed there remain unresolved compliance violations, the permit may be rescinded.
- 2454 2. The Board of Adjustment may, with 5 days notice to the operator, require an emergency  
2455 review. Emergency reviews shall be based on instances of significant non-compliance, or  
2456 immediate concerns with human health, safety or the environment. Should the Board of  
2457 Adjustment, through the emergency review determine instances of non-compliance or  
2458 other violations of the permit, county ordinance, state and/or federal law the Board may  
2459 allow the operator not less than 60 days to rectify any instances of non-compliance or  
2460 other violations. If, after the time allowed there remain unresolved compliance violations  
2461 the permit may be rescinded.
- 2462 3. Permit Modification  
2463 An operator may apply in writing for a modification or cancellation of a permit or for a  
2464 change in the nonmetallic mining operation plan for a mining site. The application for  
2465 permit or plan modification shall be acted on using the standards and procedures of  
2466 Section 13.3.8. The application for a site modification shall be processed in the same  
2467 manner as an original special exception use application for a nonmetallic mining  
2468 extraction permit.
- 2469 4. Transfer of Permit

- 2470 When one operator succeeds to the interest of another in an uncompleted site, the Zoning  
 2471 Administrator shall release the first operator of the responsibilities imposed by the permit  
 2472 only if:
- 2473 (a) Both operators are in compliance with the requirements and standards of this  
 2474 chapter.
  - 2475 (b) The new operator assumes the responsibility of the former operator to complete  
 2476 the nonmetallic mining operation of the entire project site in writing.
  - 2477 (c) The new operator shows proof of financial responsibility in substantially the  
 2478 same manner and amount as the previous operator and agrees to maintain the fee  
 2479 deposit.
- 2480 5. Failure to comply with the requirements of this section automatically terminates the  
 2481 permit.
- 2482 (k) Inspections.
- 2483 1. Upon issuance of a special exception use permit for the purpose of mining, the operator is  
 2484 deemed to have consented to allow inspections by the Board of Adjustment, County or its  
 2485 approved agents. Such inspections are for the purpose of determining compliance with  
 2486 the provisions of this Chapter and the terms of the permit. Access shall also be provided  
 2487 should the County have concerns related to the protection of human health and safety of  
 2488 the public. Inspections may occur with or without notice to the nonmetallic mineral mine  
 2489 operator and upon showing of proper identification.
  - 2490 2. Approved agents of the Board of Adjustment or County may inspect any required records  
 2491 of a mining operation to determine compliance with the provisions of this section. All  
 2492 required records shall be made available to an approved agent within a reasonable time.  
 2493 Any public or private complaint against an operator may result in an inspection of the  
 2494 mining operation to determine the validity of the complaint.
- 2495 (l) Other Requirements.
- 2496 1. Mine operators shall comply with town, county, state, and federal regulations and  
 2497 amendments thereof, including air, water quality and other environmental standards.
  - 2498 2. Any road agreements between the applicant and the town or the County Highway  
 2499 Department shall be incorporated into and become part of the special exception permit.  
 2500

2501 **13.3.8.04 Nonmetallic Mining Standards for site of Less than Twenty-Five (25) Acres**

- 2502
- 2503 (a) All operators seeking a special exception permit for a nonmetallic mining site of less than 25 acres  
 2504 (based on the life of the mine) shall apply on forms provided by the County and according to the  
 2505 policies of the Zoning Division.
  - 2506 (b) Content of Application  
 2507 The application for a special exception use permit shall be accompanied by a plan which shall  
 2508 include the following information:
- 2509 1. A map and/or aerial photograph and accompanying materials which indicates the  
 2510 following:
    - 2511 a) Boundaries of the affected land and abutting properties, including names of the  
 2512 owners of subject property and abutting property owners.
    - 2513 b) Surface drainage of the affected land.
    - 2514 c) Location and names of all streams, roads, railroads, utility lines and pipelines on  
 2515 and/or immediately adjacent to the area.
    - 2516 d) Location of all structures within 1,000 feet of the outer perimeter of the area;  
 2517 present owners and occupants of such structures and purposes for which each  
 2518 structure is used.
    - 2519 e) Proposed location, extent and depth of intended sand, gravel, and rock.
    - 2520 f) Proposed location of the waste dumps, ponds, sediment basins, stockpiles,  
 2521 including setbacks.
    - 2522 g) Estimated depth to groundwater.
  - 2523 2. A description of the excavation and processing equipment to be used.
  - 2524 3. A description of measures to be taken to control noise and vibrations from the operation.

- 2525 4. A description of the proposed hours of operation.  
 2526 5. A description of measures to be taken to screen the operation from view.  
 2527 6. Proposed primary travel routes to be used to transport the excavated material to and from  
 2528 the property.  
 2529 7. A statement in writing to indicate the timetable of the commencement, duration, and  
 2530 cessation of operations and such other information as may be necessary to determine the  
 2531 nature of operations, its conformance with this ordinance, and the effect of the operation  
 2532 on surrounding properties.  
 2533 8. A transportation impact analysis.
- (c) Non-metallic mineral extraction operations shall conform to the following requirements:
- 2534 1. Unless waived in writing by the adjoining property owners, all sand, gravel and rock  
 2535 excavation operations shall be set back at least 200 feet from all right of way lines and at  
 2536 least 100 feet from all property lines and the excavation shall be at least 500 feet from  
 2537 any existing residence. The Board of Adjustment may allow the operator to stockpile  
 2538 overburden and construct berms within the setback distances, if such activity does not  
 2539 violate Section 13.4.0.04(f) of the Ordinance.
  - 2540 2. All excavation access roads shall be maintained with dust control measures and a stop  
 2541 sign shall be located where it intersects a public road. Such access roads shall be  
 2542 authorized by evidence of an access permit.
  - 2543 3. All equipment used for the production of rock and gravel shall be constructed, maintained  
 2544 and operated in such a manner as to eliminate, as far as practicable, noise, vibration or  
 2545 dust which are injurious or adversely affects persons living in the vicinity.
  - 2546 4. The Board of Adjustment may require screening and restrict the hours of operation if  
 2547 warranted by existing conditions.
  - 2548 5. Any water to be disposed of must be done so in a manner that will not adversely affect  
 2549 any surrounding property owners.
  - 2550 6. All blasting shall be done by state licensed and certified blasters.
  - 2551 7. All temporary structures, equipment, rubble or other debris shall be removed from the  
 2552 site within 90 days of final operational activities.
- (d) Industrial sand mines shall not be permitted in accordance with this section. All industrial sand  
 2553 mines of any size must be permitted in accordance with Section 13.3.8.03  
 2554  
 2555  
 2556

**13.3.8.05 Metallic Mining Standards**

- 2557 (a) Metallic mineral extraction operations are special exception uses as regulated by Section  
 2558 13.4.0.04, and upon approval, are permitted in the GA and the HI Districts. The application for a  
 2559 special exception use permit shall be accompanied by a plan which shall include the following  
 2560 information:  
 2561  
 2562 1. An accurately surveyed map or plan on a scale or not less than 1:200  
 2563 showing the boundaries of the lands affected, including adjacent land;  
 2564 2. Topography and drainage area of the affected land;  
 2565 3. Location and names of all streams, roads, railroads, utility lines and  
 2566 pipelines on or immediately adjacent to the area;  
 2567 4. Location of all buildings within 1000 feet of the outer perimeter of the  
 2568 area, present owners and occupations of such buildings, and purpose for which each  
 2569 building is used;  
 2570 5. Names of owners of the parcel and adjacent property owners;  
 2571 6. Cross-sections of the affected land at intervals of not more than 200  
 2572 feet;  
 2573 7. The results of test borings, including the location of subsurface water  
 2574 and the analysis of chemical properties of the mineral material and overburden;  
 2575 8. A description of the mining and processing equipment to be used;  
 2576 9. A map on a scale of not less than 200 to the inch showing the proposed  
 2577 location of the mine, waste dumps, tailing ponds, sediment basins, stockpiles and storage  
 2578 yards, roads, railroad lines, structures, and other temporary or permanent installations;  
 2579

- 2580 10. A series of maps or plans on a scale of not less than 200 feet to the  
2581 inch, showing the proposed sequence of mining, direction of mining, depth of mining,  
2582 expansion of waste dumps and tailing ponds, and other materials movement on an annual  
2583 basis for the proposed life of the operation, or such time frame as designated by the  
2584 Board of Adjustment;
- 2585 11. A map or plan describing the control surface and groundwater,  
2586 including natural drainages, water accumulations, mine water sources, mine water  
2587 disposal, process plant water sources and disposal, and mine process plant water  
2588 requirements;
- 2589 12. A description of measures to be taken to assure compliance with  
2590 applicable air and water quality standards;
- 2591 13. A description of measures to be taken to control noise and vibrations  
2592 from the operations;
- 2593 14. A description of measures to be taken to screen the operation from  
2594 view with earth banks, vegetative or other screening devices;
- 2595 16. Proposed travel routes to be used to transport the mineral material from  
2596 the mine to off-site processing plants or markets;
- 2597 17. A description of the topsoil, including soil types, thickness, and plans  
2598 for topsoil storage;
- 2599 (b) All underground mineral-extraction operations shall also submit a complete plan of all  
2600 entries, working levels, as well as a description of the sloping and group support methods to be  
2601 used;
- 2602 1. Such other pertinent information as may be required to determine the nature of the  
2603 operation and the effect on the surrounding area.
- 2604 2. The application submitted for a mining permit shall be accompanied by  
2605 a reclamation plan which shall include the following information;
- 2606 3. A map or plan and the description of the proposed reclamation,  
2607 including final land use, final land shape, estimated final topography and the annual  
2608 sequence of reclamation activity to be conducted;
- 2609 4. A description of the utility and capacity of the reclaimed land to  
2610 support the proposed sequential use;
- 2611 5. A description of soil types, topsoil stripping, topsoil storage, topsoil  
2612 replacement thickness and time sequence of replacement, and erosion prevention during  
2613 storage and replacement;
- 2614 6. A map or plan and description of grading and backfilling sequences,  
2615 final slope angles, high wall reduction, benching and terracing of slopes, slopes  
2616 stabilization and erosion control;
- 2617 7. A map or plan and description of reclamation or removal of waste  
2618 dumps, tailing ponds, sediment ponds, haulage roads, access roads, surface structures and  
2619 related facilities;
- 2620 8. A map or plan and description of final surface drainage, water  
2621 impoundments and artificial lakes on the affected property;
- 2622 9. A description of plant types, planting sequences, and maintenance or  
2623 replacement of vegetative cover both during mining operations and upon completion of  
2624 site reclamation;
- 2625 10. A plan for disposal of any harmful or toxic materials found in any  
2626 formations penetrated by the mining operation, produced during the processing of  
2627 materials on the affected land, and chemicals or materials used during the mining or  
2628 processing operations;
- 2629 11. For underground mining operations, a description of methods to be  
2630 used for filling and sealing all shafts, adits, inclines and other mine entries;
- 2631 12. For underground mining operations, a description of the stability of  
2632 lands overlying the underground workings;
- 2633 13. The estimated cost of reclamation on a per-acre-of-total-project basis;

- 2634 14. Such other pertinent information as may be required to determine the  
2635 nature of the reclamation of the operation and the effect upon the surrounding area.  
2636 (c) The Board of Adjustment may establish any additional regulations they deem appropriate.  
2637

### 2638 **13.3.9 Off-street and On-street parking and loading**

2639

2640 **13.3.9.01 Purpose:** The purpose of this section is to promote public safety and welfare by reducing  
2641 congestion on public streets and roads, by requiring on each lot sufficient parking and loading space to  
2642 accommodate the traffic generated by the use of the lot.  
2643

#### 2644 **13.3.9.02 General provisions**

2645

- 2646 (a) Minimum size regulations: A minimum of 180 square feet is required for each parking  
2647 space. Parking spaces shall be not less than nine feet in width and eighteen feet in length, plus  
2648 adequate access and maneuvering area. All parking spaces shall have direct access to a street or  
2649 alley. Loading spaces shall be sufficient for the uses they are designed to serve and shall provide  
2650 space for maneuvering. Required parking and loading spaces shall not be used for storage of  
2651 goods or storage of vehicles that are inoperable or for sale or rent.  
2652 (b) Reduction and use of parking and loading space: On-site parking facilities existing on the  
2653 effective date of the ordinance shall not be reduced to an amount fewer than required herein. If an  
2654 existing structure or use with fewer than the number of parking and loading spaces required under  
2655 this section is expanded by less than fifty percent of its gross area, additional parking shall be  
2656 required only for the addition. If, however, the expansion is greater than fifty percent of the  
2657 original structure or use, the number of parking stalls required shall meet the total required under  
2658 this section.  
2659 (c) Computing requirements: In computing the number of spaces required, the following rules shall  
2660 govern:  
2661 1. "Floor space" means the gross floor area of the specific use.  
2662 2. For structures containing more than one use, the required number of spaces shall be  
2663 computed by adding the spaces required for each use.  
2664 3. Where parking spaces are calculated according to the number of employees, the number  
2665 of employees on the main shift, or greatest number of employees present at one time,  
2666 shall be used to compute the number of stalls required.  
2667 4. Parking space requirements for uses not specifically mentioned herein shall be the same  
2668 as required for a use of a similar nature as determined by the Zoning Administrator.  
2669 (d) Location of parking facilities: Required off-street parking facilities shall be located on the same lot  
2670 as the use they are intended to serve, provided that combined or joint parking facilities may be  
2671 provided for uses in the Limited Commercial (LC) and General Commercial (GC) and Light  
2672 Industrial (LI) and Heavy Industrial (HI) districts if the total number of spaces equals the parking  
2673 space. A parking facility shall not be more than 400 feet from the use it is intended to serve.  
2674 (e) Lighting - Lighting used to illuminate on-site parking areas shall be directed away from residential  
2675 properties and public rights-of-way and shall be downlit/cut off (horizontal) lights. Electrical  
2676 reflectors, spotlights, floodlights and other sources of illumination used to illuminate buildings,  
2677 landscaping, street graphics and parking and loading areas must be equipped with lenses or other  
2678 devices which concentrate the illumination upon such buildings, landscaping, street graphics, and  
2679 parking and loading areas.  
2680

2681 **13.3.9.03 Required number of on-site parking spaces.** The required number of parking spaces shall be  
2682 in accordance with the following schedule:  
2683

- 2684 (a) Single-family dwellings, duplexes, mobile/manufactured homes, and multiple-family  
2685 dwellings: two stalls per dwelling unit;  
2686 (b) Hotels, motels, lodging houses, boardinghouses: one stall per guest room plus one stall  
2687 per employee on the major shift;

- 2688 (c) Hospitals, convalescent and nursing homes, and similar institutions: one stall per four  
 2689 beds, plus one stall per employee on the major shift;  
 2690 (d) Business or professional offices, medical or dental clinics, animal hospitals, municipal or  
 2691 governmental buildings, and financial institutions: one stall per 350 square feet of floor area;  
 2692 (01/18/2017)  
 2693 (e) Churches, theaters, community centers, auditoriums and similar places of assembly: one  
 2694 stall per six seats or one per 150 square feet; (01/18/2017)  
 2695 (f) Elementary and junior high school: 1.5 stalls per classroom; (01/18/2017)  
 2696 (g) High schools: one stall per ten students, plus one stall per two employees;  
 2697 (h) Colleges, trade, vocational and technical schools: one stall per five students, plus one stall  
 2698 per two employees;  
 2699 (i) Nursery school or day care center: one stall per 14 children, plus one stall per two  
 2700 employees; (01/18/2017)  
 2701 (j) Manufacturing and processing plants, warehouses, wholesale establishments, research  
 2702 laboratories and similar uses: one stall per two employees on the major shift, plus one stall for  
 2703 every business vehicle normally kept on the premises;  
 2704 (k) Restaurants (except drive-ins), nightclubs, taverns: one stall per 50 feet of floor area, plus  
 2705 one stall per employee;  
 2706 (l) Retail stores and service establishments: one stall per 250 square feet of floor area except  
 2707 for furniture, appliance, and home improvement products (i.e. carpets, paint, wall paper, etc.)  
 2708 which require one stall per 450 square feet of floor area; (01/18/2017)  
 2709 (m) Bowling alleys: three stalls per lane; (01/18/2017)  
 2710 (n) Funeral homes: twenty per chapel, plus one stall per vehicle kept on the premises;  
 2711 (o) Recreation facilities, including golf courses, archery ranges, softball fields and tennis  
 2712 courts: one stall per three users (participants and spectators) at maximum capacity, plus one stall  
 2713 per two employees;  
 2714 (p) Automobile service stations: one stall per each employee on the major shift, plus two  
 2715 stalls per service bay; (01/18/2017)  
 2716 (q) Drive-in restaurants and fast food establishments: four stalls per employee on the major  
 2717 shift; (01/18/2017)  
 2718 (r) Shopping centers: 5.5 stalls per 1,000 square feet of gross leasable area;  
 2719 (s) Convenience stores with gas sales: one stall per 200 square feet of retail area; each  
 2720 parking area adjacent to a pump island or fuel area may count as a parking stall.  
 2721

2722 **13.3.9.04 On-site loading requirements:** In commercial and industrial districts, adequate loading berths  
 2723 and areas shall be provided and so located that all vehicles loading, maneuvering or unloading are  
 2724 completely off the public rights-of-way.  
 2725

2726 **13.3.10 Allowable Uses In Setback Areas**

2727 **13.3.10.01 Purposes:** This section determines allowable uses within highway, side and rear setbacks.  
 2728

2729 **13.3.10.02 Permitted Uses**

2730 (a) Fences

- 2731 1. Fences shall be placed within the property line unless the adjacent  
 2732 property owner consents in writing the ability of the applicant to construct and maintain  
 2733 the fence directly on the property line.  
 2734 2. The side of the fence considered to be its evident finished side or face  
 2735 (the more attractive side) shall front the adjacent property.  
 2736 3. A fence not exceeding six (6) feet in height may be erected on the rear  
 2737 lot line, the side lot lines and return to the nearest front corner of the principal building.  
 2738 A fence not exceeding four (4) feet may be erected on the side lot lines forward of the  
 2739 principal building and the front lot lines.  
 2740  
 2741

- 2742 4. All fences shall be properly maintained with respect to appearance and  
 2743 safety.  
 2744 5. No fence shall be placed on or extend into public right-of-way or vision  
 2745 triangle of any highway unless approved by the town chairman or highway  
 2746 commissioner.  
 2747 6. Fences that are located in the shorelands and floodplains of Dunn  
 2748 County may have additional or more restrictive regulations.  
 2749 7. Exceptions: Fences used for agricultural purposes. Agricultural  
 2750 purposes shall include lands zoned agriculture and used for the raising of crops,  
 2751 horticulture, and animal and poultry husbandry.
- (b) Platforms, terraces, walks, driveways, parking areas and patios providing they do not extend above  
 2752 the plane or average ground level at their margins.  
 2753  
 2754 (c) Retaining walls which support ground at or below its natural level.  
 2755 (d) Telephone, telegraph and power transmissions lines, together with all attachments.  
 2756 (e) Wells, septic systems, and similar structures. A deed restriction may be required by the Township  
 2757 or County.  
 2758 (f) Frontage and service roads constructed according to plans approved by the jurisdiction  
 2759 having authority over the highway.  
 2760 (g) Signs, as regulated by Section 13.3.11.  
 2761 (h) Trees, shrubbery and field crops.  
 2762 (i) Where additions are proposed to be attached to an existing structure and where the  
 2763 existing structure does not conform to highway, side or rear setback requirements, the Zoning  
 2764 Administrator may issue a permit for such proposed addition provided:
- 2765 1. The addition does not encroach any further onto the setback;
  - 2766 2. The addition is less in total square feet than the existing structure;
  - 2767 3. The provisions of the Section 13.3.7.03 shall apply if applicable; and
  - 2768 4. No other setback requirements are violated.

2770  
 2771 **13.3.11 Regulation of Signs**  
 2772

2773 **13.3.11.01** A sign permit is required for signs listed in Section 13.3.11.08 and which are greater than nine  
 2774 square feet. All signs listed in section 13.3.11.09 shall be placed so as not to create a highway traffic safety  
 2775 hazard and shall be removed within one day following an event.  
 2776

2777 **13.3.11.02** The general requirements described in this subsection apply to any sign.  
 2778

- (a) A sign and its supporting structure must be properly constructed, installed, and maintained.  
 2779  
 2780 (b) A sign must be securely anchored or otherwise fastened, suspended, or supported so as not to  
 2781 present a hazard to any person or property.  
 2782 (c) A sign must be designed and constructed to safely withstand a wind pressure of at least 30 pounds  
 2783 per square foot of surface area.  
 2784 (d) A sign may not be suspended by chains or other devices that allow the sign to swing due to wind  
 2785 action.  
 2786 (e) Dimensions. The following dimensional limits, which are inclusive of border and trim, but  
 2787 exclusive of supports, apply to all signs:
- 2788 1. The maximum width of any sign is 20 feet.
  - 2789 2. The maximum height of any sign is 20 feet.
  - 2790 3. The maximum surface area of any sign is 150 square feet.
  - 2791 4. All signs greater than 50 square feet and less than 150 square feet shall  
 2792 meet the following requirements: Billboards on premises or off premises signs which  
 2793 exceed 50 square feet in total display area, shall be located no closer than 5 feet from the  
 2794 right-of-way line and shall be separated from each other by a minimum distance of  
 2795 1,000 feet. They shall be permitted only in the Commercial and Industrial districts.

- 2796 (f) Public Decency. A sign may not display images or text that violate standards of public  
2797 decency.
- 2798 (g) Residential Protection. A sign that faces a residential zoning district may not be located  
2799 within 25 feet of the residential zoning district boundary.
- 2800

2801 **13.3.11.03 Nonconforming signs**

- 2802
- 2803 (a) A nonconforming sign may continue to be used and the copy displayed on the sign may be  
2804 changed.
- 2805 (b) Normal maintenance may be performed on and repairs made to a nonconforming sign, but a  
2806 nonconforming sign may not be structurally altered unless the alteration brings the sign into  
2807 compliance with this ordinance.
- 2808 (c) Normal maintenance may be performed on the structure supporting a nonconforming sign, but the  
2809 structure supporting a nonconforming sign may not be repaired unless the sign is brought into  
2810 compliance with this ordinance. If repairs are made to the supporting structure and the sign cannot  
2811 be brought into compliance with this ordinance, the sign must be removed.
- 2812 (d) A nonconforming sign may not be enlarged, relocated or replaced.
- 2813

2814 **13.3.11.04 Prohibitions.** The design elements, signs, and uses of signs described in this subsection are  
2815 prohibited.

- 2816
- 2817 (a) A sign may not advertise an activity that is illegal under any federal law, state statute, or county  
2818 ordinance that is in effect where the sign is located or where the advertised activity takes place.
- 2819 (b) It is unlawful to locate a vehicular sign on public or private property where it is visible from a  
2820 public right-of-way for the purpose of advertising or providing directions to any private activity,  
2821 business, person, product or service.
- 2822 (c) It is unlawful to use any character, phrase, symbol, or word, such as “DANGER,” “LOOK,”  
2823 “STOP,” or “YIELD,” on a sign in such a manner as to mislead any driver or be confused with  
2824 any authorized traffic device, sign, or signal.
- 2825 (d) It is unlawful to locate a sign where, by reason of its color, position, or shape, it may mislead any  
2826 driver or be confused with any authorized traffic device, sign, or signal.
- 2827 (e) It is unlawful to locate a sign where it interferes with or obscures a driver’s view of any  
2828 approaching, intersecting, or merging traffic on any street or highway.
- 2829 (f) It is unlawful to locate a sign where it interferes with or obscures any official device, sign, or  
2830 signal.
- 2831 (g) (Repealed 01/18/2017)
- 2832 (h) It is unlawful to draw, paint, or place a sign on a rock, tree, or other natural feature.
- 2833 (i) A sign may not move or have any moving parts.
- 2834 (j) A sign may not contain reflective elements that sparkle in the sunlight.
- 2835 (k) It is unlawful to locate a sign, other than a government sign, in any public park, rest area, or scenic  
2836 area.
- 2837

2838 **13.3.11.05 Directional signs.**

- 2839
- 2840 (a) Location.
- 2841 1. A directional sign may not be located within 2,000 feet of any at-grade intersection,  
2842 interchange, rest area, park, scenic area, or wayside on a freeway or interstate highway or  
2843 within 300 feet of any at-grade intersection, interchange, rest area, park, scenic area, or  
2844 wayside on any other highway.
- 2845 2. A directional sign must be at least one mile from any other directional sign that describes  
2846 the same place and that faces the same direction.
- 2847 3. No more than 3 directional signs pertaining to the same place may be located along a  
2848 single route.
- 2849 4. A directional sign visible from an interstate highway must be located with 75 miles of the  
2850 place described on the sign.

- 2851 5. A directional sign must be located so that it does not affect any agricultural operation.  
2852 (b) Changes to Directional Signs. A directional sign may be modified as to its color, copy, lighting,  
2853 shape, and size provided that the modified sign complies with the requirements of Wis. Stat. §  
2854 84.30 and this ordinance.  
2855 (c) Illumination Restriction. A directional sign may not be illuminated.  
2856

2857 **13.3.11.06 Electronic signs**  
2858

- 2859 (a) Amber alerts. An electronic sign must be made available for amber alerts and other emergency  
2860 notifications as deemed necessary by county law enforcement or emergency management officials.  
2861 (b) Audio. An electronic sign may not contain or use audio speakers.  
2862 (c) Brightness. The brightness level of an electronic sign may not exceed 5,000 nits during daylight  
2863 hours or 500 nits from dusk to dawn.  
2864 (d) Display Requirements. Any image or text displayed on an electronic sign must be a static display  
2865 that has a duration of at least 8 seconds. The transition time between one display and the next must  
2866 be no longer than 2 seconds. A black or blank screen may not be used during the transition period.  
2867 (e) Malfunctions. An electronic sign must be designed to freeze the display in the event of a control  
2868 malfunction.  
2869 (f) Mounting. An electronic sign that is mounted on a building or any appurtenance to a building may  
2870 not project more than 18 inches from the face of the structure on which it is mounted.  
2871 (g) (Repealed 01/18/2017)  
2872 (h) Railroad Crossings. An electronic sign is prohibited within 200 feet of any railroad crossing.  
2873 (i) Residential Restriction. An electronic sign may not be located with 200 feet of any residential  
2874 zoning district.  
2875 (j) Scrolling Messages. An electronic sign may not display a scrolling or traveling message.  
2876 (k) Pyrotechnics. An electronic sign may not contain or use any form of pyrotechnics.  
2877  
2878

2879 **13.3.11.07 Illuminated signs**  
2880

- 2881 (a) An illuminated sign must be effectively shielded so as to prevent light from being directed at any  
2882 portion of the travel way of a controlled highway and may not glare, impair the vision of the driver  
2883 of any motor vehicle, or otherwise interfere with any driver's operation of a motor vehicle.  
2884 (b) An illuminated sign may not interfere with the effectiveness of or obscure any official traffic  
2885 device, sign, or signal.  
2886 (c) An illuminated sign must be effectively shielded so as to prevent light from being directed at any  
2887 residence or habitable structure on any adjacent parcel.  
2888 (d) Neon tubing that is exposed to view on any sign must have an opaque cover of plexiglass or  
2889 another similar material.  
2890

2891 **13.3.11.08 Sign-Specific Regulations**  
2892

- 2893 (a) Farm Signs. A sign identifying a farm may be placed on the property that it identifies. The  
2894 maximum size of a farm sign is 32 square feet and must be setback from any road right-of-way by  
2895 a distance that is at least equal to or greater than two times the height of the sign. A farm sign may  
2896 not be illuminated.  
2897 (b) Freestanding Signs. A freestanding sign must be entirely within the lot lines of the parcel on which  
2898 it is located and must be setback from any road right-of-way by a distance that is at least equal to  
2899 or greater than two times the height of the sign. A freestanding sign that is located within 15 feet  
2900 of a front or corner side lot line may not be more than 3 feet in height unless it has a minimum  
2901 under clearance of 10 feet as measured from the grade level at the closest right-of-way line to the  
2902 bottom of the sign.  
2903 (c) Marquee signs. A marquee or other projecting sign that is located closer than 15 feet of a front or  
2904 corner side lot line must have a minimum under clearance of 10 feet as measured from the grade  
level at the nearest road right-of-way to the bottom of the sign.

- 2905 (d) Neighborhood Identification A sign that identifies a housing complex, neighborhood, or
- 2906 subdivision is permitted in any residential zoning district. The sign may only contain the name of
- 2907 the housing complex, neighborhood, or subdivision and may consist of a landscaping, a masonry
- 2908 wall, or other materials combined to form a display. The maximum height of the sign is 8 feet and
- 2909 the maximum size is 32 square feet and must be setback from any road right-of-way by a distance
- 2910 that is at least equal to or greater than two times the height of the sign. The sign may not be
- 2911 illuminated unless specifically authorized by the Zoning Administrator.
- 2912 (e) On-premises Business Signs. The maximum size of an on-premises business sign is 32 square feet,
- 2913 excluding supports and must be setback from any road right-of-way by a distance that is at least
- 2914 equal to or greater than two times the height of the sign.
- 2915 (f) Organizational Identity Signs. A sign not greater than 32 square feet and that consists of or
- 2916 displays an emblem, insignia, plaque, or symbol that identifies any association, corporation,
- 2917 nation, political organization, religious order, or other organized entity may be located on a
- 2918 person's property. Said sign must be setback from any road right-of-way by a distance that is at
- 2919 least equal to or greater than two times the height of the sign. The sign may not be illuminated if
- 2920 it is located in a residential district.
- 2921 (g) Wall Signs. A wall sign may not exceed 40 percent of the area of the wall upon which it is affixed
- 2922 or 4 square feet per lineal foot of wall, whichever is greater.
- 2923 (h) Portable electric signs. (01/18/2017)
- 2924

**13.3.11.09 Permit Not Required, Sign-Specific Regulations**

- 2925
- 2926
- 2927 (a) Campaign, Ballot Initiative or Political Signs. A sign erected on behalf of a candidate for public
- 2928 office or a ballot initiative may not be erected more than 30 days prior to the primary election and
- 2929 must be removed within 15 days following the general election. A political sign that pertains to a
- 2930 political cause or issue must be removed within 15 days following the date that the political cause
- 2931 or issue is resolved. The maximum size of a campaign, ballot initiative or political sign, other
- 2932 than a billboard, is 32 square feet. A campaign, ballot initiative or political sign may not be
- 2933 located in or over a public right-of-way or within 15 feet of a public right-of-way at an
- 2934 intersection. The aforementioned signs in a residential zoning district may not be illuminated.
- 2935 (b) Construction Signs. A sign that identifies a contractor or a construction project may be erected on
- 2936 the construction site. The maximum size of a construction sign is 100 square feet. No more than
- 2937 two signs are allowed on a construction site. The sign must be removed within 30 days of
- 2938 completion of construction or upon occupancy, whichever occurs first. A construction sign in a
- 2939 residential zoning district may not be illuminated.
- 2940 (c) Garage, Rummage, and Yard Sale Signs. A sign for a garage, rummage, yard sale, or similar event
- 2941 ("yard sale sign") must be entirely within the lot lines of the parcel on which the event takes place.
- 2942 A yard sale sign may not be displayed more than one day prior to the start of the sale and must be
- 2943 removed within one day after the sale ends. A sign or signs may not be displayed for more than 10
- 2944 days per event. The maximum size of a yard sale sign is 4 square feet. One sign is permitted on a
- 2945 lot, except that two signs are permitted on a corner lot provided that the signs are placed on
- 2946 different frontages. A yard sale sign may not be illuminated. A garage, rummage or yard sale sign
- 2947 may not be located in or over a public right-of-way or within 15 feet of a public right-of-way at an
- 2948 intersection.
- 2949 (d) Home Occupation and Professional Office Signs. A sign that displays the name and home
- 2950 occupation of the occupant may be placed on a property. The maximum size of the sign is 9 square
- 2951 feet and must be setback from any road right-of-way by a distance that is at least equal to or
- 2952 greater than two times the height of the sign. The sign may not be illuminated.
- 2953 (e) Memorial Signs. The maximum size of a memorial sign which identifies the name of a building
- 2954 and date of erection is 4 square feet unless the sign is cut into a masonry surface or inlaid so as to
- 2955 be part of the building. A memorial sign must be setback from any road right-of-way by a distance
- 2956 that is at least equal to or greater than two times the height of the sign. A memorial sign in a
- 2957 residential zoning district may not be illuminated.
- 2958 (f) Non Electric Mobile or Portable Signs. Any sign not permanently attached to the ground
- 2959 including real estate signs, construction site signs, banners, decorative-type displays; signs which

2960 are designed to be easily moved from one location to another or anything similar to the  
2961 aforementioned. Signs shall not be greater than 16 square feet and must be setback from any road  
2962 right-of-way by a distance that is at least equal to or greater than two times the height of the sign.  
2963 Mobile or portable signs shall not be electronic or manual message units  
2964 (g) No trespassing signs. The maximum size of a no trespassing sign is 1½ square feet. A no  
2965 trespassing sign may not be located in or over a public right-of-way or within 15 feet of a public  
2966 right-of-way at an intersection  
2967 (h) Real Estate Signs. A real estate sign that advertises a building, property, or other real estate for  
2968 lease, rent, or sale may be placed on the property that is offered for lease, rent, or sale. One sign is  
2969 permitted on a lot, except that two signs are permitted on a corner lot provided that the signs are  
2970 placed on different frontages. The maximum size of a real estate sign is 32 square feet in a  
2971 nonresidential district and 8 square feet in a residential district. The sign must be removed within  
2972 30 days of the effective date of the lease, rental, or sale of the property. The sign may not be  
2973 illuminated. Any real estate sign 4 square feet or smaller may not be located in or over a public  
2974 right-of-way or within 15 feet of a public right-of-way at an intersection. Any real estate sign  
2975 larger than 4 square feet must be setback from any road right-of-way by a distance that is at least  
2976 equal to or greater than two times the height of the sign. (01/18/2017)  
2977

### 2978 **13.3.11.10 Removal, Repair, or Compliance Orders**

- 2979
- 2980 (a) The Zoning Administrator may issue a written order to the person who owns the property on  
2981 which a sign is located that directs that a sign be removed, repaired, or brought into compliance  
2982 with the terms of this ordinance if:
- 2983 1. The sign is abandoned.
  - 2984 2. The sign advertises an activity, business, product, or service that is no longer available or  
2985 provided.
  - 2986 3. The sign is deteriorated, dilapidated, or in disrepair.
  - 2987 4. The sign is a hazard to any person or property or is otherwise unsafe.
  - 2988 5. The sign does not comply with any requirement contained in this ordinance.
- 2989 (b) If a written order is issued pursuant to sub. (a), the action specified in the order must be completed  
2990 within 10 days from the date of the order, unless the Zoning Administrator specifies a longer  
2991 period of time for compliance. The action necessary to comply with the order may be taken by the  
2992 person who owns the property, the person who owns the sign, or the person having the beneficial  
2993 use of the property or sign.
- 2994 (c) If the action specified in the order is not taken within the time required, the Zoning Administrator  
2995 may remove or cause the sign to be removed. The cost of removing the sign will be imposed as a  
2996 special charge against the real property on which the sign was located and the property owner will  
2997 be billed for the special charge. If the special charge is not paid within 30 days from the date of  
2998 billing, it will become a lien against the property and the delinquent special charge may be  
2999 included in the next or current tax roll for collection and settlement pursuant to Wis. Stat. §  
3000 66.0627.
- 3001 (d) If the Zoning Administrator determines that a sign or its supporting structure presents an  
3002 immediate peril to any person or property, the Zoning Administrator may summarily remove or  
3003 cause the sign to be removed without notice to the property owner where the sign is located. The  
3004 Zoning Administrator shall notify the property owner of the removal action as soon as practicable.  
3005 The cost of removing the sign will impose as a special charge against the real property on which  
3006 the sign was located and the property owner will be billed for the special charge. If the special  
3007 charge is not paid within 30 days from the date of billing, it will become a lien against the  
3008 property and the delinquent special charge may be included in the next or current tax roll for  
3009 collection and settlement pursuant to Wis. Stat. § 66.0627.  
3010

### 3011 **13.3.12 Telecommunications Facilities**

3012

3013 **13.3.12.01 Purpose.** The purpose of this chapter is to provide a uniform and comprehensive set of standards  
3014 for the development and installation of telecommunications towers, antennas and facilities. The regulations

3015 contained herein are designed to protect and promote public health, safety, community welfare and the  
3016 aesthetic quality of Dunn County as set forth within the goals, objectives and policies of the Dunn County  
3017 Zoning Ordinance, to encourage managed development of telecommunications facilities, while at the same  
3018 time not unduly restricting the development of needed telecommunications facilities.  
3019

3020 It is intended that Dunn County shall apply these regulations to accomplish the following:  
3021

- 3022 (a) Minimize adverse visual effects of telecommunications towers, antennas and facilities through  
3023 design and siting standards.
- 3024 (b) Maintain and ensure that a non-discriminatory, competitive and broad range of telecommunications  
3025 services and high quality telecommunications infrastructure consistent with the Federal  
3026 Telecommunications Act of 1996 are provided to serve the community, as well as serve as an  
3027 important and effective part of the Dunn County law enforcement, fire and emergency response  
3028 network
- 3029 (c) Provide a process for obtaining necessary permits for telecommunications facilities while at the  
3030 same time protecting the interests of Dunn County citizens.
- 3031 (d) Protect environmentally sensitive areas of Dunn County by regulating the location, design and  
3032 operation of telecommunications towers, antennas and facilities.
- 3033 (e) Encourage the use of alternative support structures, co-location of new antennas on existing  
3034 telecommunications towers, and construction of towers with the ability to locate four or more  
3035 providers.  
3036

3037 **13.3.12.02 Exemptions.** Exempt from review under Chapter 13.3.12 will be: television antennas, satellite  
3038 dishes, receive only antennas, amateur radio facilities, mobile services providing public information coverage  
3039 of news events or of a temporary or emergency nature, ground mounted antennas not exceeding 45 feet in  
3040 height, building mounted antennas not exceeding 25 feet above the highest part of the building to which they  
3041 are attached, utility pole mounted antennas not exceeding 25 feet above the highest part of the utility pole to  
3042 which they are attached. Exempt structures under this chapter are subject to all other applicable provisions  
3043 of the zoning code.  
3044

3045 **13.3.12.03 Areas Where Telecommunications Facilities May Be Allowed or Prohibited.**  
3046

- 3047 (a) Telecommunications facilities may be allowed as a special exception use in the following zoning  
3048 districts, subject to public hearing, review and approval by the Board of Adjustment:
  - 3049 1. Intensive Agriculture and Primary Agriculture Districts, subject to meeting the  
3050 requirements of Wis. Stat. § 91.46 (4). (IA) and (PA) (06/15/2016)
  - 3051 2. General Agriculture District (GA)
  - 3052 3. Limited Commercial District (LC)
  - 3053 4. General Commercial District (GC)
  - 3054 5. Light Industrial District (LI)
  - 3055 6. Heavy Industrial District (HI)
- 3056 (b) Telecommunications facilities, except exempt facilities, shall not be allowed in the following areas:
  - 3057 1. Historic sites and districts listed on the National Register of Historic Places
  - 3058 2. Wetlands
  - 3059 3. Zoning Districts:
    - 3060 a) Residential District (R1)
    - 3061 b) Residential District (R2)
    - 3062 c) Residential District (R3)
    - 3063 d) Shoreland Recreational District (SR)
    - 3064 e) Conservancy District (CON)
    - 3065

3066 **13.3.12.04 Special Exception Permit** A special exception permit is required for all telecommunications  
3067 facilities, except exempt facilities. Chapter 13.4.0 shall apply to all telecommunications facilities. In addition  
3068 to 13.4.0.03(c), the application shall include the following:  
3069

- 3070 (a) An original signature of the applicant, land owner, lessees and holders of easements. The identity
- 3071 of the carrier, service provider, applicant, landowner and their legal status. The name, address and
- 3072 telephone number of the officer, agent or employee responsible for the application.
- 3073 (b) A plat of survey showing the parcel boundaries, tower, accessory structures, ancillary facilities,
- 3074 location, access, landscaping and fencing.
- 3075 (c) A legal description of the facility site.
- 3076 (d) In the case of a leased site a lease agreement, binding lease memorandum or a copy of the portion
- 3077 of the lease which shows on its face that it does not preclude the facility owner from entering into
- 3078 leases on the tower with other provider(s) and the legal description and amount of property leased.
- 3079 (e) A description of the telecommunications services that the applicant offers or provides to persons,
- 3080 firms businesses or institutions.
- 3081 (f) Federal Communication Commission (FCC) license numbers and registration numbers, if
- 3082 applicable.
- 3083 (g) Copies of Finding of No Significant Impacts (FONSI) statement from the Federal Communication
- 3084 Commission (FCC) or Environmental Impact Study (EIS), if applicable.
- 3085 (h) An alternatives analysis, prepared by a radio frequency engineer, shall be submitted by the applicant
- 3086 or on behalf of the applicant by its designated technical representative, except for exempt facilities,
- 3087 for review by the Zoning Administrator and the Board of Adjustment. The analysis shall identify
- 3088 all reasonable, technically feasible, alternative locations or facilities which could provide the
- 3089 proposed telecommunications service. The analysis shall include a propagation map(s) for the
- 3090 proposed facility and all other existing telecommunications facilities or locations within a 3-mile
- 3091 radius of the proposed facility. The analysis shall address the potential for co-location and the
- 3092 potential to locate facilities as close as possible to the intended service area. It shall also explain the
- 3093 rationale for selection of the proposed site in view of the relative merits of any of the feasible
- 3094 alternatives. Independent verification of the analysis is required at the applicants expense.
- 3095 (i) Plans showing security measures such as, but not limited to, access, fencing and lighting.
- 3096 (j) A tabular and map inventory of all of the applicant's existing telecommunications facilities located
- 3097 within Dunn County and including all of the applicants' existing telecommunications facilities
- 3098 within 1,500 feet of the county boundary. The inventory shall specify the location, height, type and
- 3099 design of each of the applicants' existing telecommunications facilities and the ability of the facility
- 3100 or telecommunications facility structure to accommodate additional co-location antennas.
- 3101 (k) A corridor staging plan and map showing the applicant's future telecommunications facility
- 3102 locations within Dunn County and within 1,500 feet of the county boundary. The plan and map
- 3103 shall include all telecommunications facility locations anticipated.
- 3104 (l) A report prepared by a structural engineer licensed by the state of Wisconsin certifying the structural
- 3105 design of the tower and its ability to accommodate at least three additional antennas.
- 3106 (m) Proof of liability coverage.
- 3107 (n) Such other information as the Zoning Administrator or the board may reasonably require.
- 3108

**13.3.12.05 Co-location:** Co-location shall be the preferred method for establishing new telecommunications facilities. Every effort shall be made to co-locate the proposed facility on existing telecommunications facilities or other similar facilities or alternative support structures. Any applicant requesting permission to install a new telecommunications tower shall provide evidence of written contact with all wireless service providers who have telecommunications facilities within 3 miles of the proposed facility. The applicant shall inquire about potential co-location opportunities at all technically feasible locations. The contacted providers shall be requested to respond in writing to the inquiry within 30 days. The applicant's letter(s) as well as response(s) shall be presented to the Zoning Administrator as a means of demonstrating the need for a new tower. Supporting evidence of the need for a new tower may consist of any of the following conditions:

- 3119 (a) No existing towers or alternative support structures are located within the geographic area required
- 3120 to meet the applicant's engineering requirements.
- 3121 (b) Existing towers or alternative support structures are not of sufficient height to meet the applicant's
- 3122 engineering requirements.
- 3123 (c) Existing towers or alternative support structures do not have sufficient strength to support the
- 3124 applicant's proposed antenna and related equipment.

- 3125 (d) The applicant's proposed system would cause electromagnetic interference with the system on the  
3126 existing tower or alternative support structure or the system on the existing tower or alternative  
3127 support structure would cause interference with the applicant's proposed system.
- 3128 (e) The fees, cost or contractual provisions required by the owner to share an existing tower or  
3129 alternative support structure or to adapt an existing tower or alternative support structure for sharing  
3130 are unreasonable. Costs are considered reasonable if they conform to contractual terms standard in  
3131 the industry within the west-central Wisconsin area or do not exceed the cost of new tower  
3132 development.
- 3133 (f) The applicant demonstrates that there are other limiting factors that render existing towers or  
3134 alternative support structures unsuitable.  
3135

#### 3136 **13.3.12.06 Design Requirements**

- 3137
- 3138 (a) Lattice towers may be allowed if all other requirements of this chapter are met.
- 3139 (b) Monopole structures may be allowed if all other requirements of this chapter are met.
- 3140 (c) Guyed structures are discouraged and may only be allowed if the applicant demonstrates to the  
3141 satisfaction of the Board of Adjustment no other type of telecommunications facility structure will  
3142 provide an equivalent level of service. Economic considerations shall not be used in determining  
3143 whether a guyed structure may be used.
- 3144 (d) Height of all telecommunications towers shall be limited to less than 200 feet unless the applicant  
3145 can demonstrate to the satisfaction of the Board of Adjustment that a greater height is necessary to  
3146 provide coverage meeting the minimum requirements of the Federal Communication Commission  
3147 (FCC) license(s). The applicant must demonstrate that there are no other feasible locations within  
3148 3 miles of the proposed site that would provide functionally equivalent service to the minimum FCC  
3149 requirement without waiving the maximum height requirement.
- 3150 (e) New towers shall be designed structurally and electrically to accommodate the applicant's antennas  
3151 and comparable antennas for at least 3 additional users (minimum of 4 total users required for each  
3152 telecommunications facility structure). Towers must also be designed to allow for future  
3153 rearrangement of antennas on the tower and to accept antennas mounted at different heights. The  
3154 requirement for construction to allow a minimum of 3 additional users may be waived by the Board  
3155 of Adjustment if evidence is provided that a special circumstance exists that would prevent the  
3156 proposed telecommunications facility structure from feasibly supporting additional antennas and  
3157 users. Telecommunications facilities permitted under this chapter shall allow other users to lease  
3158 space on the telecommunications facility structure up to the maximum number of users allowed by  
3159 permit. The owner/operator of the facility shall make space available at market rates and with  
3160 contractual terms standard in the industry within the west-central Wisconsin area. The  
3161 owner/operator may refuse to lease space on the telecommunications facility structure if the  
3162 proposed system would cause electromagnetic interference with the system(s) on the existing  
3163 telecommunications facility structure or the system(s) on the existing telecommunications facility  
3164 structure would cause interference with the proposed system, subject to verification by the Zoning  
3165 Administrator.  
3166

#### 3167 **13.3.12.07 Performance Standards.**

- 3168
- 3169 (a) Monitoring & Reporting. The applicant shall monitor the telecommunications facility to insure full  
3170 compliance with Federal Communication Commission (FCC) regulations. A report shall be  
3171 submitted to the Zoning Administrator within one month of activation of the facility. The applicant  
3172 shall submit a report to the Zoning Administrator on an annual basis thereafter. The Zoning  
3173 Administrator may employ a radio frequency engineer, at the applicants' expense, to review the  
3174 reports.
- 3175 (b) Removal. The applicant or owner of the telecommunications facility shall provide a bond, letter of  
3176 credit or other suitable financial guarantee as determined by the Board of Adjustment to ensure the  
3177 removal of the facility including all subsurface structures a minimum of three feet below grade, and  
3178 restoration of the site to its pre-construction state when use of the facility has been discontinued or  
3179 the facility has not been used for its permitted purpose for 12 consecutive months. This restoration

3180 shall include removal of any subsurface structure or foundation, including concrete, used to support  
3181 the telecommunications facility. The telecommunications facility(s) shall be removed when use of  
3182 the facility(s) has been discontinued or the facility(s) has not been used for its permitted purpose for  
3183 12 consecutive months. Mere intent to continue use of the facility(s) shall not constitute use. The  
3184 applicant/owner shall demonstrate through facility(s) lease(s) or other similar instruments that the  
3185 use will be continued without a lapse of more than 12 consecutive months to constitute actual use.  
3186 If the applicant cannot demonstrate actual use the facility shall be considered abandoned and shall  
3187 be removed. Nothing in this section prevents the removal of the facility prior to expiration of the  
3188 12-month period.

(c) Security. All telecommunications facilities shall be reasonably protected against unauthorized  
3189 access. The bottom of all towers from ground level to 12 feet above ground shall be designed to  
3190 preclude unauthorized climbing and shall be enclosed with a minimum of a 6-foot high chain link  
3191 fence with a locked gate. Guy anchors of guyed towers shall be similarly protected.

(d) Signs. Signs shall be mounted on the fenced enclosure, on or adjacent to the gate prohibiting entry  
3193 without authorization, warning of the danger from electrical equipment and unauthorized climbing  
3194 of the tower, and identifying the owner of the tower and telephone number for contact in case of  
3195 emergency. The sign shall be no larger than 6 square feet. No commercial advertising signs may  
3196 be located on the telecommunications facility site.

(e) Screening & Landscaping. All telecommunications facilities, except exempt facilities, shall be  
3198 designed to blend into the surrounding environment to the greatest extent feasible.

1. The tower location shall provide for the maximum amount of screening of the facilities.  
3201 The site shall be landscaped and maintained with a buffer of plant materials that effectively  
3202 screen the view of all facility structures, equipment and improvements at ground level from  
3203 adjacent properties. The standard buffer shall consist of a landscaped strip at least 4 feet  
3204 wide outside the perimeter of the area where tower accessory structures and equipment are  
3205 located at ground level.

2. In locations where the visual impact of the facility would be minimal the landscaping  
3207 requirement may be reduced or waived by the Board of Adjustment. Existing mature  
3208 vegetation and natural landforms on the site shall be preserved to the maximum extent  
3209 possible or replaced with vegetative screening meeting the intent of this section.

3. Upon project completion the owner(s)/operator(s) of the facility shall be responsible for  
3211 maintenance and replacement of all required landscaping during the current growing  
3212 season.

(f) Lighting. No lighting of the principal telecommunications facility structure, either from ground  
3215 mounted or telecommunications facility structure mounted lights, shall be allowed unless required  
3216 by the Federal Aviation Administration (FAA) or Federal Communications Commission (FCC). If  
3217 required, telecommunications facility structure mounted lighting shall be limited to red flashing  
3218 lights from sunset to sunrise. White strobe or other similar lighting may be allowed from sunrise to  
3219 sunset. Lighting of accessory structures and the facility site may be permitted by the Board of  
3220 Adjustment if it is of low intensity, directed inward and downward and is limited to within the  
3221 facility site boundary.

(g) Separation and Setbacks. No telecommunications facility shall be located within 500 feet of a  
3223 residence not on the property on which the facility is located without written permission of the owner  
3224 of the residence at the time of application for a permit. This requirement does not apply to building  
3225 mounted antennas or antennas mounted on alternative support structures. A telecommunications  
3226 facility shall be setback a minimum 100% of the towers height from all property lines or boundaries  
3227 of a leased site unless the tower has been designed by a structural engineer, licensed in the State of  
3228 Wisconsin, to collapse within a lesser distance. In no case shall the setback from all property lines  
3229 or boundaries of a leased site be less than 50% of the tower height or that required for the zoning  
3230 district in which the facility is located, whichever is greater.

3231  
3232  
3233 **13.3.12.08 Accessory buildings.** Accessory buildings, structures, cabinets and other accessory facilities may  
3234 be allowed and shall not exceed 15 feet in height, measured from the original grade, and 250 square feet in

3235 area. All visible surfaces shall be constructed of non-reflective materials and designed to blend with the  
3236 existing architecture in the area.  
3237

3238 **13.3.12.09 Pre-existing Telecommunications Towers and Facilities.** Existing, legal, nonconforming  
3239 telecommunications towers and facilities may add to, move or replace antennas or other transmitting or  
3240 receiving devices upon review and approval of the Zoning Administrator. Routine maintenance and repair  
3241 on telecommunications facilities is permitted.  
3242

3243 **13.3.12.10 Compliance and revocation.** The telecommunications facility shall be subject to Chapter 9  
3244 unless more specifically addressed by this chapter.  
3245

3246 **13.3.12.11 Administration.** Section 13.4.0 shall apply.  
3247

3248 **13.3.12.12 Transferability.** Permits granted under this chapter run with the land and are transferable. All  
3249 chapter and permit requirements shall apply to subsequent owners. The Zoning Administrator shall be  
3250 notified of any change in ownership including, but not limited to, facility leases, mortgages, liens or other  
3251 instruments which may affect title to the property.  
3252

3253 **13.3.12.13 Telecommunications Facility Fees.** The following fee schedule shall apply:  
3254

3255 (a).	Alternative analysis cost plus	\$250.00
3256 (b)	Initial and annual report	\$250.00
3257 (c)	Forfeiture for failure to submit a report	\$100.00-\$500.00 per day

3258  
3259 The Planning Resources and Development Committee shall have the authority to adjust said fees.  
3260

### 3261 **13.3.13 Keeping of Livestock and Equine in Residential Districts**

3262  
3263 **13.3.13.01 Purpose.** The purpose of this section is to allow the keeping of agricultural animals and equine in a  
3264 residential setting while promoting public safety, general welfare, and convenience.  
3265

#### 3266 **13.3.13.02 Permit Standards**

- 3267 (a) Minimum lot size shall be 2 acres.  
3268 (b) Paddocks, grazing areas and/or pastures shall be fenced.  
3269 (c) Equine and livestock shall be occupant (owner or tenant) owned.  
3270 (d) The boarding of horses and commercial riding lessons shall be prohibited.  
3271 (e) Commercial stables shall not be permitted as a home occupation.  
3272 (f) Health nuisances due to the presence of flies, odors, dust or accumulation of manure shall be  
3273 prohibited.  
3274 (g) Composting shall be permitted upon approval of the Zoning Administrator.  
3275 (h) Storage of manure on site (other than compost) shall be permitted only in "insect tight containers".  
3276 (i) Chickens shall be permitted as per Section 13.3.1.  
3277

#### 3278 **13.3.13.03 Fencing Requirements**

- 3279 (a) A fence permit is required and must be obtained before fencing is installed.  
3280 (b) Except as provided in subsection (c), below, fencing shall be constructed entirely on the property of  
3281 the landowner applying for the fencing permit and located such that construction and maintenance  
3282 can occur without trespassing on adjacent properties, at a minimum distance of 2 feet from the  
3283 property line.  
3284 (c) If adjoining landowners enter into an agreement to keep and maintain fencing in accordance with  
3285 Chapter 90 of the Wisconsin Statutes, fencing may be constructed on the their common property  
3286 line. All such agreements shall meet the requirements of section 90.05 of the Wisconsin Statutes  
3287 and shall be filed with both the Town Clerk and the Zoning Administrator. Note that a partition  
3288 fence agreements binds future owners until a new agreement is made.

- 3289 (d) Height. All fences shall be constructed so that the top of the fence (excluding posts) is 50 inches  
3290 high and the bottom not more than 4 inches above the ground.
- 3291 (e) Woven wire fences shall be:
- 3292 1. 50 inches high; or
  - 3293 2. 46 inches high with 1 barbed or high tensile wire above; or
  - 3294 3. 30 inches high with 2 barbed or high tensile wires above; or
  - 3295 4. 26 inches high with 3 barbed or high tensile wires above.
  - 3296 5. The distance between the woven part and the barbed or high tensile wire shall be no more  
3297 than 6 inches.
  - 3298 6. The space between vertical strands of woven wire shall be no more than 8 inches, and the  
3299 space between the cross wires shall be no more than 12 inches.
  - 3300 7. The vertical strands of woven wire shall be no smaller than No. 12 wire, and the cross wires  
3301 shall be no smaller than No. 16.
  - 3302 8. The spacing between the barbed or high tensile wires shall not exceed 8 inches.
  - 3303 9. Wires must be stretched and securely fastened to posts no more than 16 feet apart.
- 3304 (f) Board fences shall have:
- 3305 1. Minimum 6 inch spacing to a height of 30 inches, after that no more than a 10-inch spacing.
  - 3306 2. Posts shall be spaced no more than 8 feet apart.
- 3307 (g) Board and wire fences shall have:
- 3308 1. Minimum of two boards with 3 barbed or high tensile wires above.
  - 3309 2. Spacing between the boards shall not exceed 6 inches.
  - 3310 3. Spacing between the wires shall not exceed 8 inches.
  - 3311 4. The space between the top board and bottom wire shall not exceed 6 inches.
  - 3312 5. Posts shall not be more than 8 feet apart.
- 3313 (h) Wire and picket fences shall consist of at least 3 wires with pickets interwoven or fastened to the  
3314 wires.
- 3315 1. Pickets shall be at least 4 feet long, spaced no more than 6 inches apart, and the wires  
3316 must be No. 12 or thicker.
  - 3317 2. Posts shall be spaced no more than 16 feet apart.
- 3318 (i) Electric fences shall be permitted, provided that:
- 3319 1. Both neighbors agree in writing.
  - 3320 2. Two strands of wire No. 12 or thicker, tightly stretched with the top wire 34-36 inches  
3321 high, measured at the posts or.
  - 3322 3. High tensile wire with posts no more than 20 feet apart.
- 3323 (j) Barbed wire fences and high tensile wire fences shall have:
- 3324 1. Four evenly spaced wires, with the top wire at least 48 inches high.
  - 3325 2. Posts shall be spaced no more than 16 feet apart.
  - 3326 3. High tensile wire fences, posts shall be spaced no more than 20 feet apart.
- 3327 (k) Posts may be of steel of any thickness or wood at least 3 inches in diameter. (06/17/2015)

### 3330 13.3.17 Supplementary Use Regulations: Accessory Dwelling Units

3331  
3332 **13.3.17.01 Purpose and Intent.** To allow more efficient use of existing housing stock and infrastructure;  
3333 providing a broader range of housing opportunities that responds to changing family needs; and offering a  
3334 means for residents to remain in their homes and neighborhoods and obtain security, services, and  
3335 companionship.

3336  
3337 **13.3.17.02 Applicability.** No more than one ADU is permitted per lot or parcel.

3338  
3339 **13.3.17.03 Definitions.** As used in this section, the following terms have the meanings as defined in 13.7.0  
3340 and repeated here for reference:

- 3341 (a) **Accessory Dwelling Unit (ADU):** An additional single-family dwelling unit that is subordinate in  
3342 size to a single-family dwelling, and located on the same parcel as a single-family dwelling. It  
3343 provides independent living facilities for one or more persons. For the purposes of this ordinance,

3344 the terms “Accessory Dwelling Unit” or “ADU” encompass all three subtypes. The subtypes are  
3345 as follows:

- 3346 1. **Attached (AADU):** Physically connected to the principal single-family  
3347 dwelling, sharing at least one common wall and being structurally  
3348 interdependent.
  - 3349 2. **Detached (DADU):** A standalone residential unit located on the same parcel or  
3350 lot but separate from the principal single-family dwelling, serving as an  
3351 accessory structure to the primary dwelling.
  - 3352 3. **Junior (JADU):** An ADU which may be no more than 600 square feet in size,  
3353 which may be detached or attached to another structure.
- 3354 (b) **Addition:** New construction performed on a dwelling which increases the outside dimensions of  
3355 the dwelling.
- 3356 (c) **Detached Building:** Any building which is not physically connected to the dwelling.
- 3357 (d) **Primary Dwelling:** The principal single-family dwelling on a lot or parcel, serving as the primary  
3358 and dominant residence. The primary dwelling is larger in size compared to any accessory  
3359 dwelling units (ADUs) on the same lot or parcel. It is the main residential structure where the  
3360 property owner or primary resident resides.
- 3361 (e) **Secondary Dwelling:** A residential structure on a property that is subordinate in size to the  
3362 primary dwelling. A secondary dwelling may include accessory dwelling units (ADUs) or other  
3363 additional residential structures permitted by local zoning regulations. The secondary dwelling is  
3364 characterized by its supportive role to the primary dwelling and may house additional occupants  
3365 while conforming to the zoning standards applicable to such structures.  
3366

3367 **13.3.17.04 Permits.** Zoning permits are required for Accessory Dwelling Units subject to the provisions of  
3368 the Ch. 13 Comprehensive Zoning Ordinance and approval by the Zoning Administrator.  
3369

- 3370 (a) **Approval Process.** No more than one ADU is permitted per lot or parcel, provided the Zoning  
3371 Administrator first approves the proposed ADU as complying with the standards of Section  
3372 13.3.17.
- 3373 (b) **Application Fees.** Fees required for ADUs shall be equivalent to those required to construct a  
3374 single-family dwelling unit in the zoning district in which they are located.  
3375

3376 **13.3.17.05 Standards.** The following standards must be met in order to establish an accessory dwelling unit:

- 3377 (a) **Development.** ADUs must adhere to the development standards applicable to principal structures  
3378 in the respective zoning district. This includes setbacks, setback reduction, lot coverage, and  
3379 height regulations.
- 3380 (b) **Construction Timing and Design.** ADUs may be constructed concurrently with, before, or after a  
3381 principal single-family dwelling. The design and placement of the ADU should not hinder the  
3382 construction of the primary single-family dwelling in accordance with established regulations.
- 3383 (c) **Prohibition on Two-Family or Multi-Family Dwellings.** ADUs may not be constructed on the  
3384 same lot or parcel as a two-family dwelling or multi-family dwelling.
- 3385 (d) **Square Footage Measurements.** For the purpose of determining the total square footage of the  
3386 primary and secondary dwelling shall be made along the exterior walls of the structures,  
3387 encompassing all habitable areas within the exterior perimeter of each dwelling unit, including any  
3388 attached enclosed spaces such as porches or sunrooms. Measurements shall be taken from the  
3389 exterior surface of the outermost walls, excluding any projections beyond the exterior wall surface  
3390 such as eaves or bay windows.
- 3391 (e) **Size Limitations.** ADUs must be of a size subordinate to the primary single-family dwelling in all  
3392 cases. In no case shall the ADU be greater than twelve-hundred (1200) square feet.
- 3393 (f) **Distance Requirement.** The distance between the primary single-family dwelling and the ADU  
3394 must not exceed 300 linear feet.
- 3395 (g) **Wastewater Disposal.** Domestic wastewater disposal must comply with sewage system  
3396 requirements, unless exempted by the State or Dunn County’s Sanitation Ordinance. The zoning  
3397 administrator may require the applicant to demonstrate the adequacy of the system for the  
3398 proposed structure and anticipated number of bedrooms.

- 3399 (h) **Lot Area.** For lots with an area less than 1 acre, the applicant may be required to demonstrate to  
3400 the satisfaction of the Environmental Services Department that the lot has sufficient area for  
3401 accommodating the proposed ADU while maintaining compliance with setback regulations and  
3402 facilitating the installation or modification of the entire onsite wastewater treatment system,  
3403 including provisions for potential replacement. The Environmental Services Department reserves  
3404 the authority to request a comprehensive report inclusive of soil borings and percolation tests as  
3405 stipulated by Wisconsin Administrative Code, as part of the application review process.
- 3406 (i) **Building Code Compliance.** ADUs must comply with all relevant building codes and safety  
3407 regulations applicable to habitable structures.
- 3408 (j) **Sale Restrictions.** The separate sale of the ADU shall not occur unless that portion of the subject  
3409 property is legally subdivided in accordance with Dunn County's Chapter 16 Land Division,  
3410 Condominium, and Surveying Regulations.
- 3411 (k) **Deed Restriction.** Prior to zoning permit issuance, the property owner must record a deed  
3412 restriction that:
- 3413 1. Prohibits the separate sale of the ADU unless the subject property is legally  
3414 subdivided Dunn County's Chapter 16 Land Division, Condominium, and  
3415 Surveying Regulations.
- 3416 2. Prohibits the conversion of the property to a condominium.
- 3417 (l) **Compatibility With Other Ordinance Sections.** Where identified as a Permitted Principal Use,  
3418 Accessory Dwelling Units may be constructed on parcels in addition to other Principal Uses and  
3419 Structures without violating 13.2.2(b).
- 3420  
3421  
3422  
3423

#### 3424 13.4.0 ADMINISTRATION

3425  
3426 **13.4.0.01 Purpose:** The purpose of this Chapter is to outline the procedures for the administration and  
3427 enforcement of this ordinance.

3428  
3429 **13.4.0.02 Zoning Administrator:** The Zoning Administrator and his/her duly appointed assistants shall  
3430 have the following powers and duties:

- 3431  
3432 (a) Advise applicants for permits concerning the provisions of this ordinance and assist  
3433 applicants in preparing applications;
- 3434 (b) Issue zoning and sanitary permits and maintain records thereof;
- 3435 (c) Receive and forward to the Committee all complete applications for text and map  
3436 amendments to the ordinance;
- 3437 (d) Receive and forward all complete applications and other matters to come before the  
3438 Board of Adjustment;
- 3439 (e) Inspect all construction requiring a zoning and sanitary permit to ensure that the  
3440 standards of this ordinance are followed;
- 3441 (f) Provide public information relative to this ordinance including notifying town clerks and  
3442 town board chairmen of departmental activity affecting their townships;
- 3443 (g) Review and approve site plans as required by this ordinance;
- 3444 (h) Maintain permanent and current records of matters pertaining to this ordinance, including  
3445 zoning district maps, text and map amendments, permits and variances issued, status of  
3446 nonconforming uses and structures, inspections made, all water surface profiles and certified  
3447 floodplain elevations;
- 3448 (i) Investigate, prepare reports and issue notices of violations to this ordinance. Copies of  
3449 violation reports and notice of violations shall be forwarded to the County Corporation Counsel  
3450 and, when appropriate, to the Department of Natural Resources;
- 3451 (j) Access any structure or premise for the purpose of performing his/her duties;

3452 (k) Upon reasonable cause or question as to proper compliance, revoke any building or  
3453 zoning permit and issue cease and desist orders requiring the cessation of any building, moving,  
3454 alteration or use which is in violation of the provisions of this chapter.  
3455

3456 **13.4.0.03 Zoning Permits:** Zoning permits shall be granted or denied in writing by the Zoning  
3457 Administrator, within 30 days of a completed application and be posted on-site in a conspicuous place at  
3458 the site. The permit shall expire within 12 months unless work has commenced, or within 24 months after  
3459 issuance. Any permit issued in conflict with the provisions of this ordinance shall be null and void.  
3460

3461 (a) When a Zoning Permit is Required: Where any building, sign, or other structure not otherwise  
3462 exempt is erected, moved, or structurally altered so as to change its use, increase its floor or  
3463 surface area, or alters the existing footprint.

3464 (b) When a Zoning Permit is Not Required:

3465 1. The construction of a building or structure which has started, a particular use has  
3466 commenced, or a bona fide construction contract has been entered into, prior to the  
3467 effective date of this ordinance.

3468 2. For any accessory building, farm building or structure not for human  
3469 habitation, less than 100 square feet and not permanently fixed to the earth and are  
3470 readily removable in their entirety, provided such building conforms to all the setbacks.

3471 3. For any interior remodeling, improvements or alterations, regardless of  
3472 cost, provided however, there shall not be a change in use which would be prohibited in  
3473 the district.

3474 4. For any exterior alterations, improvements or remodeling provided  
3475 there is not an increase in floor area constructed to the existing building.

3476 5. For any above ground /grade swimming pool provided such pool  
3477 conforms to all the setbacks.

3478 6. Any fence provided the standards of Section 13.3.10.02(a) are met.

3479 7. Platforms, terraces, walks, driveways, parking area, and patios  
3480 providing they do not extend above the plane or average ground level at their margins.

3481 8. Retaining walls which support ground at or below its natural level.

3482 (c) Application for a Zoning Permit: Application for a permit shall be made on forms  
3483 provided by the office and shall include in addition:

3484 1. Site plan drawn to scale or dimensioned, showing the  
3485 location of existing and proposed structures and their relationship to all lot lines,  
3486 highway center lines or right-of-ways; existing or proposed wells and private  
3487 on-site waste disposal systems (POWTS), navigable bodies of water, and other  
3488 information deemed necessary.

3489 2. Information on the existing or proposed POWTS;

3490 3. Driveway access permits.

3491 4. Evidence of property lines. Prior to granting any  
3492 permit required under this chapter, it is the duty of the property owner to present  
3493 satisfactory evidence to the Zoning Administrator as to the location of the  
3494 property lines relevant to the permit. The property owner/applicant may meet the  
3495 evidence requirement by identifying the existing plat or certified survey  
3496 markers. Granting a permit does not in itself determine property lines or the  
3497 respective property rights of adjacent property owners.

3498 5. Termination. Where a permitted use does not  
3499 continue in conformity with the original approval, the permit shall be terminated  
3500 by action of the Zoning Administrator.  
3501

#### 3502 **13.4.0.04 Board of Adjustment**

3503 (a) Authorization and Composition  
3504

3505 1. The Chairman of the County Board shall appoint a Board of  
3506 Adjustment consisting of five members and two alternates appointed for a staggered  
3507 three-year term.

3508 2. All appointments shall be subject to confirmation by the County Board.

3509 3. Members of the Board of Adjustment shall reside in the unincorporated  
3510 areas of the County and no two members shall reside in the same town.

3511 (b) Procedural Rules

3512 1. The Board of Adjustment shall select its own chairman, shall meet at  
3513 the call of the chairman and at such other times as the board may determine.

3514 2. All meetings of the board shall be open to the public.

3515 3. The board shall keep minutes of its proceedings, showing the vote of  
3516 each member upon each question, or if absent or failing to vote indicating such fact. The  
3517 board shall keep records of its examinations and other official actions, all of which shall  
3518 be immediately filed in the Zoning Office and shall be of public record.

3519 (c) Powers and Duties: The Board of Adjustment shall adopt such rules as it considers  
3520 necessary for the conduction of business, subject to the provisions of this ordinance and Wis.  
3521 Stats. 59.69 and 59.694; and

3522 (d) Hear and decide appeals where it has been alleged there is an error in any order, requirement,  
3523 decision or determination made by the Committee or division in the enforcement or administration  
3524 of this ordinance.

3525 1. Appeals to the board may be taken by any person aggrieved, or by the  
3526 office, department, board or Committee of the county affected by the decision. Such  
3527 appeal shall be taken within a reasonable time, as provided by the rules of the board, by  
3528 filing with the Zoning Office and with the Board a notice of appeal specifying the  
3529 grounds thereof. The Zoning Office shall forthwith transmit to the Board all the papers  
3530 constituting the record upon which the action appealed was taken;

3531 2. An appeal shall stay all legal proceedings of the action appealed unless  
3532 the officer from whom the appeal is taken certifies to the board that, by reason of facts  
3533 stated in the certificate, a stay would cause imminent peril to life or property. In such  
3534 cases, proceedings shall not be stayed except by a restraining order from the board or a  
3535 court of law;

3536 3. The final disposition of an appeal shall be in the form of written  
3537 procedural minutes signed by the secretary of the board. Such minutes shall state the  
3538 specific facts which are the basis for the board's determination, and shall either affirm,  
3539 reverse, vary or modify the order, requirement, decision or determination appealed, in  
3540 whole or part, or shall dismiss the appeal for lack of jurisdiction or prosecution;

3541 (e) Grant variances from the terms of this ordinance that will not be contrary to the public  
3542 interest, where, owing to special conditions, a literal enforcement of the provision of this  
3543 ordinance will result in unnecessary hardship, and so that the spirit of this ordinance shall be  
3544 observed and substantial justice done. A variance authorizes a property owner to use property in a  
3545 manner prohibited by this zoning ordinance. An area variance relaxes restrictions on dimensions,  
3546 such as setback, frontage, height, bulk, density and area. A use variance grants permission for a  
3547 use which is prohibited by this zoning ordinance.

3548 (f) Grant special exceptions where certain uses and situations are of such special nature or  
3549 their effect is dependent upon actual contemporary circumstances so as to make impractical the  
3550 determination in advance of permissibility. Each zoning district contains those uses requiring a  
3551 special exception and conditions as determined by the Board of Adjustment. Special exceptions  
3552 shall only be granted subject to the following procedures and factors:

3553 1. No special exception shall be granted without a hearing before the Board of  
3554 Adjustment after the submission of a completed application for the exception;

3555 2. No special exception shall violate the spirit or general intent of this ordinance;

3556 3. No special exception shall be granted which would be contrary to the public  
3557 health, safety or general welfare or which would be substantially adverse to property  
3558 values in the neighborhood. In making the determination, the Board shall consider the  
3559 following:

- 3560 a) Any written or oral opinion or recommendation submitted by the  
 3561 Township in  
 3562 which the proposed exception is to exist;  
 3563 b) The danger to life and property due to increased flood heights  
 3564 or velocities caused by encroachments;  
 3565 c) The proposed water supply and sanitation systems and the  
 3566 ability of these systems to prevent the occurrence of disease, contamination and  
 3567 unsanitary conditions;  
 3568 d) The susceptibility of the proposed facility and its contents to  
 3569 flood damage and the effect of such damage on the owner and surrounding  
 3570 properties;  
 3571 e) Any use constituting a nuisance by reason of noise, dust,  
 3572 smoke, odor or similar factors; or  
 3573 f) The effect of the proposed use on the surrounding area, its  
 3574 compatibility with the area and the comprehensive plan then existing for the  
 3575 property.

3576 4. Upon receipt of a completed application by the Zoning Administrator according  
 3577 to the provisions of 13.4.0.04 (g), the Zoning Administrator shall immediately transmit a  
 3578 copy electronically to the Clerk of the Town in which the proposed use is to take place  
 3579 and within 24 hours mail a paper copy to the Clerk. Both transmittals shall invite the  
 3580 Town to submit its opinion and recommendation on the application not later than 60 days  
 3581 from the date of the completed application. A hearing before the Board of Adjustment  
 3582 shall be held not less than 30 days nor more than 60 days from the date the completed  
 3583 application is received by the Zoning Administrator. Unless the opinion or  
 3584 recommendation of the Town is received sooner, or the Town waives the invitation to  
 3585 render an opinion or recommendation, in writing, the Board shall not render its decision  
 3586 on granting or denying the application for a special exception until 60 days have elapsed  
 3587 from the date of the completed application. The date of completion shall be noted on the  
 3588 front page of the application by the Zoning Administrator. (01/18/2017)

3589 (g) Applications for Special Exceptions and Variances shall be filed with the Zoning Administrator on  
 3590 forms approved by the Committee and shall contain, at a minimum, the following:

- 3591 1. Name and address of the applicant;
- 3592 2. Statement that the applicant is the owner of the property or an  
 3593 authorized agent of the owner;
- 3594 3. Address and legal description of the property;
- 3595 4. An accurate drawing of the site and surrounding area extending to a  
 3596 distance of 100 feet from the property lines of the property, including the location of all  
 3597 buildings, structures and improvements;
- 3598 5. The specific special use if the application is for a special exception;
- 3599 6. The specific ordinance provision sought to be varied if the application  
 3600 is for a variance;
- 3601 7. A statement describing in detail the hardship and the need for the  
 3602 variance.

3603 (h) Standards for Granting of Variances: The following principles shall serve as a guide to  
 3604 the board's decision:

- 3605 1. The burden is upon the appellant to prove the need for a variance.
- 3606 2. Pecuniary hardship, loss of profit, self-imposed hardships, such as that  
 3607 caused by ignorance, deed restrictions, proceeding without a permit, or illegal sales are  
 3608 not sufficient reasons for getting a variance.
- 3609 3. The plight of the applicant must be unique, such as a shallow or steep  
 3610 parcel of land or situation caused by other than his own action.
- 3611 4. The hardship justifying a variance must apply to the appellant's parcel  
 3612 or structure and not generally to other properties in the same district.
- 3613 5. Variances allowing uses not expressly listed as permitted or conditional  
 3614 uses in a given zoning district shall not be granted.

- 3615 6. The variance must not be detrimental to adjacent properties.
- 3616 7. The variance must, by standard, be the minimum necessary to grant
- 3617 relief.
- 3618 8. The variance will not be in conflict with the spirit of this ordinance or
- 3619 other applicable ordinances, nor contrary to state law or administrative order.
- 3620 9. The board acts as an agent of Dunn County and to preserve the
- 3621 ordinance without modification as far as possible while ensuring substantial justice for
- 3622 the individual.
- 3623 10. Violations by or variances granted to neighboring owners do not justify a
- 3624 variance.
- 3625 (i) Variances attach to the property as a permanent right. Once a variance is granted, it is
- 3626 permanently applicable to the property. A new owner of the property may make use of a variance
- 3627 that was granted to the previous owner.

3628  
3629 **13.4.0.05 Disposition by the Board of Adjustment**

- 3630 (a) The board shall hold at least one public hearing on the proposed variance, appeal or special
- 3631 exception, after the publication of a Class 2 notice described in Chapter 985, Wis. Stats., and
- 3632 notification of adjacent property owners.
- 3633 (b) The board shall make a decision within 60 days after the public hearing. The concurring vote of a
- 3634 majority of the members present and voting shall be necessary to authorize the request.
- 3635
- 3636

3637 **13.4.0.06 Fee Schedule**

3638  
3639 Whenever an applicant files an application for any permit described in this ordinance, the applicant shall

3640 pay a fee in accordance with the following schedule:

- 3641 (a) Zoning and Sanitary Permit Fees
- 3642
- 3643

Conventional	\$325
Pressurized In-Ground	\$375
Mound	\$375
At-grade	\$375
Holding Tank (1or 2 family, cabins, garages)	\$375
Holding Tank (multi-family, commercial)	\$325
Drainfield Replacement	\$325
Connecting / Reconnection to existing system	\$100
Tank replacement or Tank relocation	\$325
Sanitary permit transfer	\$100
Renewal of unexpired permits	\$100
Terr-lift Repair *Need OK by State	\$100
Privy	\$100
Wisconsin Fund Application	\$200
Address/fire number (now issued by the IT Dept.- 715.231.6500) \$75.00 as of 1/1/10	Note: The Zoning Office is no longer collecting the fee for the address/fire #s. Please call the IT number as listed to the left.
Zoning Permit	\$ 75
Zoning Map Amendment (PRD)	\$350
Special Exception (BOA)	\$400
Variance (BOA)	\$400

- 3644 (b) A double fee may be charged by the Zoning Office if construction or structural alteration
- 3645 is started or a use is changed prior to the issuance of a permit. Such double fee shall not release
- 3646

3647 the applicant from full compliance with this ordinance nor from prosecution for violation of the  
3648 ordinance.

3649 (c) The Committee shall periodically review the fee schedule as established by the effective  
3650 date of this ordinance, and may make adjustments following a motion and concurring vote of a  
3651 majority of members present and voting.  
3652

3653 **13.5.0 ENFORCEMENT AND PENALTIES**  
3654

3655 **13.5.0.01 Declaration of Unlawful Conduct.** Any liable person, which shall include firm, company, or  
3656 corporation, who knew or should have known that a land use activity was prohibited by this ordinance and  
3657 who disobeys, omits, neglects, refuses or otherwise fails to comply with or resists the enforcement of any  
3658 of the provisions or requirements of this ordinance, including any permit and condition thereof issued  
3659 pursuant to this ordinance, shall be in violation of this ordinance. Any land use activity conducted in  
3660 violation of the provisions of this ordinance is hereby declared to be a nuisance per se, and the county may  
3661 apply to any court of competent jurisdiction to restrain or abate such nuisance.  
3662

3663 **13.5.0.02 Liable Persons**  
3664

3665 (a) In General. All owners of lands or premises, occupiers of lands or premises, and agents  
3666 of owners or occupiers of lands or premises including, but not limited to because of enumeration,  
3667 building contractors, surveyors, plumbers, installers, soils technicians, road building, grading and  
3668 excavating contractors and their agents, and lending institutions and insurers and their agents shall  
3669 be a liable person for purposes of enforcement under this ordinance and are responsible for  
3670 compliance with all provisions of this ordinance which bear upon their area of competency.

3671 (b) Other Parties. Any party who aids or abets in a violation of this ordinance shall be a liable  
3672 person for purposes of enforcement under this ordinance.

3673 (c) Public or Quasi-Public Agencies. This ordinance shall apply fully to all public governmental and  
3674 quasi-governmental lands, developments and activities unless specifically exempted by State of  
3675 Federal Law and the controlling agent for such units, shall be a liable person for purposes of  
3676 enforcement under this ordinance.

3677 **13.5.0.03 Enforcement Procedure**  
3678

3679 (a) Notice of Violation and Order for Compliance. If upon inspection or investigation, the  
3680 Zoning Administrator becomes aware of a land use activity which the Zoning Administrator  
3681 concludes is a violation or a potential violation of this ordinance, the Zoning Administrator shall  
3682 immediately notify in writing, the party that is or appears to be the liable person of the detected or  
3683 potential violation. Such notice shall specify the land use activity that is alleged to constitute the  
3684 actual or potential violation. The Zoning Administrator shall also issue an Order for Compliance  
3685 in writing to the party that is or appears to be the liable person of the detected or potential  
3686 violation. The order shall direct said person to halt and/or remedy the observed violation or  
3687 prevent the potential violation from occurring and, shall specify a time period for the violation to  
3688 be halted or remedied or the potential violation to be prevented from occurring.

3689 (b) Noncompliance with Order for Compliance. If an order for compliance is issued under par. (a)  
3690 and is not complied with, the Zoning Administrator shall refer the matter to the Corporation  
3691 Counsel for prosecution, unless an administrative appeal has been commenced and a stay order  
3692 has been issued pursuant to 13.4.0.05 of this ordinance.  
3693

3694 **13.5.0.04 Prosecution by the County:** The County Corporation Counsel shall expeditiously prosecute  
3695 violations of this ordinance reported by the Zoning Administrator.  
3696

3697 **13.5.0.05 Prosecution by Private Parties:** Nothing in this section shall be deemed to prevent, restrict, or  
3698 otherwise prohibit private prosecutions of violations of this ordinance pursuant to §59.69(11), Wis. Stats.,  
3699 or any other law.  
3700

3701 **13.5.0.06 Penalties:** Any liable person who violates this ordinance shall be subject to a penalty of not less  
3702 than one-hundred dollars (\$100.00), but not more than one-thousand dollars (\$1000.00) for each offense,  
3703 together with the cost of the action. In default of payment thereof, the person shall be subject to contempt  
3704 of the county proceedings and any penalty authorized thereby the law. Each day that a violation is  
3705 permitted to exist shall constitute a separate offense and be punishable as such.  
3706

3707 **13.5.0.07 Injunctions:** As a substitute for, or in addition to prosecution for fine or imprisonment, the  
3708 County Corporation Counsel may seek compliance with this ordinance by suing for an injunction or  
3709 restraining order. In contempt of such court order obtained thereby, the person shall be subject to contempt  
3710 of court proceedings and any penalty authorized thereby by law. It shall not be necessary to prosecute for  
3711 fine or imprisonment before resorting to injunction proceedings.  
3712

3713 **13.5.0.08 Revocations or Modifications:** Where a permit, special exception use approval or variance has  
3714 been authorized subject to conditions, and where such conditions appear to have been violated or not  
3715 complied with, as an alternative or in addition to any other enforcement action, the Zoning Administrator  
3716 shall petition the Board of Adjustment to hold a public hearing to determine whether the conditions of the  
3717 permit, special exception approval or variance grant have been violated or otherwise not complied with. If  
3718 the Board determines that a condition has been violated or not complied with, then the Board may  
3719 revoke or modify all or part of the permit, approval or variance.  
3720

3721 **13.5.0.09 Nuisance Actions Not Barred:** No provisions of this ordinance shall be construed to bar any  
3722 action to enjoin or abate the use or occupancy of any land or structure as a nuisance under the laws of the  
3723 State.  
3724

#### 3725 **13.5.0.10 Pre-Existing Violations**

3726  
3727 (a) Where a building or structure violates the dimensional or use standards of this ordinance,  
3728 and the violating building or structure has been in place more than ten years before an enforcement  
3729 action initiated, such building or structure shall be treated as a legal nonconforming structure. All  
3730 provisions of Sec. 13.3.7 of this ordinance shall apply to such nonconforming buildings or  
3731 structures.

3732 (b) Any property owner asserting as a defense to a charge of violating this ordinance that the  
3733 alleged violation has been in place more than ten years before enforcement action was initiated has  
3734 the burden of proving that:

- 3735 1. the building or structure that is in violation has been in place more than  
3736 ten years before enforcement action was initiated.
- 3737 2. that the building or structure (and its use, if the use is nonconforming) has remained  
3738 essentially unchanged for at least ten years.
- 3739 3. that the use of the building or structure has been active and continuous  
3740 for ten years or more. If use was discontinued for more than twelve months, that use  
3741 shall not be considered active and continuous.  
3742

### 3743 **13.6.0 CHANGES AND AMENDMENTS**

#### 3744 **13.6.0.01 Authority**

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3746  
3747 **13.6.0.02 Purpose:** In order to meet the public necessity, convenience, general welfare, and promote good  
3748 zoning practices, the County Board of Supervisors may, by ordinance, amend the district boundaries (map)  
3749 or amend or supplement the regulations (text) established herein.  
3750

3751 **13.6.0.03 Procedure:** The provisions of this chapter are adopted under the zoning authority of Wis. Stat.  
3752 59.69 and subchapter III of Ch. 91, Wis. Stats. As such, the following procedures shall be applied in  
3753 considering amendments:  
3754

#### 3755 **13.6.0.04 Petitions for Amendments**

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- (a) A petition for amendment of this chapter may be made by any property owner in the area to be affected by the amendment, the town board of any town in which the chapter is in effect, any member of the County Board or the Committee.
- (b) The petition shall be presented to the County Clerk who shall refer the petition to the Committee with notice to the County Board.
- (c) Upon receipt of such petition by such Committee it shall call a public hearing thereon. Notice of the time and place of such hearing shall be given by publication in the county of a class 2 notice, under Ch. 985. A copy of such notice shall be mailed by registered mail to the town clerk of each town affected by the proposed amendment at least 10 days prior to the date of such hearing.
- (d) If a town affected by the proposed amendment disapproves of the proposed amendment, the town board of such town may file a certified copy of the resolution adopted by such board disapproving of the petition with the County Clerk prior to, at or within 10 days after the public hearing. A town may extend its time for disapproving any proposed amendment by 20 days if the town board adopts a resolution providing for the extension and files a certified copy of the resolution with the County Clerk. If the town board of the town affected in the case of an ordinance relating to the location of the boundaries of districts files such a resolution, or the town boards of a majority of the towns affected in the case of all other amendatory ordinances file such resolutions, the Committee may not recommend approval of the petition without change, but may only recommend approval with change or recommend disapproval.
- (e) As soon as possible after such public hearing, the Committee shall act on such petition either approving, modifying and approving or disapproving of the same. If its action is favorable to granting the requested change or any modification thereof, it shall cause an ordinance to be drafted effectuating its determination and shall submit such proposed ordinance directly to the county board with its recommendations. If the Committee, after its public hearing shall recommend denial of the petition it shall report its recommendation directly to the county board with its reasons for such action. Upon receipt of the Committee report the county board may adopt the ordinance as drafted by the Zoning Dept. or with amendments, or it may deny the petition for amendment, or it may refuse to deny the petition as recommended by the Committee, in which case, it shall refer the petition back to the Committee with directions to draft an ordinance to effectuate the petition and report the same back to the county board which may then adopt or reject such ordinance.
- (f) If a protest against a proposed amendment is filed with the county clerk at least 24 hours prior to the date of the meeting of the county board and duly signed and acknowledged by the owners of 50% or more of the area proposed to be altered, or by abutting owners of over 50% of the total perimeter of the area proposed to be altered included within 300 feet of the parcel or parcels proposed to be rezoned, action on such ordinance may be deferred until the Committee has had a reasonable opportunity to ascertain and report to the county board as to the authenticity of such ownership statements. Each signer shall state the amount of area or frontage owned by him and shall include a description of the lands owned by him. If such statements are found to be true, such ordinance shall not be adopted except by the affirmative vote of three-fourths of the members of the county board of supervisors present and voting. If such statements are found to be untrue to the extent that the required frontage or area ownership is not present such protest may be disregarded.
- (g) If any such amendatory ordinance makes only the change sought in the petition and if the petition was not disapproved prior to, at or within 10 days after the public hearing by the town board of the town affected in the case of an ordinance relating to the location of district boundaries or by the town boards of a majority of the towns affected in the case of all other amendatory ordinances, it shall become effective on passage. The county clerk shall record the date on which such ordinance becomes effective and shall notify the town clerk of all towns affected by such ordinance of such effective date and also insert such effective date in the proceedings of the county board.

**13.6.0.05 Special Provisions**

3811  
3812 **Exercise of Town Board Veto:** Any amendatory ordinance other than an ordinance enacted under  
3813 13.6.0.04 (g) shall within 7 days thereafter be submitted in duplicate by the county clerk by registered mail  
3814 to the town clerk of each town in which lands affected by such ordinance are located. If after 40 days from  
3815 the date of such adoption a majority of such towns have not filed certified copies of resolutions  
3816 disapproving such amendment with the county clerk, or if, within a shorter time a majority of the towns in  
3817 which the ordinance is in effect have filed certified copies of resolutions approving the amendment with the  
3818 county clerk, the amendment shall thereupon be in effect in all of the towns affected by the ordinance. Any  
3819 such ordinance relating to the location of boundaries of districts shall within 7 days after adoption by the  
3820 county board be transmitted by the county clerk by registered mail only to the town clerk of the town in  
3821 which the lands affected by such change are located and shall become effective 40 days after the adoption  
3822 of the ordinance by the county board unless such town board prior to such date files a certified copy of a  
3823 resolution disapproving of such ordinance with the county clerk. If such town board approves the  
3824 ordinance, said ordinance shall become effective upon the filing of the resolution of the town board  
3825 approving same with the county clerk. The county clerk shall record in his office the date on which such  
3826 ordinance becomes effective and he shall notify the town clerk of all towns affected by such ordinance of  
3827 such effective date and also make such report to the county board, which report shall be printed in the  
3828 proceedings of the county board.  
3829

3830 **13.6.0.06 Continued Effect of Ordinance:** Whenever any area which has been subject to a county zoning  
3831 ordinance petitions to become part of a village or city, the regulations imposed by such county zoning  
3832 ordinance shall continue in effect, without change and shall be enforced by such village or city until such  
3833 regulations have been change by official action of the governing body of such village or city, except that in  
3834 the event an ordinance of annexation is contested in the courts, the county zoning shall prevail and the  
3835 county shall have jurisdiction over the zoning in the area affected until ultimate determination of the court  
3836 action.  
3837

3838 **13.6.0.07 Zoning of County-Owned Lands:** The county board may by ordinance zone and rezone any  
3839 lands owned by the county without necessity of securing the approval of the town boards of the towns  
3840 wherein such lands are situated and without following the procedure outlined in 59.69(5) Wis. Stats.,  
3841 provided that the county board shall give written notice to the town board of the town wherein such lands  
3842 are situated of its intent to so rezone and shall hold a public hearing on the proposed rezoning ordinance  
3843 and give notice of such hearing by posting in 5 public places in the town.  
3844

3845 **13.6.0.08 Special Provisions Applicable to Comprehensive Revisions:** A single ordinance which  
3846 repeals the existing county zoning ordinances and enacts a new ordinance changing numerous provisions  
3847 and adding or altering districts may be adopted by the county board, following the normal amendment  
3848 procedure. Such revision may provide that the existing county zoning ordinance remains in effect for up to  
3849 one year or until the revision is approved by the town board, whichever period is shorter. The failure of a  
3850 town board to approve the comprehensive revision within one year shall result in neither the comprehensive  
3851 revision nor the prior county zoning being in force in such town.  
3852

3853 **13.6.0.09 Special Provisions Applicable to Amendments to the Zoning Map Removing Lands From**  
3854 **the Amended Intensive and Primary Agriculture Districts**  
3855

- 3856 (a) The following special procedures and standards apply to all petitions to rezone lands out of the  
3857 Intensive and Primary Agriculture Districts.
- 3858 1. The Wisconsin Department of Agriculture, Trade and Consumer  
3859 Protection shall be notified of all such petitions by sending the department a copy of the  
3860 Committee's hearing notice on the petition and of the disposition of all such petitions by  
3861 sending the department a copy of the proceedings of any county board meeting that  
3862 involves a vote on ordinance amendments involving rezones from the Intensive  
3863 Agriculture and Primary Agriculture Districts.
  - 3864 2. Decisions on rezones of land from the Intensive Agriculture and  
3865 Primary Agriculture Districts by the Committee and the county board shall be governed

3866 by the standards of Wis. Stats. 91.48, which is in effect at the time of rezoning. These  
3867 standards shall be read into the record of the meeting of the Committee. Before such unit  
3868 votes on the rezone and the report and ordinance which is being adopted to accomplish a  
3869 rezone shall contain findings on the factors listed in that statute.  
3870

### 3871 **13.7.0 DEFINITIONS**

3872  
3873 For purposes of this ordinance, certain terms are defined as follows; words used in the present tense include the  
3874 future; words in the singular number include the plural number; and words in the plural number include the singular  
3875 number. The word "building" includes the word "structure" and the word "shall" is mandatory and not directory.  
3876 The word "person" includes an individual, all partnerships, associations, and bodies politics and corporate. The  
3877 word "lot" includes the word "plot" or "parcel". The word "used" or "occupied" as applied to any land or building  
3878 shall be construed to include words "intended," "arranged," or "designed to be used or occupied."  
3879

- 3880 1. **Abandonment:** To cease or discontinue a use or activity without intent to resume, but excluding  
3881 temporary or short-term interruption to use or activity during periods of remodeling or maintenance.
- 3882 2. **Abutting:** Having a common property line or district line.  
3883 **Accessory Dwelling Unit (ADU):** An additional single-family dwelling unit that is subordinate in size to a  
3884 single-family dwelling, and located on the same parcel as a single-family dwelling. It provides independent  
3885 living facilities for one or more persons. For the purposes of this ordinance, the terms "Accessory Dwelling  
3886 Unit" or "ADU" encompass all three subtypes. The subtypes are as follows:
  - 3887 (a) **Attached (AADU):** Physically connected to the principal single-family dwelling, sharing  
3888 at least one common wall and being structurally interdependent.
  - 3889 (b) **Detached (DADU):** A standalone residential unit located on the same parcel or lot but  
3890 separate from the principal single-family dwelling, serving as an accessory structure to  
3891 the primary dwelling.
  - 3892 (c) **Junior (JADU):** An ADU which may be no more than 600 square feet in size, which  
3893 may be detached or attached to another structure.  
3894
- 3895 3. **Accessory Structure:** A subordinate structure detached from but located on the same lot as the principal  
3896 structure, the use of which is incidental and accessory to that of the principal structure.
- 3897 4. **Accessory Use:** A use incidental to, and on the same lot as a principal use.
- 3898 5. **Active Mine Boundary;** The expression upon the land surface of a more or less continuous series of points  
3899 that when taken together enclose all activities and operations that occur at the mine site on a regular or  
3900 irregular basis, including all structures, facilities, parking areas and interior haul roads that are integral to or  
3901 directly serve the mining operation and all stockpiles, waste piles, settling ponds, retention ponds, detention  
3902 ponds, and lay-down areas that are utilized by the mining operation.  
3903 **Addition:** New construction performed on a dwelling which increases the outside dimensions of the  
3904 dwelling.
- 3905 6. **Adjacent:** Located on land parcels that touch each other, or on land parcels that are separated only by a  
3906 river, stream, or transportation or utility right-of-way.
- 3907 7. **Adult Daycare Facility:** A facility for the supervised care of adults, providing activities such as meals and  
3908 socialization one or more days a week during specified daytime hours. The participants return to their  
3909 homes each evening. The program is often used as respite by family members caring for an older person  
3910 who cannot be left alone safely in the home.
- 3911 8. **Adult Family Home:** See Section 50.01(1) Wis. Stats.
- 3912 9a. **Agricultural based:** Agriculture which has been in continuous practice for the previous three (3) years and  
3913 has filed a Schedule F (1040) in each of the previous three (3) years. (06/17/2015)
- 3914 9b. **Agricultural entertainment:** Use of agricultural based buildings, equipment or land for an event,  
3915 performance or activity intended to entertain others such as; festivals, dances, weddings, corporate  
3916 gatherings, reunions, concerts, haunted houses and motorized amusement rides. (06/17/2015)
- 3917 9d. **Agricultural Parcel:** A parcel of land, used for the purpose of establishing a second dwelling as a  
3918 necessary structure in the IA and PA zoning districts. (06/17/2015)
- 3919 9f. **Agricultural related activities and uses:** Activities and uses which are part of an agricultural operation's  
3920 total offerings, that predominantly use agricultural based buildings, products, equipment, land or livestock

- 3921 such as; agri-markets, mazes, pumpkin cannons, pony rides, hay rides, sleigh rides, petting farms, nature  
3922 trails and educational classes. (06/17/2015)
- 3923 9g. **Agricultural related products:** Products which are part of an agricultural operation’s total offerings, that  
3924 promote agriculture and value-added agriculture such as; agricultural and horticultural products, animal feed,  
3925 bake goods and desserts, ice cream, beverages, jams, honey, gift items, food stuffs, and clothing. (06/17/2015)
- 3926 9j. **Agriculture:** Any agricultural activity or use conducted for the purpose of producing an income or livelihood  
3927 such as: crop or forage production, keeping livestock, beekeeping, nursery, sod, or Christmas tree production,  
3928 floriculture, aquaculture, fur farming, forest management, enrolling land in a federal agricultural commodity  
3929 payment program or a federal or state agricultural land conservation payment program or any other activity  
3930 or use permitted under Chapter 91 or identified by rule by the Wisconsin DATCP. (06/17/2015), (06/15/2016)
- 3931 9m. **Agri-market:** The direct sale of agricultural products or value-added agricultural products from an  
3932 agribusiness or agricultural lands to consumers, such as; “pick-your-own” operations, roadside stands, and  
3933 farmers markets. (06/17/2015)
- 3934 9n. **Agri-store:** An enterprise that is part of an agricultural operation’s total offerings, which sells agricultural  
3935 products, agricultural related products and non-agricultural related products such as art, antiques, crafts and  
3936 clothing. (06/17/2015)
- 3937 9o. **Agri-tourism:** Agricultural enterprises, businesses, horticultural, or agricultural operations such as; a farm,  
3938 orchard, winery, greenhouse, agri-store or livestock show, which combine the elements and characteristics  
3939 of agriculture, agricultural related products, agricultural related activities and uses and tourism for the  
3940 purpose of providing recreation, entertainment, education, or active involvement in the agricultural operation,  
3941 other than as a contractor or employee of the operation. Agri-tourism does not include “agricultural  
3942 entertainment”. (06/17/2015)
- 3943 10. **Alternative support structure:** Structures including but not limited to clock towers, steeples, silos, light  
3944 poles, water towers, free-standing chimneys, utility poles and towers, towers, buildings or similar structures  
3945 that may support telecommunications facilities.
- 3946 11. **Amendment:** A change to a zoning ordinance or map.
- 3947 12. **Animals:** All other animals except those defined and regulated by DATCP and NR16. (See Exotic  
3948 Animals)
- 3949 13. **Animal Unit:** In R1, R2 and R3 Districts, the term “animal units” means a unit of measure to determine the  
3950 total number of single animal types or combination of animal types. The number of animal units shall be  
3951 calculated using Appendix A.  
3952 In IA, PA and GA Districts, the term “animal units” means a unit of measure used to determine the total  
3953 number of single animal types or combinations of animal types, as specified in s. NR 243.11, that are at an  
3954 animal feeding operation. The number of animal units will be calculated according to NR 243.05 and NR  
3955 243.05 Tables 2A and 2B. Examples of animal units from Table 2 are one beef cow or steer equal one animal  
3956 unit; one dairy cow equals 1.4 animal units and one turkey equals 0.018 animal units. (06/17/2015)
- 3957 14. **Antenna:** Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or  
3958 reception of electromagnetic waves when such system is either external to or attached to the exterior of a  
3959 structure. Antennas shall include devices having active elements extending in any direction, and  
3960 directional beam type arrays having elements carried by and disposed from a generally horizontal boom  
3961 that may be mounted upon and rotated through a vertical mast or tower interconnecting the boom and  
3962 antenna support, all of which elements are deemed to be a part of the antenna.
- 3963 15. **Antenna building mounted:** Any antenna, other than an antenna with its supports resting on the ground,  
3964 directly attached or affixed to a building.
- 3965 16. **Antenna ground mounted:** Any antenna with its base placed directly on the ground.
- 3966 17. **Automobile Wrecking Yard:** The dismantling or wrecking of used motor vehicles or trailers or the  
3967 storage, sale, or dumping of dismantled or wrecked vehicles or their parts. The open presence on any lot or  
3968 parcel of land of three or more motor vehicles, which remain unlicensed and/or unregistered; have not been  
3969 capable or operating under their own power and from which parts have been or are to be removed for reuse  
3970 or sale, shall constitute prima-facie evidence of an automobile wrecking yard.
- 3971 18. **Automotive Repair Services:** A business whose principal activity is body or engine repairs or painting of  
3972 motor vehicles.
- 3973 19. **Automotive Sales and Services:** A business whose principal activity is the sale of new or used motor  
3974 vehicles and the performance of repair work as an integral part of the business.

- 3975 20. **Base Farm Tract:** All land, whether one parcel or 2 or more contiguous parcels, which are in either the IA  
3976 or PA zoning district and which are part of a single farm on the date of when the County adopts the  
3977 ordinance, regardless of any subsequent changes in the size of the farm
- 3978 21. **Basement:** A portion of a building whose floor line is below the mean grade level. For the purpose of this  
3979 ordinance, any such basement with more than four (4) feet above grade level shall be counted as a story.
- 3980 22. **Bed and Breakfast Establishment:** Any place of lodging that provides four or fewer rooms for rent for  
3981 more than ten nights in a 12-month period; is owner-occupied; and in which the only meal served to guests  
3982 is breakfast.
- 3983 23. **Block:** A platted tract of land bounded by streets or by a combination of streets and public parks, or other  
3984 recognized lines of demarcation.
- 3985 24. **Board of Adjustment or Zoning Board of Adjustment (ZBA):** A body appointed to hear appeals from  
3986 decisions made in the course of zoning administration and to consider requests for variances and exceptions  
3987 from provisions of the zoning ordinance. (See s. 59.69, Wis. Stats.)
- 3988 25. **Boarding House:** An owner occupied dwelling where lodging and meals are furnished for compensation  
3989 for three (3) or more persons not members of the same family.
- 3990 25k. **Brewery:** An establishment operating under Wis. Stat. § 125.29 that manufactures, bottles, packages, and  
3991 stores fermented malt beverages on premises and which produces more than 100,000 barrels per year.  
3992 Locally issued licenses/permits may allow fermented malt beverage sales directly to consumers, on premise  
3993 tasting of fermented malt beverages, and impose additional restrictions. (01/18/2017)
- 3994 26. **Building:** A structure, including a roof supported by walls designed or built for the support, enclosure,  
3995 shelter, or protection of persons, animals, chattels, or property of any kind.
- 3996 27. **Camouflaged tower:** Any telecommunications tower that due to design or appearance hides, obscures, or  
3997 conceals the presence of the tower and antennas.
- 3998 27p. **Brewpub:** A tavern or bar operating under Wis. Stat. § 125.295 offering the sale of food or a restaurant,  
3999 that manufactures fermented malt beverages on the premises. The production of fermented malt beverages  
4000 shall be limited as defined in Microbrewery or Microbrewery Large. Locally issued licenses/permits may  
4001 impose additional restrictions. (01/18/2017)
- 4002 28. **Camping Grounds:** A parcel of land used or intended to be used, let, or rented for occupancy by campers  
4003 or for occupancy by or of trailers or movable or temporary dwellings, rooms, or sleeping quarters of any kind.
- 4004 29. **Carport:** See Garage, Private.
- 4005 30. **Carrier:** Companies licensed by the Federal Communications Commission (FCC) to build personal wireless  
4006 telecommunications facilities and operate personal wireless telecommunications services. Also called a  
4007 provider.
- 4008 31. **Centerline:** A line connecting the points on highways from which setback distances shall be measured at  
4009 any point on the highway.
- 4010 32. **Clinic:** An establishment of physicians or dentists for medical examination and treatment of persons on an  
4011 outpatient basis.
- 4012 33. **Clinic, Veterinarian:** An establishment for the examination and treatment of animals.
- 4013 34. **Club:** An association of persons using a structure for a common purpose but not including groups  
4014 organized primarily to render a service which is customarily carried on as a business.
- 4015 35. **Co-location:** A telecommunications facility comprised of a single telecommunications tower or building  
4016 supporting multiple antennas, dishes, or similar devices owned or used by more than one public or private  
4017 entity.
- 4018 36. **Committee:** The Dunn County Planning, Resource and Development Committee (PR&D).
- 4019 37. **Community living arrangement:** Any of the following facilities licensed or operated, or permitted under  
4020 the authority of the department; child welfare agencies under s. 48.60, group homes for children under s.  
4021 48.02(7) and community-based residential facilities under s.50.01; but does not include day care centers,  
4022 nursing homes, general hospitals, special hospitals, prisons and jails.
- 4023 38. **Conditional Use (Special Exceptions):** A conditional use allows an owner to put property to a use which  
4024 the zoning ordinance expressly permits when certain conditions are met. A conditional use is sometimes  
4025 called a special exception. The two terms mean the same thing.
- 4026 39. **Condominium:** Property subject to a condominium declaration established under Chapter 703 of the  
4027 Wisconsin Statutes.
- 4028 39c. **Conduit:** A channel or tube for conveying water or other fluid or for protecting electrical wiring.  
4029 (06/17/2015)

- 4030 40. **Conforming Use:** Any lawful use of a building or lot which complies with the provisions of this  
4031 Ordinance.
- 4032 41. **Construction Aggregate:** Crushed and uncrushed particles of rock and/or predominantly non-metallic  
4033 minerals, sand size and larger, that are produced for and used in the construction industry or for  
4034 construction purposes at the site of production, including, for purposes of example, the following uses: as  
4035 sub-base or base course for buildings, roadways or railroads; granular backfill adjacent to foundations,  
4036 culverts or other structures; ingredients of mortar, Portland cement, concrete, asphalt; rip-rap, retaining  
4037 walls, revetment stone and dimension stone; agriculture uses such as ag lime, bedding or walkways for  
4038 livestock; and for the specified miscellaneous uses of septic system filters, landscape stone, landfill  
4039 leachate collection systems and for placing on roadways in freezing weather.
- 4040 41a. **Contiguous:** Parcels of land sharing a common boundary. Parcels that meet at only a single point are not  
4041 considered contiguous. (02/18/2015)
- 4042 41b. **Contiguous Tract:** A contiguous area of land held under the same ownership, unless it is divided by  
4043 public highways, railroads, and all lakes or bodies of water which were meandered at the time of the  
4044 original government survey. A contiguous tract may consist of multiple parcels having separate tax  
4045 identification numbers. Lots or Outlots shall be part of and included within a contiguous tract. (02/18/2015)
- 4046 41c. **County Plat:** A map of a division of land prepared in the same manner as required in Ch. 236, Wis. Stats.,  
4047 except that all reviews are completed at the local level, and where:
- 4048 (a) The act of division creates five or more lots of which no more than four (4) lots are one and one-half  
4049 (1½) acres or less in area; or
- 4050 (b) Five (5) or more lots, of which no more than four (4) lots are one and one-half (1½) acres or less in  
4051 area, are created by successive divisions within a period of five (5) years. (02/18/2015)
- 4052 42. **Covenant:** A promise in a conveyance or other instrument relating to real estate by which one or more  
4053 parties pledge themselves to something that is either done or shall not be done with respect to real property.
- 4054 43. **Cul-de-sac:** A local street, one end of which is closed and consists of a circular turn-around.
- 4055 44. **Day Care Center:** A facility used for the care of pre-school or school age children which meets the  
4056 requirements of a day care center formulated by the Wisconsin Department of Health and Social Services.
- 4057 45. **Dedication:** The transfer of property rights from private to public ownership. Land so conveyed to the  
4058 local government may be used for streets, schools, parks, utilities, etc. The governing body must formally  
4059 accept the dedication for the transaction to be complete.
- 4060 46. **Density:** The number of dwelling units allowed within a parent parcel, government protracted 40 or  
4061 government lot; is expressed as a ratio such as 1:8 meaning the number of dwelling units per acres of land.  
4062 **Detached Building:** Any building which is not physically connected to the dwelling.
- 4063
- 4064 47. **Development:** Any man-made change to improved or unimproved real estate, including but not limited to  
4065 construction or additions or substantial improvements to buildings, other structures, or accessory uses; the  
4066 placement of mobile homes, mining, dredging, filling, grading, paving, excavation, or drilling operations,  
4067 and deposition of materials.
- 4068 48. **District:** A specific area designated with reference to this code and the official zoning maps within which  
4069 the regulations governing the use and erection of structures and the use of premises are uniformly applied.
- 4070 49. **Dwelling Unit:** A residential structure or portion thereof, containing separate and complete living area,  
4071 for one family, not including boarding houses, camping trailers, hotels, motor homes, or motels.
- 4072 (a) **Dwelling, Single Family:** A residential structure containing only one dwelling unit.
- 4073 (b) **Dwelling, Two Family:** A residential structure containing two (2) dwelling units.
- 4074 (c) **Dwelling, Multiple:** A residential structure containing more than two (2) dwelling units.
- 4075 50. **Easement:** A right given by the owner of land to another party for specific limited use of that land. Utility  
4076 companies often have easements allowing access to private property for servicing and maintaining their  
4077 facilities. Localities may also preserve scenic areas, farmland or open space by means of a conservation  
4078 easement which restricts development of the land.
- 4079 50c. **Electric Distribution:** Facilities used to transmit electricity, less than 35 kilovolts, to ultimate usage points  
4080 such as homes, businesses and industries. (06/17/2015)
- 4081 50d. **Electric Generation Facility:** Facility used for generation of electric power with a name plate rating greater  
4082 than 1,500 kW. This does not include back up power generators or emergency power generators.  
4083 (06/17/2015)

- 4084 50e. **Electric Transmission:** Facilities used for the bulk transfer of electricity, greater than 35 kilovolts, from  
4085 generation facilities to substations. (06/17/2015)
- 4086 51. **Eminent Domain:** The legal right of government to acquire or take private property for public use or  
4087 benefit upon payment of just compensation to the owner.
- 4088 52. **Encroachment/Floodway Lines:** Limits of obstruction to flood flows, established by both sides of and  
4089 generally parallel to the stream, determined by assuming that the area outside of the encroachment lines  
4090 will be ultimately developed in such a manner that it will not be available to convey flood flows.
- 4091 52e. **Equine:** Any member of the Equus genus, including horses and ponies. (06/17/2015)
- 4092 53. **Essential Services:** Services provided by public and private utilities, necessary for the exercise of the  
4093 principal, accessory or conditional use or service of a principal, accessory or conditional structure. These  
4094 services include underground, surface, or overhead gas, electrical, steam water, sanitary sewage, storm  
4095 water drainage, and communication systems and accessories thereto, such as poles, wires, mains, drains,  
4096 vaults, culverts, laterals, sewers, pipes, catch basins, conduits, cables, fire alarm boxes, police call boxes,  
4097 traffic signals, pumps, lift stations, and hydrants, but not including buildings.
- 4098 54. **Exception:** The use of property, including the size, use, and location of buildings, the size of lots and the  
4099 dimensions of required yards, otherwise not allowable under the terms of this ordinance, which is  
4100 permissible by reasons of special provisions of the ordinance, or for which a special permit may be used by  
4101 the Board of Adjustment or where specifically specified by local Town Boards under conditions specified  
4102 in this ordinance.
- 4103 55. **Exotic Animals:** Such as but not limited to exotic ruminants, elephants, zebras and other exotic equines,  
4104 lions, tigers and other large cats, parrots, macaws and other exotic birds (excluding raptors), kangaroos and  
4105 wallabies, amphibians and reptiles, wild species native to North America and in compliance with Dept. of  
4106 Agriculture, Trade and Consumer Protection (DATCP) and Admin. Code NR16 Captive Wildlife.
- 4107 56. **Expanded livestock facility:** The entire livestock facility that is created by the expansion of an existing  
4108 livestock facility. "Expanded livestock facility" includes all livestock structures in the expanded facility,  
4109 regardless of whether those structures are new, existing or altered.
- 4110 57. **Expansion:** Means an increase in the largest number of animal units kept at a livestock facility on at least  
4111 90 days in any 12-month period. The acquisition of an existing livestock facility, by the operator of an  
4112 adjacent livestock facility, does not constitute an "expansion" unless that operator increases the largest  
4113 number of animal units kept at the combined livestock facilities on at least 90 days in any 12-month period.  
4114 Note: See s. ATCP 51.04.
- 4115 58. **Exploratory Boring:** An excavation or opening deeper than it is wide that extends more than 10 feet  
4116 below the ground surface for the purpose of obtaining information on the physical, chemical, radiological  
4117 or biological characteristics of geological formations or depth to groundwater, excluding any drill holes  
4118 regulated by Wis. Admin. Code Ch. NR 141.25.
- 4119 59. **Family:** An individual or two or more persons related by blood, marriage or adoption, or not more than  
4120 five (5) persons who are not so related, living together in one single-family dwelling and are not charged  
4121 for provisions and needs.
- 4122 60. **Family Day Care Home:** A dwelling licensed as a day care center by the Department of Health and Social  
4123 Services under s. 48.65 where care is provided for not more than eight (8) children.
- 4124 61. **Farm:** A parcel of land under common ownership that is primarily devoted to  
4125 agricultural use. The term "common ownership" shall include an individual, corporation, business trust,  
4126 estate, trust, partnership, association, or two or more persons having a joint or common interest in the land.
- 4127 62. **Farming:** Includes operations required to produce \$6,000 of agricultural products per year and shall  
4128 include accessory uses such as treating or storing of produce provided that the operation of an accessory  
4129 use is secondary to the normal farming activities.
- 4130 63. **Farm Acreage:** Size of a farm in acres.
- 4131 64. **Farmland Preservation Area:** A plan for the conservation of farmland in a county, including an  
4132 agricultural preservation plan under sub. ch. IV of ch. 91, 2007 Wis. Stats.
- 4133 65. **Farmland Preservation Plan:** A plan for the preservation of farmland in a county, including an  
4134 agricultural preservation plan under subch. IV of ch. 91, 2007 Wis. Stats.
- 4135 66. **Farm Residence:** Means any of the following structures that are located on a farm:  
4136 (a) A single-family or two-family residence that is the only residential structure on the farm or is occupied  
4137 by any of the following:  
4138 1) an owner or operator of the farm;

- 4139                   2) a parent or child of an owner or operator of the farm;
- 4140                   3) an individual who earns more than 50 percent of his or her gross income from the farm
- 4141 (b) A migrant labor camp that is certified under s. 103.92.
- 4142 67. **Feedlot (Commercial):** An open lot or enclosed building in which poultry or livestock are closely
- 4143 confined in excess of 45 days per year for the purpose of feeding or holding 500 animal units and where
- 4144 such confinement does not or is not intended to provide natural pasture for animals.
- 4145 67f. **Fence:** A barrier, railing, or other upright structure, enclosing an area of ground to mark a boundary, control
- 4146 access, or prevent escape. (06/17/2015)
- 4147 68. **Flea Market:** Where goods and services are sold by different proprietors in an open area.
- 4148 69. **Floor Area:** The sum of the usable horizontal area of the several floors of a building as measured from the
- 4149 exterior walls, including interior balconies and mezzanines, elevator shafts, stairwells and utility rooms, but
- 4150 not including basements, garages, breezeways and unenclosed porches.
- 4151 70. **Foundation:** A basement or crawlspace meeting the state uniform dwelling code.
- 4152 71. **Frontage:** The width of a lot as measured on a public street, road or highway and having access to said
- 4153 street, road or highway.
- 4154 72. **Garage, Private:** A building for the private use of the owner or occupant of a principal building situated
- 4155 on the same lot of the principal building for the storage of motor vehicles with no facilities for mechanical
- 4156 service or repair of a commercial or public nature.
- 4157 73. **Garage, Public:** A building designed and used for the storage of automotive vehicles operated as a
- 4158 business enterprise with a service charge or fee being paid to the owner or operator for the parking or
- 4159 storage of privately owned vehicles.
- 4160 73f. **Gas Transmission:** A pipeline that transports gas from a production facility, gathering line or storage facility
- 4161 to a distribution center, town border station, storage facility, or large volume customer that is not downstream
- 4162 from distribution center. (06/17/2015)
- 4163 73g. **Gas Distribution:** A pipeline that transports natural gas generally from a town border station, to a main line
- 4164 or service line suitable for supply to a customer. (06/17/2015)
- 4165 74. **Grading:** Any stripping, excavating, filling, stockpiling, or any combination thereof, including the land in
- 4166 its excavated or filled conditions.
- 4167 74g. **Grazing:** The area where domestic livestock feed in order to convert grass and other forage into meat, milk
- 4168 and other products.
- 4169 75. **Greenhouse:** A structure exclusively used for the cultivation of plants in which natural sunlight is allowed
- 4170 to enter through transparent material and temperature and humidity are controlled.
- 4171 76. **Greenhouse, Commercial:** A structure from which plants, seedlings, seeds, trees and those items related
- 4172 to cultivation are sold, traded or bartered to the public.
- 4173 77. **Guyed structure:** A telecommunications tower that is supported in whole or in part by guy wires and ground
- 4174 anchors or other means of support besides the superstructure of the tower itself.
- 4175 78. **Habitation:** A fixed place of residence.
- 4176 79. **Hazardous Material:** Any substance or combination of substances including any waste of a solid,
- 4177 semisolid, liquid or gaseous form which may cause or significantly contribute to an increase in mortality or
- 4178 an increase in serious irreversible or incapacitating reversible illness or which may pose a substantial
- 4179 present or potential hazard to human health or the environment because of its quantity, concentration or
- 4180 physical, chemical or infectious characteristics. This term includes, but is not limited to, substances which
- 4181 are toxic, corrosive, flammable, irritants, strong sensitizers or explosives as determined by the Department
- 4182 of Natural Resources.
- 4183 80. **Height, telecommunications tower:** The distance measured from the original grade at the base of the tower
- 4184 to the highest point of the tower. This measurement excludes any attached antennas, and lighting.
- 4185 81. **Historic Structure:** Any structure that is: (a) Listed individually in the National Register of Historic
- 4186 Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for
- 4187 individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the
- 4188 Interior as contributing to the historical significance of a registered historic district or a district
- 4189 preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed
- 4190 on a state inventory of historic places in states with historic preservation programs which have been
- 4191 approve by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in
- 4192 communities With historic preservation programs that have been certified either by an approved state

- 4193 program, as determined by the Secretary of the Interior; or directly by the Secretary of the Interior in states  
4194 without approved programs.
- 4195 82. **Home Occupation:** A gainful occupation customarily conducted within a dwelling or accessory building  
4196 by the residents thereof, which is clearly secondary to the residential use and does not change the character  
4197 of the structure as a residence.
- 4198 83. **Industrial Sand Mining:** Means any of the following:  
4199 (a) The operation of an establishment that is engaged in excavating or otherwise removing from the land  
4200 any sand or sandstone by any means, including any associated stripping of overburden, removal of  
4201 sand or sandstone washing, screening, sorting, beneficiation, drying, loading, stockpiling or other  
4202 processing or preparation of sand or sandstone for any use other than construction aggregate. Industrial  
4203 sand mining is a form of nonmetallic mining and as such must comply with any and all ordinance  
4204 requirements applicable to nonmetallic mining, including, but not limited to the application, licensing,  
4205 and reclamation plan requirements. Industrial sand mining includes mining sand or sandstone for any  
4206 of the following purposes:  
4207 1. Abrasive sand.  
4208 2. Blasting sand.  
4209 3. Enamel sand.  
4210 4. Filtration sand.  
4211 5. Foundry sand.  
4212 6. Moulding sand  
4213 7. Frac sand including for use as proppant in hydraulic fracturing.  
4214 8. Grinding sand.  
4215 9. Industrial sand.  
4216 10. Silica sand.  
4217 11. Silica.
- 4218 (b) Extraction from the earth of sand, sandstone bedrock, fluvial sands, alluvial sands or aggregates for  
4219 offsite use or sale of industrial sand products including associated activities such as drilling, blasting,  
4220 excavation, stripping, grading and dredging of such materials and removing, relocating or disposing of  
4221 overburden and other wastes of the mining process.
- 4222 (c) Manufacturing or processing operations on the mining site that involve the use of equipment for  
4223 crushing, screening, separation, beneficiation, classification, washing dewatering, drying coating, or  
4224 blending of the industrial sand or products obtained by extraction from the mining site.
- 4225 (d) Stockpiling of industrial sand products, rail transloading of industrial sand products, nonmetallic  
4226 mining waste materials, or topsoil intended for use in reclaiming a nonmetallic mine site.
- 4227 (e) Reclamation of the mine site.
- 4228 84. **Junk Yard:** Any establishment or premises where worn out or discarded materials, whether purchased,  
4229 donated or abandoned are kept, or where unlicensed motor vehicles, operable or inoperable, are kept or  
4230 stored either for purposes of sale or otherwise.
- 4231 85. **Junkyard Materials:** Include, without limitation because of enumeration hereunder, waste paper, scrap  
4232 metal, rags, bottles, machines and machine parts, motor vehicles and motor vehicle parts, and uses or  
4233 secondhand items.
- 4234 86. **Kennel (Commercial):** A place where four (4) or more dogs over the age of four (4) months are boarded,  
4235 bred or offered for sale and conducted as a business.
- 4236 87. **Lattice structure:** A telecommunications tower that consists of vertical and horizontal supports and crossed  
4237 metal braces.
- 4238 88. **Legally existing:** A lot, structure or use existing on the effective date of this ordinance or amendment  
4239 thereto which was created, built or established in accordance with zoning and land use regulations in effect  
4240 in the township wherein the parcel is located immediately prior to the effective date of this ordinance or  
4241 amendment thereto or a lot, structure or use for which a zoning permit was issued prior to the effective date  
4242 of this ordinance or amendment thereto.
- 4243 89. **Life of the Mine:** The time period beginning at mine permit issuance and extending through the day on  
4244 which the entire land area of the mine site is restored in accordance with the approved reclamation plan and  
4245 all associated costs to be borne by the mine or mine operator have been paid in full.
- 4246 90. Repealed (06/15/2016)

- 4247 91. **Livestock facility:** A feedlot, dairy farm or other operation where livestock are or will be fed, confined,  
4248 maintained or stabled for a total of 45 days or more in any 12-month period. A “livestock facility” includes  
4249 all of the tax parcels of land on which the facility is located, but does not include a pasture or winter  
4250 grazing area. Related livestock facilities are collectively treated as a single “livestock facility” for purposes  
4251 of this chapter, except that an operator may elect to treat a separate species facility as a separate “livestock  
4252 facility.”
- 4253 92. **Livestock facility, new:** A livestock facility that will be used as a livestock facility for the first time, or for  
4254 the first time in at least 5 years. “New livestock facility” does not include an expanded livestock facility if  
4255 any portion of that facility has been used as a livestock facility in the preceding 5 years.
- 4256 93. **Livestock structure:** A building or other structure used to house or feed livestock, to confine livestock for  
4257 milking, to confine livestock for feeding other than grazing, to store livestock feed, or to collect or store  
4258 waste generated at a livestock facility. “Livestock structure” includes a barn, milking parlor, feed storage  
4259 facility, feeding facility, animal lot or waste storage facility. “Livestock structure” does not include a  
4260 pasture or winter grazing area, a fence surrounding a pasture or winter grazing area, a livestock watering or  
4261 feeding facility in a pasture or winter grazing area, or a machine shed or like facility that is not used for  
4262 livestock.
- 4263 94. **Lot:** A parcel of land so designated on a recorded Plat, Assessor’s Plat, or Certified Survey Map having an  
4264 assigned number which abuts a public road or has access via an easement or area of common ownership to  
4265 a public or private road. The term lot shall not be synonymous with the term government lot. (2/18/2015)
- 4266 95. **Lot of Record:** A lot which has been legally created prior to the effective date of this subtitle.
- 4267 96. **Lot, minimum size:** The minimum area needed to safely separate wells from septic systems
- 4268 97. **Lot, maximum size:** The largest area allowed for residential development
- 4269 98. **Lot, Substandard:** A parcel of land that has less than the required minimum area or width as established  
4270 by the zone in which it is located and provided that such lot or parcel was of record as a legally created lot  
4271 on the effective date of this ordinance.
- 4272 99. **Metallic Mineral Extraction:** The extraction and/or processing, for sale or use by the operator, of mineral  
4273 aggregate such as iron ore, taconite, copper, lead, zinc, cadmium and other metalliferous minerals.
- 4274 99k. **Microbrewery:** An establishment operating under Wis. Stat. § 125.29 which manufactures, bottles,  
4275 packages, and stores fermented malt beverages on premises and that produces a maximum of 15,000 barrels  
4276 per year. Locally issued licenses/permits may allow fermented malt beverage sales directly to consumers,  
4277 on premise tasting of fermented malt beverages and may impose additional restrictions. (01/18/2017)
- 4278 99p. **Microbrewery Large:** An establishment operating under Wis. Stat. § 125.29 that manufactures, bottles,  
4279 packages, and stores fermented malt beverages on premises and that produces more than 15,000 up to a  
4280 maximum of 100,000 barrels per year. Locally issued licenses/permits may allow fermented malt beverage  
4281 sales directly to consumers, on premise tasting of fermented malt beverages, and impose additional  
4282 restrictions. (01/18/2017)
- 4283 100. **Mine Operator:** Any person engaged or who has applied for a permit to engage in mining operations,  
4284 whether individually, jointly or through subsidiaries, agents, employees, or contractors, or any person  
4285 engaged in or controlling a mining operation.
- 4286 101. **Mining Operation:** The process involved in the extraction of any material from the earth, including sand,  
4287 gravel and topsoil, whether by surface or underground methods including all processing facilities and related  
4288 structures, waste dumps, and tailing disposal areas.
- 4289 102. **Mining and Reclamation Plan:** The operator's proposal for the mining and reclamation of the project  
4290 approved by the Board of Adjustment prior to the issuance of the mining permit.
- 4291 103. **Mobile/Manufactured Homes:** Means the following:  
4292 (a) Mobile home means a vehicle manufactured or assembled before June 15, 1976; designed to be towed  
4293 as a single unit or in sections upon a highway and equipped and used or intended to be used primarily  
4294 for human habitation; with walls of rigid uncollapsible construction; and which has an overall length in  
4295 excess of 45 feet.  
4296 (b) Manufactured homes means a structure constructed after 1976 which is transportable in one or more  
4297 sections; which in the travelling mode is 8 body feet or more in width or 40 body feet or more in  
4298 length, or when erected is 320 or more square feet; and which is built on a permanent chassis and  
4299 designed to be used as a dwelling with or without a permanent foundation when connected to the  
4300 required facilities.

- 4301 104. **Mobile Home Park:** An area of land on which is provided the required space for the accommodation of  
4302 two or more mobile homes, together with the necessary accessory buildings, driveways, screening and  
4303 other requirements of Section 13.3.6.
- 4304 105. **Monopole structure:** A telecommunications tower of a single pole design.
- 4305 106. **Motel and Hotel:** A building or group of buildings containing rooms which are offered to travelers for  
4306 temporary accommodations in exchange for compensation.
- 4307 107. **Motor Vehicle:** Shall include with limitation because of enumeration hereunder, any watercraft,  
4308 automobile, truck, motorcycle, trailer, semi-trailer, travel trailer, snowmobile, all terrain vehicle, bus or  
4309 other motorized or mobile vehicle.
- 4310 108. **Nonconforming Lot:** A non-conforming or substandard lot is defined as a parcel of land legally created  
4311 prior to the effective date of this ordinance having frontage on a public street, easement of record or other  
4312 officially approved means of access, occupied or intended to be occupied by a principal building or  
4313 structure together with accessory buildings and uses having insufficient size to meet the lot width, lot area,  
4314 yard, off-street parking areas, or other open space provisions of this ordinance.
- 4315 109. **Nonconforming Structure:** A non-conforming structure is one which was legally constructed prior to the  
4316 effective date of this ordinance or subsequent amendment thereto, which would not be permitted as a new  
4317 structure under the terms of this ordinance or amendment thereto because the structure is not in  
4318 conformance with the yard, height, coverage, or floor area ratio area requirements of the district in which it  
4319 is located. A structure located on a non-conforming lot shall not be classified as a non-conforming  
4320 structure solely because of insufficient lot area or width.
- 4321 110. **Nonconforming Use:** A non-conforming use is an activity utilizing land or structures or both legally  
4322 established prior to the effective date of this ordinance or subsequent amendment thereto, which would not  
4323 be permitted as a new use in the district in which it is located under the terms of this ordinance.
- 4324 111. **Non-farm residence:** A single-family or multi-family residence other than a farm residence.
- 4325 112. **Non-farm residential acreage:** The total number of acres of all parcels on which non-farm residences are  
4326 located.
- 4327 113. **Nonmetallic Mineral Processing:** To beneficiate, concentrate, screen, sort, clean, wash, dry, package,  
4328 containerize or apply coating to a nonmetallic mineral or nonmetallic mineral aggregate, byproduct, co-  
4329 product, waste or waste product.
- 4330 114. **Nonmetallic Mining:** The extraction and/or processing (crushing, washing, screening, scalping,  
4331 dewatering or blending) for sale or use by the operator of mineral aggregates such as stone, gravel, sand,  
4332 clay, topsoil, feldspar, peat, talc, or other non-metallic materials.
- 4333 115. **Nonmetallic Mining Operation:** The extraction from the earth of stone, nonmetallic mineral aggregates  
4334 and/or nonmetallic minerals for sale, profit or export from the site of origin, and related operations,  
4335 processes and activities, including but not limited to removing overburden, drilling, blasting, excavating,  
4336 grading, dredging, stockpiling, crushing, screening, sorting, scalping, dewatering, drying, coating, blending,  
4337 packaging, containerizing, storing of nonmetallic minerals, nonmetallic mineral aggregates, overburden,  
4338 topsoil, waste rock, product ion byproducts or mining wastes. It includes activities and operations  
4339 performed within the active mine boundary to construct, operate or maintain any machine, equipment,  
4340 building, tank, pond, lagoon, structure or facility used in conjunction with any nonmetallic mining,  
4341 nonmetallic mineral processing, handling or disposal at the mine site of any nonmetallic mining waste  
4342 material and nonmetallic mining reclamation. It does not include removal from the earth of products or  
4343 commodities that contain only minor or incidental amounts of nonmetallic minerals such as commercial  
4344 sod, agricultural crops, ornamental or garden plants, forest products, Christmas trees or plant nursery stock.
- 4345 116. **Nonmetallic Mining Reclamation or Reclamation:** The rehabilitation of a nonmetallic mining site to  
4346 achieve a topographic profile, vegetative character and land use specified in an approved nonmetallic  
4347 mining reclamation plan, including removal or reuse of nonmetallic mining structures, facilities and refuse;  
4348 rough and finish grading of the nonmetallic mining site, removal, storage and replacement of topsoil;  
4349 stabilization of appropriate soil conditions; reestablishment of vegetative cover; control of surface water  
4350 and groundwater; prevention of environmental pollution and the restoration of plant species and  
4351 fish and wildlife habitat.
- 4352 117. **Nonmetallic Mining Site, Project Site or Site:** The location where a nonmetallic mining operation is  
4353 conducted or permitted to occur including all lands within the active mine boundary, all related storage and  
4354 processing areas, areas where nonmetallic mining refuse and materials intended for use in reclamation is  
4355 deposited and areas disturbed by or to be disturbed in the future by the nonmetallic mining operation or by

- 4356 ancillary activities, including but not limited to, the private roads, haulage ways or transportation corridors  
4357 that connect any outlying lands used in the nonmetallic mining operation that do not share a common  
4358 property boundary with the primary location of the nonmetallic mining activities.
- 4359 118. **Nonmetallic Mining Structures:** Any buildings, facilities, permanent equipment or framework that is  
4360 located on the mine site. It includes, but is not limited to, mining and processing equipment, storage  
4361 facilities and improvements, constructed ponds and lagoons, mechanical shops, paved parking surfaces and  
4362 office space.
- 4363 119. **Nonmetallic Mining Waste Material:** The non-marketable materials removed from the land prior to or  
4364 during the nonmetallic mineral mining process or during the industrial sand mining process. It includes  
4365 overburden, waste soil, rock, mineral, sand and other primarily natural materials, as well as natural  
4366 materials that have been contaminated with any hazardous substance, that results directly from the  
4367 operator's nonmetallic mining, and that is designated for disposal at the operator's designated nonmetallic  
4368 mining site or elsewhere in as authorized by the operator's licenses, permits, approvals and reclamation  
4369 plan.
- 4370 120. **Open Meeting Law:** The Wisconsin law requiring all meetings of state and local governmental bodies to  
4371 be held in forums open and accessible to the public, except in specifically provided exceptions. (See ch.  
4372 19, sub. IV, Wis. Stats.)
- 4373 121. **Open Sales Lot:** An area used for the purpose of buying and selling automobiles, trucks, motorcycles,  
4374 boats, trailers, recreational vehicles, mobile/manufactured homes and similar products.
- 4375 122. [Repealed 2/18/2015].
- 4376 123. **Open Space Use:** Those uses having a relatively low flood damage potential and not involving structures.
- 4377 124. **Operation:** Other than nominal use; when a facility is used regularly as an integral part of an active system  
4378 of telecommunications it shall be deemed in operation.
- 4379 125. **Operator:** As related to a livestock facility, a person who applies for or holds a local approval for a  
4380 livestock facility.
- 4381 125a. **Outlot:** A parcel of land other than a lot having an assigned number. An outlot may not be used as a  
4382 building site for a habitable structure unless it is in compliance with restrictions imposed under this Chapter  
4383 with respect to building sites. (02/18/2015)
- 4384 126. **Overlay Zone's:** Zoning requirements that are described in the ordinance text and map, and imposed in  
4385 addition to those of an underlying district. Developments within the overlay zone must conform to the  
4386 requirements of both zones or the more restrictive of the two.
- 4387 127. **Owner or Property Owner:** The fee-simple title holder or the beneficial owner of land whose interest is  
4388 primarily one of ownership or possession, and enjoyment on contemplation of ultimate ownership. The  
4389 term includes, but is not limited to mortgagees and vendors under contract for deed.
- 4390 127k. **Paddock:** An enclosed area used to keep equine. (06/17/2015)
- 4391 127p. **Pasture:** Enclosed farmland, grazed by domesticated livestock and equine. (06/17/2015)
- 4392 128. **Parcel:** A piece of land held in one ownership. (02/18/2015)
- 4393 129. **Parent Tract:** Parcels or tracts lawfully in existence on the date of adoption of this ordinance.  
4394 (02/18/2015)
- 4395 130. **Parking Area:** A portion of a lot with access to a street or alley, which is suitably surfaced and maintained  
4396 for the temporary storage of motor vehicles, but not including the display of vehicles for sale.
- 4397 131. **Parking Space, Off-Street:** A space containing parking area or a stall in a private garage.
- 4398 132. **Performance Standards:** Criteria established by this subtitle to regulate certain uses.
- 4399 133. **Person:** An individual, corporation, partnership, cooperative, limited-liability company, trust or other legal  
4400 entity.
- 4401 133p. **Plat:** A land division created by either a County or State Plat. (02/18/2015)
- 4402 134. **Platform:** A support system that may be used to connect antennas and antenna arrays telecommunications  
4403 towers or alternative support structures.
- 4404 135. **Portable/Mobile Sign:** A sign mounted on a frame or chassis designed to be easily relocated and not  
4405 permanently affixed to the ground or other structure.
- 4406 **Primary Dwelling:** The principal single-family dwelling on a lot or parcel, serving as the primary and  
4407 dominant residence. The primary dwelling is larger in size compared to any accessory dwelling units  
4408 (ADUs) on the same lot or parcel. It is the main residential structure where the property owner or primary  
4409 resident resides.
- 4410

- 4411 136. **Prime Farmland:** An area with a Class I or Class II land capability classification as identified by NRCS.  
4412 Any other land designated as “prime farmland” in the County’s Certified Farmland Preservation Plan.
- 4413 137. **Principal Building:** A building in which the primary use of the lot on which the building is located is  
4414 conducted.
- 4415 138. **Principal Residence:** A residence which is occupied at least 51% of the year by the owner.
- 4416 139. **Principal Use:** The main use of land or structures, as distinguished from a secondary or accessory use.
- 4417 140. **Private Sewage System:** A sewage treatment and disposal system serving a single structure with a septic  
4418 tank and soil absorption field located on the same parcel as the structure. This term also means an  
4419 alternative sewage system approved by the Department of Safety and Professional Services including a  
4420 substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one  
4421 structure, or a system located on a different parcel than the structure.
- 4422 141. **Professional Offices:** The office of one engaging in a calling requiring specialized knowledge and often  
4423 long and intensive academic preparation, including but not limited to offices of doctors of medicine or  
4424 dentistry, or ministers, architects, engineers, attorneys, musicians or artists.
- 4425 142. **Protected Farmland:** Land which is located in either the IA or PA zoning districts and is covered by a  
4426 farmland preservation agreement or is otherwise legally protected from nonagricultural development.
- 4427 143. **Provider:** See “Carrier”
- 4428 144. **Public Utilities:** Those utilities using underground or overhead transmission lines such as electric,  
4429 telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm  
4430 sewer.
- 4431 145. **Quarter Section and Quarter-Quarter Section:** A division of a section of land according to the rules of  
4432 the original United States Government Public Land Survey.
- 4433 146. **Quasi-Public Uses:** Those facilities which are partially public in nature such as churches, schools,  
4434 cemeteries.
- 4435 146i. **Renewable Energy Generation Facility (Intermediate):** Facility for generating electric power with a  
4436 maximum footprint of 2.5 acres and with a name plate rating of 26kW up to 250kW (generally for large  
4437 dairy, medium scale commercial operations or community solar applications). (6/17/2015); (03/23/2016)
- 4438 146l. **Renewable Energy Generation Facility (large):** Facility for generating electric power with a maximum  
4439 footprint of 5 acres and with a name plate rating of 251 kW up to 500 kW. (generally for large scale  
4440 commercial or community solar applications or large scale renewable energy development applications).  
4441 (06/17/2015)
- 4442 146m. **Renewable Energy:** The generation of electric power from the sun, wind, hydro, biomass or biogas resource.  
4443 (06/17/2015)
- 4444 146s. **Renewable Energy Generation Facility (small):** Facility for generating electric power with a maximum  
4445 footprint of ½ acre and with a maximum name plate rating of 25 kW (generally for residential or small scale  
4446 commercial use). (06/17/2015)
- 4447 147. **Repair Shop:** A place where motor vehicles or other materials are restored to a sound or good or operable  
4448 state after decay, injury, dilapidation or partial destruction.
- 4449 148. **Residential Base Density:** The number of dwelling units allowed within a parent parcel, protracted 40  
4450 and/or government lot and is expressed as the number of dwelling units per acres of land (1:8).
- 4451 149. **Residential Bonus Density:** Two times the Residential Base Density. Allowed under the following  
4452 standards: A covenant is filed with the Register of Deeds referencing the parcel of land under  
4453 consideration for residential development; the covenant shall define the maximum number of dwelling  
4454 units allowed; the covenant shall define/describe the open space and restrict such open space from future  
4455 residential development.
- 4456 150. **Resource Recovery Facility:** A structure in which collected solid waste is converted into reusable  
4457 materials and in which incidental processing such as sorting, baling and storage is engaged in, not inclusive  
4458 of storage of motor vehicles and farm machinery or parts thereof, appliances, putrescible, hazardous or  
4459 toxic waste.
- 4460 151. **Roadside Stand:** A structure having a ground area of not more than 400 square feet, not permanently  
4461 fixed to the ground, readily removable in its entirety, not fully enclosed, and to be used solely for the sale  
4462 of farm products.
- 4463 152. **Satellite dish:** A device incorporating a reflective surface that is solid, open mesh, or bar configured that is  
4464 shallow dish, cone, horn, or cornucopia shaped and is used to transmit or receive electromagnetic signals.  
4465 This definition is meant to include, but is not limited to, what are commonly referred to as satellite earth

- 4466 stations, TVROs and satellite microwave antennas.
- 4467 152s. **Seasonal sign:** A sign, maximum of 32 square feet, erected for a limited period of time when retailing
- 4468 activities for a particular farm product is available to the public. (06/17/2015)
- 4469 **Secondary Dwelling:** A residential structure on a property that is subordinate in size to the primary dwelling.
- 4470 A secondary dwelling may include accessory dwelling units (ADUs) or other additional residential structures
- 4471 permitted by local zoning regulations. The secondary dwelling is characterized by its supportive role to the
- 4472 primary dwelling and may house additional occupants while conforming to the zoning standards applicable
- 4473 to such structures.
- 4474
- 4475 153. **Setback Lines:** Lines established parallel to rights-of-way, lot lines, or water bodies for the purpose of
- 4476 defining limits within which buildings or structures or uses shall be constructed, maintained or confined.
- 4477 154. **Sign:** The use of any words, numerals, pictures, figures, devices or trademarks by which anything is made
- 4478 known to show an individual, firm, profession or business and are visible to the general public.
- 4479 155. **Special Exception:** A special exception allows an owner to put property to a use which the zoning
- 4480 ordinance expressly permits when certain conditions are met. A special exception is sometimes called a
- 4481 conditional use. The two terms mean the same thing.
- 4482 155s. **State Plat:** A map of a division of land prepared in accordance with Ch. 236, Wis. Stats., where:
- 4483 (a) The act of division creates five (5) or more lots each one and one-half (1½) acres or less in area; or
- 4484 (b) Five (5) or more lots each one and one-half (1½) acres or less in area are created by successive
- 4485 divisions within a period of five (5) years. (02/18/2015)
- 4486 156. **Story:** That part of a building between a floor and either the next floor above, or the ceiling. A basement
- 4487 shall constitute a story if it is more than four (4) feet above grade level.
- 4488 157. **Streets, Roads or Highways:** A thoroughfare which may either provide the principal means and/or
- 4489 movement of pedestrian and vehicular access to abutting property.
- 4490 158. **Streets, Roads or Highways, Private:** A thoroughfare which is owned and maintained by a private entity
- 4491 for the use by a limited membership.
- 4492 159. **Streets, Roads or Highways, Public:** A thoroughfare which is owned and maintained by a governmental
- 4493 entity for use by all members of society.
- 4494 160. **Structural Alteration:** Any change in the supporting members of a building such as bearing walls,
- 4495 columns, rafters, beams, girders, footings and piles.
- 4496 161. **Structure:** Anything constructed or erected, the use of which requires a permanent or temporary location
- 4497 on or in the ground, stream bed or lake bed, including but not limited to objects such as buildings, factories,
- 4498 sheds and cabins, mobile/manufactured homes, bridges, and transmission towers.
- 4499 (a) **Accessory Structure:** A subordinate structure which is clearly and customarily incidental to and
- 4500 located on the same lot as a principal structure except that mobile/manufactured homes are not allowed
- 4501 as storage structures.
- 4502 (b) **Principal Structure:** The main structure on a lot.
- 4503 162. **Structure Height:** Structure height is the measurement of the vertical line segment starting at the lowest
- 4504 point of any exposed wall and its intersect with the ground to a line horizontal to the highest point of a
- 4505 structure. (01/18/2017)
- 4506 163. **Structure Setback:** The minimum distance between structure or use and property line or a road right-of-
- 4507 way line or high water mark of a water body.
- 4508 163s. **Substation:** A fenced in assembly of equipment in an electric power system through which electric energy
- 4509 is passed for transmission, transformation, distribution, or switching generally reducing high voltage
- 4510 transmission electric power to make it suitable for supply to customers. (06/17/2015)
- 4511 164. **Tailing Ponds:** Those areas where liquified accumulations of waste from the processing of mining are
- 4512 placed on the land surface.
- 4513 165. **Telecommunications Facility:** A facility, site, or location that contains one or more antennas,
- 4514 telecommunications towers, alternative support structures, satellite dish antennas, other similar
- 4515 communication devices, and support equipment which is used for transmitting, receiving, or relaying
- 4516 telecommunications signals, excluding facilities exempted under 13.3.12.
- 4517 166. **Telecommunications Facility Structure:** A telecommunications tower or alternative support structure on
- 4518 which telecommunications antenna(s) may be mounted.
- 4519 167. **Telecommunications Tower:** Any structure that is designed and constructed primarily for the purpose of
- 4520 supporting one or more antennas, including camouflaged towers, lattice towers, guy towers, or monopole

- towers. This includes radio and television transmission towers, microwave towers, and common-carrier towers. It shall exclude alternative support structures and those facilities exempted under 13.3.12.
- 4521 towers. This includes radio and television transmission towers, microwave towers, and common-carrier  
4522 towers. It shall exclude alternative support structures and those facilities exempted under 13.3.12.  
4523 167m. **Tourism:** The activity or business of providing information, food and/or lodging accommodations,  
4524 transportation, entertainment and other services to tourists. (06/17/2015)  
4525 167s. **Town Border Station:** A fenced in assembly of equipment through which natural gas is passed for  
4526 transmission to distribution pressures, and generally a point or measuring station at which a distributing gas  
4527 utility receives gas. (06/17/2015)  
4528 168. **Tract:** A stretch of land.  
4529 169. **Trailer, Travel:** A vehicular portable structure built on a chassis, with or without complete kitchen, toilet,  
4530 such facilities designed to be used for temporary habitation for travel or recreation.  
4531 170. **Unnecessary Hardship:** Circumstance which as a result of special conditions which were not self-created,  
4532 affect a particular lot and make strict conformity with restrictions governing area, setbacks, frontage, height  
4533 or density unnecessarily burdensome or unreasonable in light of the purposes of this ordinance.  
4534 171. **Use:** The purpose for which land or structures, or portions thereof, are occupied or maintained.  
4535 (a) **Use, Accessory:** A use which is clearly and customarily incidental to and located on the same lot as a  
4536 principal use.  
4537 (b) **Use, Permitted:** A principal or accessory use of land or structures which is allowed as a matter of  
4538 right within a particular district or districts, provided it conforms to all applicable requirements and  
4539 standards of the districts.  
4540 (c) **Use, Principal:** The primary or main use of land or structures as distinguished from an accessory use.  
4541 172. **Utilities:** Any public or private water supply or waste collection and/or disposal system including, but not  
4542 limited to, septic systems, private and public wells including their attendant facilities, public sewage  
4543 collection systems, and public utilities such as natural gas electric and telephone systems.  
4544 173. **Utility Pole Mounted Antenna:** An antenna attached to or upon an existing or replacement electric  
4545 transmission or distribution pole, street light, traffic signal, athletic field light, or other approved similar  
4546 structure.  
4547 173m. **Value-added agriculture:** The enhancement or improvement of the overall value of an agricultural  
4548 commodity, animal or plant product through means such as; marketing, agricultural processing, packaging,  
4549 education presentation and tours. (06/17/2015)  
4550 174. **Variance:** The waiving by the Board of Adjustment of the literal provisions of this ordinance in cases  
4551 where their strict enforcement would cause undue hardship because of physical circumstances unique to the  
4552 property involved (limited to height, bulk, density and yard requirements.)  
4553 175. **Vehicular Sign:** Signs placed on or affixed to vehicles and/or trailers that are parked on a public right-of-  
4554 way, public property, or private property so as to be visible from a public right-of-way where the apparent  
4555 purpose is to display the sign. However, this is not in any way intended to prohibit signs placed on or  
4556 affixed to or in the windows of vehicles and trailers, such as lettering on motor vehicles, where the sign is  
4557 incidental to the primary use of the vehicle or trailer.  
4558 176. **Warehouse:** A building used primarily for the storage of goods and materials.  
4559 177. **Warehouse, Mini:** A building consisting of individual, small, self-contained units that are leased or owned  
4560 for the storage of business and household goods or contractor's supplies.  
4561 178. **Waste storage facility:** One or more waste storage structures. "Waste storage facility" includes stationary  
4562 equipment and piping used to load or unload a waste storage structure if the equipment is specifically  
4563 designed for that purpose and is an integral part of the facility. "Waste storage facility" does not include  
4564 equipment used to apply waste to land.  
4565 179. **Waste storage structure:** A waste storage impoundment made by constructing embankments, excavating a  
4566 pit or dugout, or fabricating a structure. "Waste storage structure" does not include equipment used to apply  
4567 waste to land. For purposes of ss. ATCP 51.12 (2) and 51.14, "waste storage structure" does not include  
4568 any of the following:  
4569 (a) A structure used to collect and store waste under a livestock housing facility.  
4570 (b) A manure digester consisting of a sealed structure in which manure is subjected to managed biological  
4571 decomposition.  
4572 180. **WPDES permit:** A Wisconsin pollutant discharge elimination system permit issued by DNR under ch.  
4573 NR 243.  
4574 181. **Watershed:** The entire region or area contributing runoff or surface water to a particular watercourse or  
4575 body of water.

- 4576 182. **Well:** An excavation opening in the ground made by digging, boring, drilling, driving or other methods,  
4577 for the purpose of obtaining groundwater regardless of its intended use.
- 4578 183. **Wetlands:** Those areas where water is at, near or above the land surface long enough to be capable of  
4579 supporting aquatic or hydrophytic vegetation, and having soils indicative of wet conditions.
- 4580 184. **Yard:** Open space on a lot unoccupied by structures.
- 4581 185. **Yard, Front:** A yard extending across the full width of a lot between the front lot line and the nearest  
4582 part of the minimum front yard setback.
- 4583 186. **Yard, Rear:** A yard extending the full width of the lot between the rear lot line to the nearest part of the  
4584 structure.
- 4585 187. **Yard, Side:** A yard on each side of the structure extending from the structure to the lot line and from the  
4586 front yard line to the rear yard line.
- 4587 188. **Zoning District:** A land area in which the zoning regulations are uniform. Requirements vary from  
4588 district to district, but they must be uniform within districts.
- 4589 189. **Zoning Map:** A map showing the location of zoning districts within a county, city or town which, along  
4590 with the zoning text, comprises the zoning ordinance.
- 4591 190. **Zoning Permit:** A permit issued by the code administrator indicating that the submitted plans comply with  
4592 the zoning ordinance and that the use or structure proposed is allowed by the ordinance or has been allowed  
4593 by the granting of a variance by the zoning board of adjustment.
- 4594 191. **Zoning Text:** The text of the zoning regulations containing the terms and conditions of zoning within the  
4595 community and setting forth zoning standards, procedures and requirements. The zoning text, along with  
4596 the zoning map, constitute the zoning ordinance.

4597  
4598 Adopted September 19, 2013.

4599  
4600 Dates of Amendments are shown in parentheses following amended sections.

4601  
4602

**Appendix A**

Animal Units Calculator  
For Use in R1, R2 and R3 Districts

Livestock Type		Animal Unit Factor
Dairy Cattle	Milking and Dry Cows	1.4
	Heifers (800 lbs to 1200 lbs.)	1.1
	Heifers (400 lbs to 800 lbs.)	0.6
	Calves (up to 400 lbs.)	0.2
Beef Cattle	Steer or Cows (600 lbs.)	1
	Calves (less than 600 lbs.)	0.5
	Bulls (each)	1.4
Veal Calves	Per Animal	0.5
Swine	Pigs (55 lbs.)	0.4
	Pigs (up to 55 lbs.)	0.1
	Sows (each)	0.4
	Boars (each)	0.5
Turkeys	Per bird	0.018
Ducks	Per Bird	0.2
Sheep	(each)	0.1
Goats	(each)	0.1
Llamas	(each)	0.1
Alpacas	(each)	0.075
Horse or Pony	(each)	1.0



# DUNN COUNTY REGISTER OF DEEDS

*Heather M. Kuhn*

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3001 US Highway 12 East • Suite 112 • Menomonie, WI • 54751 (715) 232-1228

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**TO:** Planning, Resource & Development Committee  
**FROM:** Heather M. Kuhn, Register of Deeds  
**DATE:** April 9, 2024  
**RE:** March 2024 monthly update

Monthly Statistics	Jan-24	Feb-24	Mar-24
Total # of copies of vital records issued	322	405	328
# of Deaths filed	26	21	25
# of Marriages filed	7	10	11
Total # of ownership transfers	131	112	107
Total value of real estate sales	\$12.4 million	\$11.1 million	\$9.1 million
Total # of Documents recorded	402	342	396
Total # of in-person customers	210	242	231
Total \$ Received	\$58,323.70	\$53,317.63	\$48,216.85
General fund revenue	\$21,438.39	\$20,133.16	\$20,659.82
Revenue retained for County Land Info	\$3,216	\$2,736	\$3,168

## OTHER ACTIVITIES:

- Attended Property Records Industry Association Winter Symposium virtually – topics included Cyber Threats, Blockchain Technology, HR challenges, Foreign Land ownership, GIS & Statewide indexes, Business Continuity, Redaction/Record Shielding, and Property Fraud
- Met with software vendor
- Met with judicial security workgroup
- Software update coordinated with vendor and IT
- Attended Department Head/Management meeting
- Approved staff time for payroll and other journal entries for the Treasurer’s office
- Prepared carryforward request
- Met with Accounting pit crew

# COUNTY OF DUNN

# Environmental Services Department

## **Survey Division**

Thomas P. Carlson, County Surveyor  
3001 US Highway 12 E., Suite 240A  
Menomonie, WI 54751  
Ph: 715-231-6526  
Email: [tcarlson@co.dunn.wi.us](mailto:tcarlson@co.dunn.wi.us)



**TO:** Planning, Resource, and Development Committee

**FROM:** Tom Carlson

**SUBJECT:** March 2024 Staff Report

**DATE:** April 9, 2024

During the month of March, nine Certified Survey Maps were submitted to the county for review. The following table shows where these land divisions have occurred, how many new parcels were created, and how much acreage was included.

<u>Town</u>	<u>New Parcels Created</u>	<u>Acreage</u>
Tiffany	2	24.91
Peru	1	22.70
Elk Mound	4	22.58
Wilson	2	21.01
Otter Creek	2	20.06
New Haven	1	6.42
Menomonie	1	4.32
Sand Creek	1	4.17
Dunn	1	1.00
<b>Totals</b>	<b>15</b>	<b>127.17</b>

In addition, nine Maps of Survey were submitted for review and filing. Remonumentation work was performed on nine Public Land Survey System corners in the Towns of Tiffany, Sheridan, and Elk Mound. Two 1/16<sup>th</sup> corners (40 corners) were also visited.

During the month of March, I attended two Steering Committee meetings related to the County's Enterprise, Resource, and Planning (ERP) System.

On March 18, I was invited to give a back-to-back two-hour presentation to two different groups of approximately 20 students enrolled in a Site Engineering course at U.W. Stout. I shared a power point presentation with each group of students that covered the following topics:

- \*Duties of the County Surveyor's Office
- \*Types of surveys and the county survey index
- \*County involvement in construction projects
- \*Legal aspects such as adverse possession, water law, landlocked parcels and fences
- \*United States Public Land Survey System
- \*Legal descriptions and parcel mapping

Sincerely,

Thomas P. Carlson, PLS  
Dunn County Surveyor



## Planning & Land Use (Zoning)

3001 US Hwy 12 E., Menomonie, WI

715-231-6520

[pandz@dunncountywi.gov](mailto:pandz@dunncountywi.gov)

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### **MONTHLY REPORT: MARCH 2024**

This report summarizes the activities and developments within the Planning and Land Use (Zoning) Divisions for March 2024.

#### OPERATIONAL UPDATES

Enforcement Officer/Planner, Michelle Hrdlicka is currently out on leave and returning in June. Michelle leads our Private On-Site Wastewater Treatment System (POWTS) inspection team. Fortunately, Enforcement Officers/Planners Tammy Traxler and Tracie Albrightson, along with Environmental Health Manager Jeff Robb from Dunn County's Health Department have all received their POWTS certifications and are ready to take on this work in Michelle's absence.

Seasonal Zoning Specialist, Jacki Drier is expected to return on April 15. This will mark Jacki's fourth season with our team, bringing valuable expertise and continuity to our operations.

Finally, we are excited to start conducting interviews this week for a full-time Program Assistant within our division.

#### BOARD OF ADJUSTMENT

During the March 18th Board of Adjustment meeting, the Board evaluated a request for a non-farm residence within the Primary Agriculture zoning district, submitted by the Renee Flatland. The request was presented and thoroughly discussed, ultimately resulting in unanimous approval.

The Board of Adjustment will hold their next meeting on April 17th, 2024. The Board will deliberate on an after-the-fact variance request to reduce to road right-of-way setback for a property located in the Town of Red Cedar. This request, submitted by Tom and Carie Grall, involves an existing accessory structure built within the setback.

Thank you for your continued support and collaboration!

*Anne Wodarczyk*

Planner/Zoning Administrator



Dunn County Environmental Services Department  
**Dunn County Land and Water Conservation Division**  
3001 US Highway 12 East, Suite 240A, Menomonie, WI 54751  
Phone (715)232-1496

April 2024 Land and Water Conservation Division Report to the PR&D/LCC Committee

For the month of April, to date, the LWCD worked on, but not limited to, the following items:

1. Annual reporting, grant administration – We have submitted our annual Soil & Water Resource Management Grant Application to the Department of Agriculture, Trade and Consumer Protection (DATCP). This grant provides funding for our cost-share programs and some funding to support staff wages & fringe benefits. Our application requests approximately \$100,000 in cost-share funding and approximately \$500,000 in staffing support for the 2025 year. It is anticipated that, like every year, there will not be enough funds available to meet our request and we will receive a reduced grant in cost-share funding and staffing dollars.
2. Nutrient Management Planning (NMP) – New and updated nutrient management plans are required to be submitted to our office by April 1<sup>st</sup> each year. Those that participate in the Farmland Preservation Program, have a Manure Storage Permit, or have received cost-share to develop an NMP are all required to update their plan and submit them to our office. We also accept and receive many NMPs on a voluntary basis. We are reviewing those plans that have been submitted and will be following up with those that have not submitted their plans by the April 1<sup>st</sup> deadline.
3. Snowmobile Trail Program – we have been working with a Dunn County snowmobile club in their pursuit to reroute a trail and construct new bridges in the Stanton Township area. We are assisting them in collecting the necessary information to pursue grant funding for the project.
4. Eau Galle River Watershed – We are partnering with Pierce, Pepin and St. Croix Counties in the development of a Eau Galle River Watershed Assessment Plan. This plan will assess the current conditions of the watershed and identify future opportunities for the implementation of conservation practices that will benefit the watershed. The development of such plan can open the doors for future funding of conservation practices.
5. Field Season – Our field season is underway. Our rental equipment of tree planters, and the no till drill are in full swing. Our construction of conservation practices is also starting with the construction of a grassed waterway in Dunn Township.

Finally, we will provide our updated financials, including our projections, in our May report. If you have questions at any time, please do not hesitate to contact me.

Chase Cummings  
County Conservationist  
715-231-6535

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RECOMMENDATION	WORK PLAN ELEMENT(S)	PROGRESS TO DATE
<p><i>Adopt policies to preserve and protect Dunn County groundwater resources</i></p>	<p><i>Adopt a Stormwater Management Ordinance</i></p>	<p><i>PR&amp;D Committee should consider analysis of staff time needed to achieve this 6/28/2022 Staff compiled considerations, present and discuss at PR&amp;D, request for direction. Due to staff workload and funding, recommendation on hold, future consideration.</i></p>
	<p><i>Adopt an Erosion Control Ordinance</i></p>	<p><i>PR&amp;D Committee should consider analysis of staff time needed to achieve this 6/28/2022 Staff compiled considerations, present and discuss at PR&amp;D, request for direction. Due to staff workload and funding, recommendation on hold, future consideration.</i></p>
	<p><i>Revise existing ordinances (or consider new ordinances) to require buffers around wetlands</i></p>	<p><i>PR&amp;D Committee should consider how best to incorporate wetland protections into new or existing ordinances</i>            08/25/2020 75 foot wetland buffer setback included in draft Survey Ordinance            01/08/2021 Spoke to Corp Counsel about developing wetland conservation ordinance- has been postponed to April-May due to DNR wetland rule revisions            6/28/2022 Staff compiled considerations, present and discuss at PR&amp;D, request for direction. Due to staff workload and funding, recommendations beyond the current wetland setback required in the Land Division Ordinance are on hold for future considerations.</p>
	<p>Revise the Dunn County code of ordinances to grant citation authority to the Dunn County Environmental Services Department (ENS)</p>	<p>9/24/19 Corporation Counsel presented on ongoing efforts to draft this ordinance            7/28/2021 County Board adopted the Ag Performance Standards and Manure Storage and Management Ordinance. This ordinance includes citation provisions.</p>
	<p>Revise the Dunn County Subdivision Ordinance</p>	<p>9/24/19 Corporation Counsel presented on ongoing efforts to update this ordinance            08/25/2020 Committee review of draft Subdivision/Land Division Ordinance            08/25/2020 Committee review of draft Manure Storage Ordinance            12/22/2020 Public Hearing, Committee reviews draft Manure Storage Ordinance            Committee review of draft Land Division Ordinance: 1/12/21; 1/26/21; 2/9/21; 2/23/21; 3/9/21; 4/13/21; 6/8/21            2/23/2021 Committee review of draft Manure Storage Ordinance            4/13/2021 Public Hearing, Committee review of draft Land Division Ordinance            05/11/2021 Public Hearing, Committee recommends draft Manure Storage Ordinance to Co. Board            06/9/2021 Manure Storage Ordinance presented to Executive Committee            10/12/2021 Land Division Ordinance Draft scheduled for public hearing            11/16/2021 Land Division Ordinance public hearing.            12/15/2021 Land Division Ordinance First Reading by County Board.            01/19/2022 Land Division Ordinance Second Reading by County Board. Adopted.            02/22/2022 Staff presented GW Ad Hoc Work plan timeline to PR&amp;D. This timeline describes which PR&amp;D meeting each element will be discussed to provide info and determine next steps in addressing the elements.            2/2023 ENS discussion on amendments to the Land Division Ordinance. LWCD review GW impacts, etc.            5/2023 ENS and PR&amp;D review proposed amendments to Land Division Ordinance. Consider purpose of ordinance as it relates to suitability standards and future conflict prevention.            7/2023: Land Division Ordinance amendments approved by County Board.</p>
<p><i>Support and encourage land use BMPs throughout Dunn County</i></p>	<p><i>Establish a county initiative to support agricultural diversity as an economic development and water quality strategy</i></p>	<p><i>No action currently, PR&amp;D should review implementation plan for this item 5/2022; 6/2022, ongoing: "Red Cedar Beef Feeding Clear Water" partnership group working to develop an economic strategy that promotes farm diversity and clean water.</i></p>

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		<p>10/2022: "Red Cedar Food Alliance" continues to work on this topic. Grant and partnership work through UW-Stout and Grassland 2.0 opportunities continue to be worked on.</p> <p>2/17/2023: Further discussion on "Red Cedar Learning Hub" with partners.</p> <p>5/2023: Steering Committee meeting for Red Cedar Learning Hub. Scoping purpose and outcomes of learning hub.</p> <p>7/2023: Steering Committee meeting for Red Cedar Learning Hub.</p> <p>8/2023: Steering Committee and other stakeholder meeting for Red Cedar Learning Hub.</p> <p>10/2023: Steering Committee meeting for the Red Cedar Learning Hub.</p> <p>2/2024: Steering Committee meeting for the Red Cedar Learning Hub. (2 meetings in February).</p> <p>3/2023: Discussion regarding opportunities and contributions the Red Cedar Learning Hub activities could provide in the Public Outreach portion of the County's Comp Plan update.</p>
	<p>Implement Nutrient Management Plans (NMPs) on 100% of cropland and pasture land in Dunn County</p>	<p>2020 Current level of NMP participation in Dunn County: 26%</p> <p>NMP Specialist 2020 contacts: 110 Farmers with NMP plans submitted, 65 of these are provided for FPP, 7 for CAFO requirements, and 34 due to current manure storage ordinance.</p> <p>4/1/2021 NMPs submitted = 51,638 acres (21%). Still waiting on several plans. Follow up on missing plans in progress.</p> <p>6/8/2021 Review with NRCS partner 2022 EQIP Screening &amp; Ranking criteria, including promotion of NMPs and review of Source Water Protection watershed criteria.</p> <p>6/11/2021 NMPs submitted = 59,086 acres (24%).</p> <p><u>NOTE:</u> Land &amp; Water Conservation Division continues to implement a wide range of BMPs across Dunn County including dams, waterways, cover crops, soil sampling, etc.</p> <p>12/2021 Approximately \$28,000 in cost-share funds have been allocated to new NMPs, for an additional 700 acres.</p> <p>5/10/2022 Staff presented to PR&amp;D on status of NMP coverage and implementation.</p> <p>6/2/2022 DATCP approved the transfer of \$20,000 in NMP cost-share funds from Jackson Co. to Dunn Co.</p> <p>6/16/2022 DATCP approved the transfer of \$10,000 in NMP cost share funds from Barron Co. and \$7,024 from Kenosha Co. to Dunn County. A total of \$57,024 will be spent on NMP cost-share in 2022, approximately 1,425 new NMP acres.</p> <p>5/12/2023: Current annual NMP submittal coverage is approximately 24%. Follow up on missing NMPs is ongoing.</p> <p>7/25/2023: LWCD's NMP Specialist (Drier) report to PR&amp;D on NMP progress.</p>
	<p>Promote a farmer-led rotational grazing initiative</p>	<p>No action currently, held until 2020</p> <p>06/2020- LWCD staff arranged a pasture walk to educate an Eau Galle producer interested in rotational grazing.</p> <p>10/2020- LWCD staff met with a Town of Lucas producer looking to create a rotational grazing plan.</p> <p>5/2022; 6/2022, ongoing: "Red Cedar Beef Feeding Clear Water" partnership group working to develop an economic strategy that promotes farm diversity and clean water through rotational grazing and local supply chains.</p> <p>10/2022: "Red Cedar Food Alliance" continues to work on this topic. Grant and partnership work through UW-Stout and Grassland 2.0 opportunities continue to be worked on.</p> <p>2/17/2023: Further discussion on "Red Cedar Learning Hub" with partners.</p> <p>5/2023: Further discussion related to the "Red Cedar Learning Hub".</p>

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		8/2023: See Red Cedar Learning Hub efforts.
Adopt and maintain the most current mapping technologies to provide easily accessible Dunn County land use information	Aggregate existing spatial data relevant to groundwater protection into a mapping tool for use internally for project review and for use by the public to access important information and data	<p>Land Information staff has created an online tool to summarize all water sampling data for viewing by staff &amp; public; needs minor edits before launch.</p> <p>Land Information GW Data presentation to PR&amp;D on 9/8/2020 (Decision that departments will scan and email any new sample results to Rachel)</p> <p>02/18/2021 LWCD and Land Information meeting to discuss data available to public.</p> <p>9/8/2021 LWCD, Corp Counsel review of data privacy concerns.</p> <p>12/2021 Dunn County Well Water Viewer interactive GIS tool is now “public” and will be available with groundwater content on the new DC website in January 2022.</p> <p>1/2022 Awaiting the release of the updated Dunn County website.</p> <p>5/10/2022 Staff presented to PR&amp;D the well water viewer and new website.</p> <p>1/2024: well water viewer updated with new samples collected as a part of the 2023 private well monitoring program, funding through ARPA.</p>
<i>Incorporate the protection of water resources into the Comprehensive Land Use Plan as well as other long-term Dunn County plans</i>	<i>Update the Dunn County Comprehensive Land Use Plan to recognize groundwater as a valued resource and prioritize specific ways to preserve and protect the resource</i>	<p><i>Comprehensive Land Use Plan currently being updated; PR&amp;D Committee should consider emphasis on increasing towns participating in FPP/AEA as a means to increase NMP participation</i></p> <p>08/04/2020 A Petition to expand the Town of Grant AEA submitted and approved by DATCP</p> <p>08/25/2020 Comprehensive Plan update in progress.</p> <p>7/2023: Comprehensive Plan update with PR&amp;D Committee.</p>
Launch an educational and informational campaign in collaboration with interested stakeholders to increase awareness of the importance of water resources, causes and prevention of water pollution, and the collective impact of all land use on our water resources	Develop a water quality campaign to engage and collaborate with stakeholders and community groups	<p>10/8/19: Tainter-Menomin Lake Improvement Association Annual Meeting</p> <p>10/17/19: Dr. Borchardt Water Quality Talk</p> <p>Health Dunn Right: Health Environment Action Team formed</p> <p>01/25/2020 Groundwater model presentation at Community Conversation (Travis)</p> <p>02/24/2020 EPHT report maps as part of Water Quality presentation at the County</p> <p>02/24/2020 County Board Legislative Agenda night presentation (Tom Quin)</p> <p>07/28/2020 LWCD shared CGS Phase II Results with PR&amp;D Committee</p> <p>06/1/2021 Boyceville 4<sup>th</sup> Grade Field Day – event included groundwater lesson</p> <p>07/14/2021 Presentation to HEAT on LWCD programs, goals.</p> <p>10/19/2022 – Field Day at Demo Farm with UW-Stout student class regarding nutrient management, soil health, and GW &amp; SW impacts.</p> <p>4/22/2023: LWCD presentation through HEAT and Community Conversations.</p> <p>10/2023: Beginning to develop framework for “Water Quality Forum” to share information with Public. In cooperation with HEAT grant. Red Cedar Watershed Conference will have a “Groundwater” theme. More info to come on details.</p> <p>3/2024: Red Cedar Watershed Conference “Groundwater” theme. Other outreach events.</p>
	Develop an informational campaign for the agricultural community	<p>8/6/19: Lake Family Farms Summer Field Day</p> <p>12/17/19: Red Cedar Conservation Farmers Winter Workshop (Dr. Borchardt)</p> <p>Health Dunn Right: Health Environment Action Team formed</p> <p>02/25/2020 Dunn County Farm Bureau Meeting (Dan)</p> <p>05/2020 Closed one idle manure storage structure, Town of Wilson</p> <p>05/2020 Closed two abandoned well, Towns of Tainter and Eau Galle</p> <p>05/26/2020 DATCP Targeted Sampling Summary Report 2019 to PR&amp;D</p> <p>09/30/2020 Submitted Article on the Draft Manure Management Ordinance to FB</p> <p>10/2020- One abandoned well closed in Town of Weston</p> <p>10/2020 One idle manure storage closed in Town of Weston</p>

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		<p>04/2021 – one abandoned well closed in Town of Dunn 06/23/2021 – Field Day at Lake Family Farms w/RCCF and Hay River FLW Groups, etc. GW content discussed, including proposed NR151 Targeted Perf. Std. for Nitrate. 5/24/2022 – Field Day at Maple Ridge Dairy (Steve Olson) RCCF &amp; HRFLW Groups. Nutrient loss to GW discussed. 9/1/2022 – Field Day at Red Cedar Demonstration Farm. Farmer focus on nutrient management and soil health practice impact on groundwater. 9/19/2022 – Field Day at Cormican’s. RCCF &amp; HRFLW. Discuss soil health and testing to reduce N application rates. 12/19/2022 – RCCF Winter meeting. Discuss soil health and water quality impacts including GW. 4/4/2023: GW discussions with Red Cedar Conservation Farmers – FLW Group. 3/2024: Private well/ Groundwater monitoring (2023) report presentation to Red Cedar Conservation Farmers and Hay River Producer Led Watershed Groups.</p>
	Present all proposed recommendations to Dunn County towns, villages, and cities	<p>10/7/19: Town of Dunn Plan Commission 10/7/19: Town of Rock Creek Plan Commission 10/9/19: Town of Dunn Board Meeting 10/16/19: Dunn County Board Meeting 10/21/19: Town of Peru Board Meeting 10/27/19: WI Town’s Association, Dunn County Chapter Meeting 6-7/2021: Assist Town of Colfax in private well sampling interpretation 9/22/2021: GW presentation to Town of Colfax Planning Commission 12/2021: Provided GW information to consultant for Town of Tainter Comp Plan update. 6/6/2022: Staff attended and presented to Town of Dunn Plan Commission on GW. 12/2022: Staff have been in contact with most townships to discuss the private well monitoring program. PFAS sampling conducted in 1/2023 in each township. Some towns helped recruit participation in private well program through outreach efforts. 1/2024 – 4/2024: public presentations on groundwater program data collection and monitoring reports. Presentations: City/Town/County meeting; PR&amp;D and County Board; Red Cedar Watershed Conference; WI Land + Water Conference; Dragon Tales Book Store, Environmental Series; Dunn Co. Towns Association meeting.</p>
Increase the amount of monitoring of private wells and septic systems in Dunn County including the implementation of a well testing program	Establish voluntary monitoring of private wells and septic systems	<p>PR&amp;D Committee should consider analysis of staff time needed to achieve this 01/2021- LWCD has started working with Zoning to help address backlog of septic permit tracking 5/10/2022: Volunteer sample kits available through LWCD, Planning and Zoning, and Public Health. Advertising on County website and other networking.</p>
	Launch a voluntary well testing program	<p>EPHT Grant: testing in Towns of Dunn, Peru, Spring Brook, and Rock Creek (76 samples collected), summary/map EPHT Grant: 20 Phase II samples collected and delivered to the WEAL Lab on 02/19/2020 for pharmaceutical and ag chemical analysis. (LWCD0 Results returned to Dunn County on April 15<sup>th</sup>. Red Cedar Conservation Farmers: testing in Towns of Grant, Wilson, Sand Creek, etc (26 samples collected) 01/25/2020 Red Cedar Conservation Farmers Grant amended to include \$5,000 for surface and ground water sampling 08/07/2020 LWCD staff met with a Town of Colfax resident to explore combining RCCF ground water sampling with planned sampling in the Town of Colfax 09/28/2020 12 Well water samples collected in the RCCF Farmer Led Watershed</p>

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		<p>12/2020- Spoke with Town of Colfax resident, Well samples have been collected, and results will be sent to LWCD for inclusion in County data 6/2021: Compile and interpret additional Town of Colfax voluntary samples. 7/2021: Coordinated with Public Health Department on well testing program. LWCD point of contact for general well testing, distribution of kits, results/data management. PH contact for health related inquiries, new born testing, also kit distribution, etc. 8/2021 Requested additional water sample kits from UWSP-WEAL. 9/2021 Additional work on advertising well testing options. 10/2021 Voluntary well testing program established. Confirmation with Public Health. Awaiting release of new county website. Communication with public about well testing program available. 10/2021 Red Cedar Conservation Farmers conducted private well testing on 10 wells within their watersheds. Sampled for nitrates and bacteria. Awaiting results. 2/2022: Consideration for use of American Rescue Plan Act of 2021 (ARPA) funds toward private well monitoring program. Developing program options. 3/8/2022: PR&amp;D/LCC passed request to full County Board for use of \$175,000 in ARPA funds for private well monitoring program. 6/2022: Staff will be establishing a plan for implementation, with actual collection of samples in 2023. 10/2022: Private well monitoring program advertisement has begun for use of the ARPA funding. Flier distributed to Towns, HEAT group assisting in mailings. 1/17/2023: To date, 803 private wells have been registered for the monitoring program in 2023. Facilitation of sampling continues. 2/17/2023: To date, 896 private wells have been registered for the monitoring program in 2023. Facilitation of sampling continues with sample collection planned to start in May 2023. 03/10/2023: To date, 967 private wells have been registered for the monitoring program in 2023. 5/12/2023: Private well monitoring program on track for completion. Sampling of 1,015 private wells began 5/22/2023. 7/2023: Private well monitoring program sample collection completed. Awaiting results. Compilation of results and educational materials is in progress. 10/2023: Present initial results to PR&amp;D committee. Preparing full report to share with community. 4/2024: Groundwater/Private well monitoring report presentation. Continuation of program in 2024. Approximately \$28,000 remain of the previous ARPA allocation. 240 more wells will be sampled in July 2024.</p>
<p><i>Establish a Water Resources Council to provide ongoing coordination and support for water quality and quantity issues in Dunn County</i></p>	<p><i>Establish a Water Resources Council to provide ongoing collaboration on water quality and quantity issues with interested stakeholders</i></p>	<p><i>PR&amp;D Committee should consider how to structure this proposed council for success and determine what the role of this group might be</i> 10/2021 Staff research intent of Water Resources Council and other examples. 12/28/2021: PR&amp;D Committee considered the creation of a water resources council, including public comments, and determined that such a council is currently not feasible at this time. 2/2022: LWCD Staff reviewing other methods for stakeholder collaboration, such as routine community wide forum(s).</p>
<p>Provide citizens and staff of Dunn County with an easily accessible online resource for accessing information, resources, and data about water resources in Dunn County</p>	<p>Create a water quality web page that will provide citizens with resources, information, and a point-of-contact staff member</p>	<p>Through partnership with Public Health Department, a UW-Stout student will be hired to develop this web page</p>

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		<p>7-8/2021 Developing webpage in-house to include groundwater quality map viewer, context for groundwater quality interpretation, Heather Wood LWCD point of contact. Expect new website to be completed by end of 2021.</p> <p>10/2021 Development of content and framework in preparation for new website.</p> <p>1/2022 Content developed, awaiting release of updated County website.</p> <p>3/2022 "Beta" version of website reviewed by LWCD &amp; PH Staff.</p> <p>5/10/2022: Website is publicly available. Continuous updates will occur as information is available. Heather Wood, Water Resources Specialist is the main point of contact.</p>
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30 (b) Private recreational uses including but not limited to swimming, tennis, horticulture and  
31 playground activities.

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33 **Section 13.2.4.04(c) is created to read as follows:**

34 (c) Bed and breakfast establishments pursuant to Chapter 254.61 Wis. Stats

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36 **Section 13.2.4.04(d) is created to read as follows:**

37 (d) Crop farming on un-improved lots.

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39 **Section 13.2.4.04(e) is created to read as follows:**

40 (e) Detached Accessory Dwelling Unit pursuant to Section 13.3.17

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42 **Section 13.2.4.05 is amended to read as follows:**

43 13.2.4.05 Permitted Accessory Structures: Those structures necessary to house the accessory  
44 uses. Permits must be issued for a permitted principal structure (13.2.4.03) before permits will be  
45 issued for accessory structures. Accessory structures shall not be designed or used in part or  
46 whole for human habitation or any unauthorized accessory use; unless properly permitted.

47

48 **Section 13.2.5.05 is amended to read as follows:**

49 Those structures necessary to house the permitted accessory uses. Permits must be issued for a  
50 permitted principal structure before permits will be issued for an accessory structure. Accessory  
51 structures shall not be designed or used in part or whole for human habitation or any unauthorized  
52 accessory use; unless properly permitted.

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54 **13.2.8.02(h) is amended to read as follows:**

55 (h) ~~Single-family housing~~ Single-family dwelling (02/18/2015)

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57 **13.2.8.02(k) is created to read as follows:**

58 (k) Attached Accessory Dwelling Unit (AADU) pursuant to Section 13.3.17

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60 **13.2.8.04(e) is created to read as follows:**

61 (e) Detached Accessory Dwelling Unit (ADU) pursuant to Section 13.3.17

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**13.2.8.05 is amended to read as follows:**

**13.2.8.05 Permitted Accessory Structures:** Those structures necessary to house the accessory uses. Permits must be issued for a permitted principal structure (13.2.8.03) before permits will be issued for accessory structures. Accessory structures shall not be designed or used in part or whole for human habitation or any unauthorized accessory use unless properly permitted.

**13.3.17 is created to read as follows:**

**13.3.17 Supplementary Use Regulations: Accessory Dwelling Units**

**13.3.17.01 is created to read as follows:**

**13.3.17.01 Purpose and Intent.** To allow more efficient use of existing housing stock and infrastructure; providing a broader range of housing opportunities that responds to changing family needs; and offering a means for residents to remain in their homes and neighborhoods and obtain security, services, and companionship.

**13.3.17.02 is created to read as follows:**

**13.3.17.02 Applicability.** No more than one ADU is permitted per lot or parcel.

**13.3.17.03 is created to read as follows:**

**13.3.17.03 Definitions.** As used in this section, the following terms have the meanings as defined in 13.7.0 and repeated here for reference:

**13.3.17.03(a) is created to read as follows:**

**(a) Accessory Dwelling Unit (ADU):** An additional single-family dwelling unit that is subordinate in size to a single-family dwelling, and located on the same parcel as a single-family dwelling. It provides independent living facilities for one or more persons. For the purposes of this ordinance, the terms “Accessory Dwelling Unit” or “ADU” encompass all three subtypes. The subtypes are as follows:

**13.3.17.03(a)1. is created to read as follows:**

**1. Attached (AADU):** Physically connected to the principal single-family dwelling, sharing at least one common wall and being structurally interdependent.

96 **13.3.17.03(a)2. is created to read as follows:**

97 **2. Detached (DADU):** A standalone residential unit located on the same parcel or lot but separate  
98 from the principal single-family dwelling, serving as an accessory structure to the primary  
99 dwelling.

100

101 **13.3.17.03(a)3. is created to read as follows:**

102 **3. Junior (JADU):** An ADU which may be no more than 600 square feet in size, which may be  
103 detached or attached to another structure.

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105 **13.3.17.03(b) is created to read as follows:**

106 **(b) Addition:** New construction performed on a dwelling which increases the outside  
107 dimensions of the dwelling.

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109 **13.3.17.03(c) is created to read as follows:**

110 **(c) Detached Building:** Any building which is not physically connected to the dwelling.

111

112 **13.3.17.03(d) is created to read as follows:**

113 **(d) Primary Dwelling:** The principal single-family dwelling on a lot or parcel, serving as the  
114 primary and dominant residence. The primary dwelling is larger in size compared to any  
115 accessory dwelling units (ADUs) on the same lot or parcel. It is the main residential structure  
116 where the property owner or primary resident resides.

117

118 **13.3.17.03(e) is created to read as follows:**

119 **(e) Secondary Dwelling:** A residential structure on a property that is subordinate in size to the  
120 primary dwelling. A secondary dwelling may include accessory dwelling units (ADUs) or other  
121 additional residential structures permitted by local zoning regulations. The secondary dwelling is  
122 characterized by its supportive role to the primary dwelling and may house additional occupants  
123 while conforming to the zoning standards applicable to such structures.

124

125 **13.3.17.04 is created to read as follows:**

126 **13.3.17.04 Permits.** Zoning permits are required for Accessory Dwelling Units subject to the  
127 provisions of the Ch. 13 Comprehensive Zoning Ordinance and approval by the Zoning  
128 Administrator.

129

130 **13.3.17.04(a) is created to read as follows:**

131 (a) Approval Process. No more than one ADU is permitted per lot or parcel, provided the  
132 Zoning Administrator first approves the proposed ADU as complying with the standards of  
133 Section 13.3.17.

134

135 **13.3.17.04(b) is created to read as follows:**

136 (b) Application Fees. Fees required for ADUs shall be equivalent to those required to construct a  
137 single-family dwelling unit in the zoning district in which they are located.

138

139 **13.3.17.05 is created to read as follows:**

140 13.3.17.05 Standards. The following standards must be met in order to establish an accessory  
141 dwelling unit:

142

143 **13.3.17.05(a) is created to read as follows:**

144 (a) Development. ADUs must adhere to the development standards applicable to principal  
145 structures in the respective zoning district. This includes setbacks, setback reduction, lot  
146 coverage, and height regulations.

147

148 **13.3.17.05(b) is created to read as follows:**

149 (b) Construction Timing and Design. ADUs may be constructed concurrently with, before, or  
150 after a principal single-family dwelling. The design and placement of the ADU should not hinder  
151 the construction of the primary single-family dwelling in accordance with established regulations.

152

153 **13.3.17.05(c) is created to read as follows:**

154 (c) Prohibition on Two-Family or Multi-Family Dwellings. ADUs may not be constructed on  
155 the same lot or parcel as a two-family dwelling or multi-family dwelling.

156

157 **13.3.17.05(d) is created to read as follows:**

158 (d) Square Footage Measurements. For the purpose of determining the total square footage of  
159 the primary and secondary dwelling shall be made along the exterior walls of the structures,  
160 encompassing all habitable areas within the exterior perimeter of each dwelling unit, including  
161 any attached enclosed spaces such as porches or sunrooms. Measurements shall be taken from the  
162 exterior surface of the outermost walls, excluding any projections beyond the exterior wall  
163 surface such as eaves or bay windows.

164

165 **13.3.17.05(e) is created to read as follows:**

166 (e) Size Limitations. ADUs must be of a size subordinate to the primary single-family dwelling  
167 in all cases. In no case shall the ADU be greater than twelve-hundred (1200) square feet.

168

169 **13.3.17.05(f) is created to read as follows:**

170 (f) Distance Requirement. The distance between the primary single-family dwelling and the  
171 ADU must not exceed 300 linear feet.

172

173 **13.3.17.05(g) is created to read as follows:**

174 (g) Wastewater Disposal. Domestic wastewater disposal must comply with sewage system  
175 requirements, unless exempted by the State or Dunn County’s Sanitation Ordinance. The zoning  
176 administrator may require the applicant to demonstrate the adequacy of the system for the  
177 proposed structure and anticipated number of bedrooms.

178

179 **13.3.17.05(h) is created to read as follows:**

180 (h) Lot Area. For lots with an area less than 1 acre, the applicant may be required to demonstrate  
181 to the satisfaction of the Environmental Services Department that the lot has sufficient area for  
182 accommodating the proposed ADU while maintaining compliance with setback regulations and  
183 facilitating the installation or modification of the entire onsite wastewater treatment system,  
184 including provisions for potential replacement. The Environmental Services Department reserves  
185 the authority to request a comprehensive report inclusive of soil borings and percolation tests as  
186 stipulated by Wisconsin Administrative Code, as part of the application review process.

187

188 **13.3.17.05(i) is created to read as follows:**

189 (i) Building Code Compliance. ADUs must comply with all relevant building codes and safety  
190 regulations applicable to habitable structures.

191

192 **13.3.17.05(j) is created to read as follows:**

193 (j) Sale Restrictions. The separate sale of the ADU shall not occur unless that portion of the  
194 subject property is legally subdivided in accordance with Dunn County’s Chapter 16 Land  
195 Division, Condominium, and Surveying Regulations.

196

197 **13.3.17.05(k) is created to read as follows:**

198 (k) Deed Restriction. Prior to zoning permit issuance, the property owner must record a deed  
199 restriction that:

200

201 **13.3.17.05(k)1. is created to read as follows:**

202 1. Prohibits the separate sale of the ADU unless the subject property is legally subdivided Dunn  
203 County’s Chapter 16 Land Division, Condominium, and Surveying Regulations.

204

205 **13.3.17.05(k)2. is created to read as follows:**

206 2. Prohibits the conversion of the property to a condominium.

207

208 **13.3.17.05(l) is created to read as follows:**

209 **(l) Compatibility With Other Ordinance Sections.** Where identified as a Permitted Principal  
210 Use, Accessory Dwelling Units may be constructed on parcels in addition to other Principal Uses  
211 and Structures without violating 13.2.2(b).

212

213 **13.7.0 (“Definitions”) is amended to include the following terms and their definitions. These will be**  
214 **incorporated into the ordinance consistent with the now-existing alphabetical order:**

215 **Accessory Dwelling Unit (ADU):** An additional single-family dwelling unit that is subordinate in  
216 size to a single-family dwelling, and located on the same parcel as a single-family dwelling. It  
217 provides independent living facilities for one or more persons. For the purposes of this ordinance,  
218 the terms “Accessory Dwelling Unit” or “ADU” encompass all three subtypes. The subtypes are  
219 as follows:

220 (a) **Attached (AADU):** Physically connected to the principal single-family dwelling,  
221 sharing at least one common wall and being structurally interdependent.

222 (b) **Detached (DADU):** A standalone residential unit located on the same parcel or  
223 lot but separate from the principal single-family dwelling, serving as an  
224 accessory structure to the primary dwelling.

225 (c) **Junior (JADU):** An ADU which may be no more than 600 square feet in size,  
226 which may be detached or attached to another structure.

227

228 **Addition:** New construction performed on a dwelling which increases the outside dimensions of  
229 the dwelling.

230

231 **Detached Building:** Any building which is not physically connected to the dwelling.

232

233 **Primary Dwelling:** The principal single-family dwelling on a lot or parcel, serving as the  
234 primary and dominant residence. The primary dwelling is larger in size compared to any  
235 accessory dwelling units (ADUs) on the same lot or parcel. It is the main residential structure  
236 where the property owner or primary resident resides.

237

238 **Secondary Dwelling:** A residential structure on a property that is subordinate in size to the  
239 primary dwelling. A secondary dwelling may include accessory dwelling units (ADUs) or other  
240 additional residential structures permitted by local zoning regulations. The secondary dwelling is  
241 characterized by its supportive role to the primary dwelling and may house additional occupants  
242 while conforming to the zoning standards applicable to such structures.

243

244

**Section 2.** This Ordinance shall become effective upon adoption and publication as required by law. (This section shall not be codified.)

Dated this \_\_\_\_ day of \_\_\_\_, 2024, at Menomonie, Wisconsin.

Enacted on: \_\_\_\_\_

OFFERED BY THE PLANNING, RESOURCES  
AND DEVELOPMENT COMMITTEE:

Published on: \_\_\_\_\_

\_\_\_\_\_

ATTEST:

\_\_\_\_\_, Chair

\_\_\_\_\_

\_\_\_\_\_, County Clerk

COUNTERSIGNED:

Approved as to Form and Execution:

\_\_\_\_\_

Nicholas P. Lange, Corporation Counsel

\_\_\_\_\_

\_\_\_\_\_, Chair

Dunn County Board of Supervisors

245