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FOREST COUNTY GENERAL ZONING ORDINANCE

1.00 STATUTORY AUTHORIZATION

The Board of Supervisors of Forest County adopts the zoning regulations pursuant to the authorization contained in the following sections of the Wisconsin Statutes: 59.03, 59.69, 59.694, 281.31, 293.33, 236.45, and 87.30.

1.01 PURPOSE

It is the purpose of this ordinance to promote the public health, safety, convenience and general welfare; and more specifically, to fix reasonable standards to which structures shall conform, to regulate lot coverage and population density, to conserve the value of land and structures in all of the unincorporated areas of the county, to guide the proper distribution and location of various land uses, to promote the safety and efficiency of the streets and highways to provide for adequate light, air, sanitation, and drainage, to conserve natural resources, to provide safety from fire and other hazards to define the powers and duties to the administrative bodies as provided hereinafter, and to prescribe penalties for the violation of provisions of this ordinance.

1.02 SHORT TITLE

This ordinance shall be known as, referred to, or cited as The Forest County General Zoning Ordinance.

1.03 REPEAL AND EFFECTIVE DATE

The existing County Comprehensive Zoning Ordinance is hereby repealed in its entirety. Adoption of the comprehensive revision of these ordinances is by County Board resolution. The County Board, by resolution, shall repeal the existing ordinance and re-enact this comprehensive revision effective on the date of publication in the paper of record.

1.04 APPLICATION OF OVERLAPPING REGULATIONS

This ordinance shall not repeal private covenants or other non-zoning public ordinances, except it shall apply whenever it imposes stricter regulations

References made in this ordinance to State Statutes shall apply to the Statute numbering system in use at the time of adoption of this ordinance, regardless of future changes to that numbering system.

1.05 SEPARABILITY

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

1.06 FORCE AND EFFECT

The regulations set by this ordinance within each district shall apply uniformly to each class or kind of structure, or land.

1.07 CONFORMITY

No structure or land shall hereafter be used or occupied, and no structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered, except in conformity with all of the regulations herein specified.

1.08 LOTS OF RECORD

Lots created after the effective date of this ordinance shall meet at least the minimum requirement established by this ordinance. Lots of record shall be legal lots established prior to passage of this ordinance. No lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirement set forth herein. Lots of record shall be treated as legal lots.

1.09 PROPERTY OWNERS AND AGENTS

It is the responsibility of the property owners or their agent(s) acting on their behalf, including builders and contractors to comply with the terms of this ordinance. Any landowner or agent thereof failing to comply with this ordinance is subject to enforcement under Section 10.02 of this ordinance.

Unless specifically exempted by law, all governmental entities shall comply with this ordinance and obtain all necessary permits. A permit fee may not be required. State Agencies are required to comply if WI Stat. 13.48(13) applies.

1.10 GENERAL INTERPRETATIONS

The following rules of construction apply to this ordinance.

The particular shall control the general. In case of any difference of meaning or implication between the text of this ordinance and any caption or illustration, the text shall control. The word "shall" is always mandatory whereas the word "may" is permissive. Words used in the present tense shall include the future, and words used with singular number shall include the plural, unless the context clearly indicates the contrary. The word "structure" includes any part thereof. The phrase "used for" includes "arranged for". The word "person"

includes an individual, a corporation, a partnership, an incorporated association or any other similar entity unless the context clearly indicates the contrary. Where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction “and” “or” “either/or” the conjunction shall be interpreted as follows; “and” indicates that all the connected items, conditions, provisions, or events shall apply; “or” indicates that the connected items, conditions, provisions, or events may apply singly or in any combination; “either/or” indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination. The masculine gender includes the feminine and neuter.

SECTION 2: GENERAL ZONING PROVISIONS

2.01 OFFICIAL ZONING MAP

The county is hereby divided into districts as shown on the Official Zoning Map and database, which, together with all explanatory matter thereon, is hereby adopted by reference and declared a part of this ordinance. If an atlas is used, each individual map included in the atlas shall be marked and maintained in accordance with the provisions of this section.

If, in accordance with the provisions of this ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning map, such changes shall be entered on the Official Zoning Map, and changes recorded in the data file that supports the Official Map, promptly after the amendment has been approved by the County Board of Supervisors.

There shall be only one authentic Official Zoning Map and database. This Official Zoning map and database shall be located in the office of the Zoning Administrator and shall be the final authority as to the current zoning status of land, water areas, and other structures in the county.

2.02 MAP AND TEXT AMENDMENT PROCEDURES

The regulations imposed and the zoning districts created under authority of this ordinance may be amended from time to time in accordance with Wisconsin Stats§ 59.69(5). The County Board may grant an amendment, only after a public hearing before the Forest County Zoning committee and a report of its findings and recommendations has been submitted to the County Board.

2.03 STANDARDS FOR ZONING MAP/TEXT AMENDMENTS

Rezoning or land use change shall conform or not otherwise be in conflict with any adopted county plans. Rezoning may be enacted if:

It can be shown that the current zoning places an unreasonable burden on the owner of the property to be affected

The current zoning can be shown to have been a mistake based on incorrect knowledge or assumptions about the land or existing uses in the area

The current zoning is no longer necessary to protect any public interest.

There has been a significant change in circumstances since the property was zoned under the current district and the proposed rezoning action is shown to be appropriate for such new circumstances.

2.04 INITIATION OF TEXT OR MAP AMENDMENT

Amendments may be proposed by the County Board, the Zoning Committee, and any property owner in the area to be affected by the amendment or by a town board.

If filing for an amendment of the official zoning /land use map, the petitioner filing the amendment shall submit with the application, a fee, if required, and a map showing the proposed change. The Zoning personnel will compile a list for purposes of notification to all landowners within 300 feet of the property or properties proposed to be rezoned.

2.05 PROCESSING

An application for a text or map amendment shall be filed with the Zoning Administrator and immediately transmitted to the chair of the Zoning Committee for approval to schedule a Class 2 public hearing. In conjunction with the public hearing, an individual written notice shall be sent to all landowners within 300 feet of the proposed zoning action, the town chair of the affected township and all county board members no later than 10 days before the public hearing. Failure to receive such notice will not invalidate the hearing or the results.

2.06 DECISIONS

The Zoning Committee shall forward its recommendations to the County Board for further action after the public hearing. The county board, after receiving the report of the Zoning Committee, and without further public hearing, may grant or deny any proposed amendment in accordance with applicable standards. Alternatively, it may refer it back to the Zoning Committee for further change or consideration.

2.07 OTHER INCORPORATED MAPS AND STUDIES

- A. The most recent version of the Wisconsin Wetland Inventory as depicted on the Department of Natural Resources Surface Water Data Viewer.
- B. The most recent United States Geological Survey Quadrangle maps for Forest County
- C. All maps and related information by United States Geological Survey and UW Geological and Natural History Surveys relating to Forest County
- D. Comprehensive Plan Land Use/Zoning Maps depicting use as adopted by the Forest County Board of Supervisors.
- E. USACE Regional Supplement to the Corps of Engineers Wetland Delineation manual. North Central and Northeast region
- F. Flood Insurance Rate Maps effective December 11th, 2011 and all future amendments.
- G. NCWRPC Digitized parcel maps to be used as a preliminary guide for administrations
- H. The Forest County Surface Water Resources publication dated 1977
- I. The Forest County Land and Water Plan

- J. At all times Forest County shall utilize the most current, pertinent, peer reviewed scientific information and engineering practices available when considering land, soil, and water use decisions.
- K. Guidance for native habitats and landscapes in the transitional forest from the USDA “Watchers Guide to Habitats”
- L. Guidance provided by the National Heritage Inventory
- M. WDNR Conservation Practice Standard no. 1002, site evaluation for storm water infiltration.
- N. All NRCS conservation practice standards
- O. WI Forestry Best Management Practices for Water Quality (WDNR Publication)

2.08 SCOPE AND REGULATION

No structure or land shall hereafter be used or occupied, and no structure or part thereof shall hereafter be erected, converted, enlarged, constructed, moved or structurally altered unless in conformity with all the regulations specified in this ordinance for the district in which it is located. All property covered under the jurisdiction of this ordinance shall be identified and given a zoning classification and listed in the official database. The official database is used to create an official zoning map that can be viewed in the Zoning Office. In all cases, the designated district is as listed in the zoning database.

2.09 ZONING DISTRICTS

All land, other than those designated as shoreland, in Forest County, are hereby categorized into the following districts.

Residential (R)

This district is comprised of land where POWTS (private onsite waste treatment system) is utilized as a sanitary system or a municipal sanitary system is provided. This district is used exclusively for residential activities.

Recreational Residential (RR)

This district is comprised of land that utilizes POWTS (private onsite waste treatment system) as a sanitary system or a municipal sanitary system is provided. This district, in addition to residential uses, has permitted recreational uses such as short-term rental (less than 7 days), recreational vehicle, and motor home and camper placements. Minimum lot size is 2 acres.

Commercial (C)

This designation relates to the buying and selling of goods and services. There are patrons on premise and the business may or may not be serviced by a municipal sanitary sewer or POWTS. Minimum lot size of 5,000 sq. feet with public sewer and 2 acres without.

Industrial

This designation relates to the manufacturing of goods. The activities on these parcels may need state regulation. There may be patrons on premise. The minimum lot size is negotiable if located in an industrial park provided by the town, all others, 20 acres is required.

Forestry or Agricultural Zone

This districts designation may depend on enrollment in the Managed Forest Land Program and its use is as defined by State law where applicable and county ordinance thereafter. This designation also allows for all uses as listed in the Forest County Farmland Preservation Ordinance. The minimum lot size is 10 acres.

Mixed Use

These are areas with a variety of uses, or may be a small community with retail, commercial, and residential uses in close proximity. In larger areas, it may be a variety of uses that normally need greater space. Minimum lot size of 2 acres is required. However, an actual use may indicate a larger lot size is necessary and may be required through the conditional use process.

Government/Public, Institutional

This district is designated by a town or county for Government/Public/Institutional facilities and can include public recreational uses. No minimum lot size is required.

Wetland

This district is based on Wisconsin Wetland Inventory Maps. This designation knows no boundaries unless a change of zoning is applied for and approved. Many of these wetlands may not be mapped but are still considered in the Wetland District.

Wellhead Protection Overlay District

This district is comprised of lands designated by a town sanitary district for the protection of municipal wells that intersect with areas of general and shoreland-zoning jurisdiction. All wells shall be adequately separated from potential sources of contamination. Unless a hydrogeological investigation indicates, lesser separation distances would provide adequate protection of a well from contamination or department-approved treatment is installed to address the potential contamination concerns, the minimum separation distances shall conform to NR 811.11(5) (d).

2.10 DISTRICT SETBACK REQUIREMENTS

Residential, Recreational Residential, Mixed Use

Sewered Lots and Previously Platted lots 50ft or less in width.

Principle and Habitable Structures: 10 feet

Accessory Structures: 7.5 feet

Unsewered Lots and existing lots larger than 50ft in width

Principle and Habitable Structures: 15 feet

Accessory Structures: 7.5 feet

Height Restriction: (measured from the lowest exposed point to the peak)

Principle Structures: 35 feet

Accessory Structures: 26 feet

Commercial, Government/Public, Institutional, Forestry and Agricultural

Principle Structure: 15 feet

Accessory Structure: 10 feet

Height Restriction: 35 feet (measured from lowest exposed point to the peak)

Industrial

Principle Structure: 50 feet

Accessory Structure: 25 feet

2.11 DETERMINATION OF USES NOT LISTED

In any zoning district, whenever a use is neither specifically permitted nor denied and cannot be likened to a listed use, the administrator shall request a use determination from the Zoning Committee, whose decision is appealable to the Board of Adjustment.

2.12 PERMITTED AND CONDITIONAL USES BY DISTRICT

See the appendix for the permitted and conditional use charts.

SECTION 3: NONCONFORMING STRUCTURES AND USES

3.01 INTENT

Within the districts established by this ordinance, or amendments that may later be adopted, there exists recorded lots, structures, and uses that would be restricted or not permitted under terms of this ordinance or future amendment, it is not the intent of this ordinance to encourage the continuation of a nonconformity. However, to prevent undue hardship, this ordinance permits these nonconformities to continue until they are removed, destroyed, or abandoned, and to allow maintenance, reasonable repairs, and modernization.

3.02 EXISTING NONCONFORMING USES, STRUCTURES, AND LOTS NOT IN VIOLATION

Lots, structures, and uses of land that are not in conformance with the provisions of this ordinance, but existed prior to the adoption of this ordinance, are not to be held in violation of this ordinance. The following sections give the limitations on altering these legal nonconforming lots, structures and uses.

3.03 GENERAL PROVISIONS RELATING TO NONCONFORMING USES.

If a nonconforming use of a structure is discontinued for twelve (12) or more consecutive months, any future uses of the land or structure must be in conformance with the zoning ordinance.

If the nonconforming use of a temporary structure is discontinued such a nonconforming use shall not be recommenced.

Nuisances shall not be permitted to continue as nonconforming uses.

No structural addition to any structure with a nonconforming use shall, over the life of the structure, exceed fifty (50%) percent of the building envelope unless it is permanently changed to conform to the requirements of this ordinance.

If an addition of a structure with a nonconforming use is prohibited because it is in excess of fifty (50%) percent of the building envelope the property owner may make the proposed addition if:

- A nonconforming use is permanently changed to a conforming use

- The property owner appeals the determination of the zoning administrator and either the County Board of Adjustment, or the circuit court, find in the property owner's favor under Section 59.69 WI Stats.

- The property owner successfully petitions to have the property rezoned out of the current district in accordance with this ordinance and WI Stats. 59.69.

3.04 GENERAL PROVISION RELATING TO NONCONFORMING PLACEMENT OF A STRUCTURE

An existing structure that was lawfully placed when constructed but does not comply with the required setback may be maintained, repaired, replaced, restored, rebuilt or remodeled in the same footprint. Other expansion may be allowed if necessary to comply with applicable state or federal requirements.

No nonconforming structure may be moved unless the move would bring the structure into conformance.

3.05 DAMAGED NONCONFORMING STRUCTURES AND USES

A structure damaged or destroyed by violent wind, fire, flood, ice snow, mold or infestation may be reconstructed or repaired to the size, location and use it had immediately before the damage occurred, subject to the following conditions:

A structure destroyed or damaged due to a deliberate act of the landowner or landowner's agent may not be reconstructed or repaired except in conformance with the standards of this ordinance.

Nonconforming structures or uses that are subject to regulation under a flood plain zoning ordinance may not be reconstructed or repaired except in compliance with the flood plain zoning ordinance.

Impervious surface limits, if required in the district, shall be met

The landowner shall bear the burden of proof as to the size, location, or use that a destroyed or damaged nonconforming structure had immediately prior to the destruction or damage that occurred.

Any grading, filling or dredging associated with reconstruction or repair must comply with each district requirements in this ordinance. Excess fill, rock, or materials associated with reconstruction or repair shall be removed from the site and may not be deposited within the required structure setback.

3.06 NONCONFORMING OR SUBSTANDARD LOTS OF RECORD

The use of a lot that was a lot of record at the time of passage of this ordinance is permitted subject to the requirements of the district in which it is assigned.

Ownership interest in a substandard lot may be conveyed.

A substandard lot may be used as a building site if the lot has not been developed with a structure placed partly on an adjacent lot and the substandard lot is developed to comply with all other ordinances.

SECTION 4: POWERS OF THE FOREST COUNTY BOARD OF ADJUSTMENT

4.01 APPEALABLE MATTERS

The following decisions are appealable to the Board of Adjustment and shall be initiated as put forth under Forest County Ordinance No. 02-2010:

- A. Decisions by the Zoning Administrator, which consist of interpretations of the terms of the Forest county Zoning Ordinance, and which are made in the course of determining whether a permit or approval will be issued by said administrator are first Board of Adjustment as an administrative appeal.
- B. Decisions by the Zoning Administrator to issue an enforcement demand or to commence other ordinance enforcement activities, where the Administrator has determined that violation of the ordinances exists, are appealable to the Board of adjustment as an administrative appeal.

- C. Decisions by the Zoning Committee which consist of interpretations of the terms of the Forest County Zoning Ordinance and which are made in the course of determining whether a permit or approval will be issued by said committee are appealable to the Board of Adjustment as administrative appeals
- D. Decisions by the Zoning Committee regarding Conditional Use Permits are appealable to the Board of Adjustment within 30-days after the decision is issued.

4.02 VARIANCES

The Board of Adjustment may grant an area variance for a modification to a dimensional, physical or locational requirement under the rules of Ordinance No. 02-2010, rules for the Board of Adjustment if a literal enforcement of the provisions of the ordinance would unreasonably prevent the property owner from using their property for a permitted purpose or would render conformity with the zoning ordinance unnecessarily burdensome. A property owner bears the burden of proving the unnecessary hardship is based on conditions unique to the property rather than considerations personal to the property owner and that the unnecessary hardship was not created by the property owner.

4.03 PROCESS FOR ALL VARIANCES

Complete and submit a variance application form and plot plan. The following information is required on each application:

The address of the property

The name and contact information of the person(s) seeking a variance

Indicate the type of variance requested, use or area and the ordinance number the relief is requested.

A written description of the unnecessary hardship that exists on the property.

A written description of why the property has diminished or no use in its present zoning district

A map depicting the property as it currently exist and as it would exist if the variance were granted.

Any other information pertinent to the proposed variance that would help the Board of Adjustment render its decision.

The process as defined in Forest County Ordinance Number 02-2010, Board of Adjustment Rules takes effect after the application and fees have been delivered to the Zoning Office.

4.04 STANDARDS AND FINDINGS

The Board of Adjustment, in evaluating petitions for granting of an area variance shall consider the unnecessary hardship due to unique property limitations and the potential harm to the public interest.

The Board of Adjustment, in evaluating petitions for granting of a use variance shall consider if the landowner has any reasonable use of the property as it is zoned.

4.05 HEARING

The Zoning Office will cause to be published in the County's official newspaper a Class 2 notice and at the same time notify, by regular mail, the applicant, the property owners within 300 feet of the subject property and the town of the specific request. This notice shall include the location, date and time of the hearing and location of application copies for examination by interested parties. The administrator shall forward an agenda and copies of the application to each Board of Adjustment member before the next regular meeting after the waiting period for the Class 2 notice, but in no case less than seven days before the meeting. The committee shall make an onsite visit prior to the meeting as noticed. The committee's decision is final.

4.06 RECORDING

All decisions will be permanently recorded in the county clerk's office and the landowner's file.

4.07 VIOLATING THE TERMS OF A VARIANCE

Any violation to the terms of a variance as recorded shall be enforced by the administrator as outlined in Section 10.02 of this ordinance.

SECTION 5: REGULATIONS APPLICABLE TO ALL DISTRICTS

5.01 HIGHWAY SETBACKS AND VISIBILITY AT INTERSECTIONS

Unless otherwise stated in the district regulations, no principal or accessory structure shall be closer to the centerline of any public road than the setback as follows:

- A. State and Federal highway: The minimum setback shall be one hundred ten (110) feet from the centerline of the highway or fifty (50) feet from the edge of the right-of-way, whichever is less.
- B. County Highway: The minimum setback shall be sixty-three (63) feet from the centerline of the highway
- C. Town Roads and Forest Service Roads: The setback shall be forty-three (43) feet from the centerline of the road.
- D. Private easements or access roads will have a minimum setback of twenty (20) feet from the edge of easement or access road.
- E. Reduced highway setbacks to those required in (B) above may be permitted by the zoning administrator where there is an existing pattern of development defined as at least five(5) main or accessory structures within five hundred (500) feet of the proposed site, that are built to less than the required setback. In such cases, the setback shall be the average of the nearest structures on each side of the proposed site. Except than in no case shall the setback be closet than ten (10) feet from the right-of –way. If there are no structures on one side of the proposed site, the setback shall be the average of the nearest structure and the required setback.
- F. In each quadrant of every street intersection, there shall be designated a visual clearance triangle bounded by the street centerlines and a line connection them three hundred (300) feet from a state or federal highway intersection, two hundred (200) feet from a county highway, and one hundred fifty (150) feet from a town road or paved forest service road intersection. If two (2) highways of a different class intersect, the greater distance shall apply to both centerlines. Within this triangle, no object over two and on-half (21/2) feet in height above these streets shall be allowed, if it obstruct the view across the triangle. Posts or open fences and agricultural crops are excluded from this provision.

5.02 LAND DIVISION REVIEW

Forest County shall review, and require a certified survey, pursuant to Section 236.45, WI Stats., all land divisions creating parcels or structure sites of 5 acres or less. In review, the following factors shall be considered:

- A. Hazards to the health, safety or welfare of current and future residents.
- B. Proper relationship to adjoining areas
- C. Public access to streets and navigable waters, as required by law.
- D. Conformity to state law and administrative code provisions

- E. Conformity to the requirements of this ordinance, the Forest County Subdivision Ordinance, and the Master List of Fees.

5.03 ROAD DIMENSIONS AND FRONTAGE REQUIREMENTS

- A. State and Federal Highways require three hundred (300) feet of road frontage is required
- B. County Highways require two hundred fifty (250) feet of road frontage is required
- C. Town and Forest Service Roads require two hundred (200) feet of road frontage.
- D. No land locked parcels shall be created
- E. A turnaround or cul-de-sac shall measure seventy-five (75) feet in diameter at the road end. If a roadway is extended for further development, the cul-de-sac shall be abandoned and all extraneous property shall revert to adjacent property owners.
- F. All private road right-of-way shall measure sixty-six (66) feet in width. Twenty (20) feet shall be maintained for roadbed for access of fire and rescue vehicles. Furthermore, overhanging vegetation shall be cut back to a height of twenty (20) feet and ten (10) feet from each side of the roadbed to facilitate access for fire and rescue vehicles.
- G. The Forest County Zoning Committee shall have the right to approve lesser dimensions than that set forth above in paragraphs. A through G during preliminary land division review, limited only by contrary regulations imposed by the governmental body having jurisdiction over said road or lot. With respect to County Highways, any lesser dimension approved by the Forest County Zoning committee shall first be approved by the Forest County Highway Department.
- H. Each structure served by one (1) or more public utilities or used for human habitation shall have access to a public street, private street, or driveway that allows access for fire protection and utility service vehicles.

5.04 CONSTRUCTION STANDARDS

- A. All habitable dwellings, including those considered overflow accommodations, and public buildings, shall be constructed utilizing the Uniform Dwelling Code requirements and permitting except a primitive rural hunting cabin.
- B. No plumbing is allowed in an accessory building unless the property already has a habitable structure
- C. A change of use permit will be required for any accessory structure turned into a residence.

5.05 INDIVIDUAL MANUFACTURED HOMES, MOBILE HOMES, AND MODULAR HOMES

- A. All manufactured, mobile or modular homes shall have a pitched roof of not less than 3 feet over a length of 12 feet as shipped from the factory.
- B. All manufactured, mobile or modular homes shall be set in place at the site in accordance with the manufacturer's installation instructions and comply with current Uniform Dwelling Code Requirements.
- C. All single width manufactured or mobile homes shall not have less than 14ft in width as shipped from the factory and shall be HUD-certified.
- D. Any manufactured or mobile home shall not be used as storage or for an accessory structure.

5.06 MANUFACTURED, MOBILE, MODULAR HOME PARKS

- A. Minimum Area: Minimum area for such parks shall be 5 acres.
- B. Density: Maximum density within such parks shall be no more than 4 homes per acre
- C. Access: There shall be no more than two vehicular access points from public roads, streets or highways into any such park
- D. Buffer Zone: The outer boundaries of all such parks shall contain a thirty-foot buffer zone consisting of a landscaped greenbelt with coniferous tree and shrub plantings.
- E. Site Numbering: All sites within such parks shall be marked with permanent markers and numbered indicating each corner of the sites.
- F. Site Size: Individual sites within such parks shall be a minimum of ten thousand (10,000) square feet.
- G. Homes may not be placed within ten (10) feet of any site boundary line. Accessory structures shall not be placed within five (5) feet of any site boundary line.
- H. Sale of Sites Prohibited: Individual home sites within such parks shall not be sold or transferred.
- I. Sewage: A code compliant sewage system or public sewer shall be provided to each site within such parks. Such systems shall be designed, constructed and maintained in accordance with the Forest County Sanitary Ordinance and any other applicable local or state code.

5.07 PARKING, STORAGE, AND USE OF RECREATIONAL VEHICLES, MOTOR HOMES, AND CAMPER TRAILERS

- A. All recreational vehicles, motor homes or camper trailers located on private property for more than 30 days must secure a yearly permit from the Forest County Zoning Office demonstrating compliance with the Forest county Sanitary Ordinance and this ordinance for placement if located in a zoned township.
- B. Recreational vehicles, motor homes, or camper trailers in storage are exempt from these requirements.
- C. Only one recreational vehicle, motor home or camper trailer is allowed permanent placement on a single lot of record
- D. In order to have more than 1 recreational vehicle, motor home or camper trailer you must have an additional 20, 000 square feet for each unit.
- E. In no event, shall there be more than 3 such recreational vehicles, motor homes or camper trailers on any one parcel without a state campground permit.
- F. All recreational vehicles, motor homes, and camper trailers shall be kept in good repair and maintain a DOT license.
- G. Structures such as decks, porches, patios and carports are allowed. However, in no case be attached permanently to any recreational vehicle, motor home or camper trailer.
- H. All parcels where a recreational vehicle, motor home, or camper trailer is parked shall obtain and display a fire number.
- I. Permits issued under this ordinance are valid until December 31 of the year in which they were issued.
- J. Permit fees cannot be pro-rated for the calendar year. After issuance of the initial permit, permits must be renewed on a yearly basis with payment of the permit fee to Forest County.
- K. All sites must be kept clean and free of weeds, junk or discarded materials.
- L. Any non-compliance of any of the above requirements on a site may deter the renewal of any permit for a recreational vehicle, motor home, or camper trailer.

5.08 ERECTION OF MORE THAN ONE PRINCIPAL STRUCTURE ON A LOT

In any district, no more than one (1) principal structure may be erected on a lot unless the lot is large enough to be further subdivided into individual parcels that conform to the district regulations, and so that each principal structure can be situated on its own lot, complying thereon with all necessary setbacks, and yards. The side yard requirement may be waived by the zoning administrator in cases involving common-wall construction, or for cases that will remain coordinated via condominium ownership. Accessory structures may be used as overflow accommodations for sleeping only, no kitchens will be allowed, and the building shall be built to Uniform Dwelling Code Standards.

5.09 PLANNED UNIT DEVELOPMENT

The Planned Unit Development is intended to permit denser development where the physical layout of the property is so arranged as to better assure the control of pollution and preservation of ground cover than would be expected if it were developed with the normal size and setbacks without the requirement of special conditions at the time of its approval. A condition of all Planned Unit Development is the preservation of certain open space to control runoff.

A. REQUIREMENTS FOR PLANNED UNIT DEVELOPMENT

The County Zoning Committee may at its discretion, upon its own motion or upon petition, approve a Planned Unit Development (PUD) Overlay District upon finding, after a public hearing, that all of the following facts exist:

The area proposed for the Planned Unit Development shall be the minimum as listed for each zoning district

Planned Unit Development within districts shall meet the regulations of Section 5.02(land division).

Structures and uses in a Planned Unit Development shall conform to the requirements of the respective district

Land to be set aside as open space or common area shall be clearly indicated on the plan. Provisions for the continued maintenance of common space, recreational facilities, parking facilities, or other common property, shall be guaranteed by the owner's association articles of incorporation, covenants, and/or deed restrictions in a form acceptable to the Zoning Committee, such guaranteeing instruments shall be recorded with the plat.

B. Procedure for establishing a Planned Unit Development District.

The procedure for establishing a planned unit development district shall be as follows:

1. Petition. A petition setting forth all of the facts required in section 5.02 shall be submitted to the Forest County Zoning Department.
2. Review and Hearing. When considering approval of a Planned Unit Development the governing body shall consider whether proposed parcel size, width, and setback is of adequate size and distance to prevent pollution or erosion along streets or other public ways. The Zoning Committee shall hold a public hearing.
3. Findings and Conditions of Approval. The Zoning Committee shall make written findings as to the compliance or noncompliance of the proposed overlay district with each applicable requirements set forth in section 2.09. If the petition is granted in whole or in part, the Zoning Committee shall attach such written conditions to the approval as are required by the ordinance consistent with section 5.02.

The conditions of approval shall in all cases establish the specific restrictions applicable with regard to minimum lot sizes, width, setbacks and open space requirements.

5.10 SANITARY REGULATIONS

Where public water supply systems are not available, private well construction shall conform to NR 812.

Where a public water collection and treatment system is not available, design and construction of private sewage disposal systems shall be required to comply with SPS 383 and Forest County's Sanitary Ordinance.

5.11 EXCEPTIONS TO HEIGHT LIMITATIONS

The height limitations contained in this ordinance do not apply to spires, wind or solar power collectors, belfries, cupolas, antennas, water tanks, ventilators, or other attached structures usually required to be placed above the roof level and not intended for human occupancy.

5.12 RIGHT-OF –WAYS FOR UTILITIES

- A. Distribution lines or below ground pipelines, transportation corridors, and recreational trails are permitted uses in any district. This does not apply to transmission lines, pipelines, pumping stations or any other use specifically listed as a conditional use anywhere in this ordinance.
- B. Telecommunications/Electronic switching equipment structure no larger than 12' x 22' is permitted in all districts subject to aesthetics. Aesthetics may only constitute grounds from prohibiting the use if such will substantially depreciate the value of property in the neighborhood or impose a visual effect upon neighbors or passersby which is clearly obnoxious to the prevailing taste of the municipality. In all cases, the Town Board in which the proposed use is to be located shall serve as the Aesthetic Review Board.

5.13 MOBILE TOWER SITING

A. Purpose and Intent

The purpose of this section is to regulate by a permit:

1. The siting and construction of any new mobile service support structure and facilities.
2. With regard to a Class 1 collocation, the substantial modification of an existing support structure and mobile service facilities.
3. With regard to a Class 2 collocation, collocation on an existing support structure which does not require the substantial modification of an existing support structure and mobile service facilities.
4. It is the intent of Forest County to regulate mobile service support structures and facilities as permitted by §66.0404, Wis. Stats.
5. All mobile service tower shall meet State and Federal building codes.

B. Authority

The Forest County Board has the specific authority under §59.69 and 66.0404, WI. Stats. To adopt and enforce this section of the General Zoning Ordinance.

C. Definitions

All definitions contained in §66.0404(1), Wis. Stats, are hereby incorporated by reference.

D. Exempt from Permitting

The following shall be exempt from the requirement to obtain a permit unless otherwise noted.

1. The use of all receive only television antenna and satellite dishes.
2. Amateur radio and/or receive only antennas. This section shall not govern the installation of any antenna that is owned and/or operated by a federally licensed amateur radio operator and is used for amateur radio purposes or is used exclusively for receive only purposes.
3. Mobile services providing public information coverage of news events of a temporary or emergency nature
4. Any Class 2 collocations.

E. Siting and construction of any new mobile service support structure and facilities and Class 1 Collocation.

1. Application Process

- a) A permit is required for the siting and construction of any new mobile service support structure and facilities.
- b) A permit is required for a Class 1 collocation
- c) An engineering affidavit proving the fall zone will not cross property lines or into a right of way.

2. A written permit application must be completed by any applicant and submitted to the Forest County Zoning Department. The application must contain the following information:

- a) The name and business address of, and the contact individual for, the applicant
- b) The location of the proposed or affected support structure.
- c) The location of the proposed mobile service facility.
- d) If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling and related equipment associated with the proposed modifications.
- e) If the applicant is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.
- f) If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.
- g) Proof of liability insurance
- h) The applicant and /or agent have copies of an Affidavit of Notification indicating that all operators and owners of airports located within five miles of the proposed site have been notified via certified mail.

3. A permit application will be provided by the county upon request to any applicant.

4. If an applicant submits to the County an application for a permit to engage in an activity described in this ordinance, which contains all of the information required under this ordinance, the County shall consider the application complete. If the County does not believe that the application is complete, the County shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notifications shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

5. Within 90 days of its receipt of its receipt of a complete application, the County shall complete all the following or the applicant may consider the application approved, except that the applicant and the county may agree in writing to an extension of the 90-day period:

- a) Notify the Town involved and all neighboring property owners within one-thousand feet
- b) Review the application to determine whether it complies with the zoning ordinance
- c) Notify the applicant in writing of its final decision.
- d) If the decision is to disapprove the application, include with the written notification substantial evidence, which supports the decision.

6. The County may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicants search ring and provide the sworn statement described under paragraph f.

7. If an applicant provided the county with an engineering certification showing that a mobile service support structure or an existing structure is designed to collapse within a smaller area than the set back or fall zone area required in this ordinance the County can approve the engineers plan.

5.14 FENCES

Fences are permitted on the property line provided it is maintenance free. All other types of fences will have a setback of 1 ft. except that no fence shall be located closer than 2 ft. to any right of way. On the side and rear yard, the height shall not exceed 6 ft. and 6 inches. In the street yard fences shall be an open type (50% or less opaque) and shall not exceed a maximum height from the ground of 4ft.

5.15 SIGNS

The purpose of this section is to provide for and regulate the type, construction, image, maintenance and placement of signs in a manner that will ensure that such signs are compatible with surrounding land uses, are aesthetic in design and structure, and express the identity of individual proprietors and the community as a whole. It is further intent by these regulations to avoid depreciation of property values through indiscriminate location and design of signs, to lessen threats to public safety from poorly constructed and maintained signs to protect against hazards to vehicular traffic movement through improper placement of signs and to clarify the rights and duties of owners and users.

Permit Required:

- A. No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without land use permit.
- B. Before any sign for which a permit is required by this ordinance is erected, there shall be submitted to the Zoning Department the written consent of the owner of the land upon which the sign is to be located and at permission has been so granted, a drawing of the proposed sign indicating its location on the premises and its relationship to other structures and property lines.

- C. All street sign setbacks shall be from the outer edge of the highway, street or road right-of-way. All State and Federal permits need to be received prior to getting the County permit.

Size Requirements

Area: Maximum of 48 square feet per sign

Height: 10ft

Street Setback: 10 feet from Right-of-way

Side and Rear Yard Setback: 15 feet

Signs Prohibited

- A. Any sign that creates a hazard or dangerous distraction to vehicle traffic.
- B. Any sign resembling, imitating or approximating the shape, size, form or color of railroad or traffic signs, signals or devices, or obstructing or interfering with the effectiveness of said devices.
- C. Any sign located within a vision triangle.
- D. Any sign containing statements, words or pictures classified as "obscene material" as defined by Sec. 944.21 Wis. Stats.
- E. Any sign that produces sound causes interference with radio, telephone, television or other communication transmissions; produces or reflects motion pictures or video; emits visible smoke, vapor, particles or odor.
- F. Any signs which are deteriorated, dilapidated, no longer in use, structurally dangerous or unsafe, as determined by the Zoning Administrator.

5.16 OUTDOOR LIGHTING

Outdoor lighting installations shall be permitted in all yard areas, but no closer than 3ft. to an abutting property line and shall be adequately shielded or hooded so that no excessive glare or illumination is cast upon the adjoining properties.

5.17 RELAXATION OF STANDARDS FOR PERSONS WITH DISABILITIES

The Zoning Committee may issue a permit to relax dimensional standards of this ordinance in order to provide reasonable accommodation of persons with disabilities as required by provisions of federal and state law. Such relaxation shall be consistent with federal guidelines for accommodation of person with disabilities and shall where practicable be terminated when the facility is no longer in use by a disabled person. A person applying for a permit for construction under this section shall establish:

- A. That the facility or premises are routinely used by a disabled person
- B. The nature and extent of the disability and
- C. That the relaxation requested is the minimum necessary to provide reasonable use of the facility by the disabled person.

5.18 DOMESTICATED CHICKENS AND DUCKS

The purpose of this section is to provide standards for the keeping of domesticated chickens and ducks. The intent is to place restrictions on residents keeping chickens and/or ducks on a non-commercial basis in residential areas less than 2 acres.

1. Number and Type of Chickens and/or Ducks Allowed

- a. The maximum number of chickens and/or ducks allowed is 8 per lot
- b. Only female chickens are allowed, no roosters. Male or female ducks are allowed
- c. There are no restrictions on chicken or duck species. No Guinea fowl are allowed
- d. The chickens and/or ducks shall be provided with a covered coop and attached pen
- e. Chicken and/or duck coops and pens shall not be located closer than 25 feet to any lot line.

5.19 PUBLIC NUISANCES

A public nuisance is a nuisance which affects numerous members of the public or the public at large, as distinguished from a nuisance which only does harm to a neighbor or a few private individuals. The following are declared to be public nuisances:

- A. Failure to keep waste, refuse or garbage in an enclosed building or properly contained in a closed container designed for such purpose, or the keeping of such waste, refuse or garbage in such manner as to create noxious fumes or odors affecting adjoin or public property.
- B. Any property that maintains two or more unlicensed, inoperable motor or recreational vehicles or two or more unused and inoperable appliances within 50 feet of adjoining properties unless the storage area is completely screened from view with fencing or vegetation or there is a conditional use permit for a salvage yard.
- C. Allowing lawns to exceed the height of 12 inches, and allowing the existence of noxious weeds or invasive species within nonagricultural lots or parcels of land.
- D. Allowing the proliferation of weak, diseased or dying trees that threaten the property of others or obstructs the view or movement of vehicles and pedestrians.
- E. Failure to prevent erosion where the movement of soil or water crosses a property line or into any legal setback.
- F. Failure to maintain culverts, drainage infrastructure or erosion control measures on one's own property that negatively affects the ponding drainage or movement of water on the property of others.
- G. Allowing animal waste to accumulate without proper disposal.

5.20 ABANDONED BUILDINGS

A. Purpose and Intent

Forest County finds that abandoned buildings are an impediment to redevelopment and revitalization, decrease surrounding property values, detract from quality of life and may present a fire hazard. Such structures are unsightly, often structurally unsound or otherwise dangerous and a threat to public safety, attract vandals, and otherwise create a threat to the public health, safety and general welfare of neighboring property owners and the general public as a whole.

The purpose of this section is to provide a means of managing, reducing and or eliminating the numerous health, safety and welfare hazards associated with abandoned buildings. This section is intended to prevent or mitigate dangers to health, safety and welfare, provide safe living environments for all residents, safeguard property values, expedite building repair and maintenance.

B. Applicability

This section shall apply to all residential, commercial and industrial building located in zoned townships of Forest County.

C. Administration

This section shall be administered by the Zoning Administrator who shall issue raze/demolition orders and issue demolition permits. Enforcement and raze/demolition orders are subject to the final written consent and approval of the applicable Town Board and shall be in accordance with WI. Stats. 66.0413 or its successor. Demolition shall be completed within 120 days of official order.

D. Definition

1. Abandoned Building: An abandoned building shall constitute any residential, commercial, or industrial building or accessory structure which has become vacant or abandoned for a period of two years or more, is dilapidated or out of repair and consequently dangerous, unsafe, unsanitary, or otherwise unfit for human use or habitation and unreasonable to repair and meets at least one of the following conditions:

- a. Open to casual entry or trespass
- b. Open to animal or rodent entry.
- c. Damaged by fire, flood, weather, or vandalism to an extent which prohibits safe human occupancy.
- d. The site of loitering or vagrancy.
- e. Has utilities disconnected.
- f. Under a Health Department condemnation notice or legal order to vacate.
- g. Structurally unsound and a hazard to persons.

E. Cessation of Construction: If there has been a cessation of normal construction of a building for a period of more than two years, such structures shall equate to and be considered abandoned buildings.

F. Reasonableness of Repair

If the Zoning Administrator or licensed building inspector or designated officer determines that the cost of repairs of a building would exceed 50 percent of the assessed value of the building, the repairs are presumed unreasonable for purposes of D.1.

G. Permit Required

A demolition/raze permit is required from the Zoning Department before a building is razed. Application shall provide time schedule, site plan, soil erosion control plan and Department of Natural Resources (DNR) Notification Form 4500-113. All building debris shall be disposed of in a licensed landfill, except for salvaged materials, and hauled by a licensed waste hauler.

H. Service of Order

An order under par. C shall be served on the owner of record of the building that is subject to the order or on the owner's agent if the agent is in charge of the building. If the owner and the owner's agent cannot be found or if the owner is deceased and an estate has not been opened, the order may be served by posting it on the main entrance of the building and by publishing it as a Class 1 notice under Ch. 985 before the time limited in the order begins to run. The time limit in the order begins to run from the date of service on the owner or owner's agent or, if the owner and agent cannot be found, from the date that the order was posted on the building.

I. Failure to Comply with Order

If the owner fails or refuses to comply within the time prescribed, the Zoning Administrator or other designated officer may proceed to raze the building through any available public agency or by contract or arrangement with private persons, or to secure the building and if necessary the property on which the building is located if unfit for human habitation, occupancy or use. The cost of razing or securing the building may be charged in full or in part against the real estate upon which the building is located. The Forest County Board of Supervisors shall recover costs of enforcement of a raze/demolition order through special assessments to be levied and collected as a delinquent tax against the real estate upon which the building is located. Such special assessment shall be lien upon the real estate as soon as the assessment is made or levied, regardless of whether such assessment or lien is recorded in the Register of Deeds Office. An administrative fee may be set by the County Board and shall be added to the special assessment against the benefited property.

J. Foundation and Building Site

Whenever a building has been razed, the foundation thereof, if any, shall be removed and filled with noncombustible material. Concrete/masonry materials may be crushed to a compatible aggregate size and used for excavation fill.

Whenever a building has been razed, the site shall be graded with a minimum of three inches of topsoil, with indigenous plantings, seed and mulch or sod, to cover the entire disturbed area. For a land disturbance of one or more acres, the property owner shall obtain required Wisconsin Dept. of Natural Resources permit(s) in compliance with Ch. NR 151, WI. Adm. Code.

K. Site Safety and Security

The permit holder, his agent or contractor shall, during the razing process maintain the razing site in a safe and secure condition. The Zoning Administrator may require additional safety and security methods, including fencing and gating, as deemed necessary to protect and restrict access to the public.

L. Sale of Salvage

If an order to raze a building has been issued and carried out by the County, the County or other designated officer under the contract or arrangement to raze the building may sell the salvage and valuable materials at the highest price obtainable. The net proceeds of the sale, after deducting the expenses of razing the building, shall be promptly remitted to the circuit court with a report of the sale or transaction, including the items of expense and the amounts deducted, for the use of any person entitled to the net proceeds, subject to the order of the court. If there remains no surplus to be turned over to the court, the report shall so state.

M. Required Work and Approvals

All plumbing, electrical, and HVAC work shall be done by Wisconsin registered/licensed contractors. The following inspection and approvals are required:

1. Public Sewer: Abandonment by State of Wisconsin licensed plumber (prior to commencement of razing structure). Approval and inspection through the Zoning Department and/or the Sanitary District.
2. POWTS: Septic system/holding tank abandonment by State of Wisconsin licensed plumber (prior to commencement of razing structure). Inspection and approval through the Zoning Dept.

3. Electrical: Electric meter and service removed by State of Wisconsin licensed Electrician (prior to razing structure).
4. Foundation: Excavation approval and inspection prior to backfilling
5. Well Abandonment: Unused and improperly abandoned wells are a significant threat to groundwater. State law requires that all wells be filled and capped prior to any demolition work. Approval and inspection by a Wisconsin Licensed Pump Installer.

N. Exemption

This chapter shall not apply to demolition of any buildings less than 300 square feet in floor area.

SECTION 6: FILLING AND GRADING

6.1 WETLANDS

Filling and grading of wetlands is prohibited until a permit or exemption is received from the Wisconsin Dept. of Natural Resources.

6.2 Permits Required:

- A. An approval is required for filling or grading of any area where the resulting conditions will direct runoff toward the property of others. An application demonstrating elevations before alteration begins and proposed final elevations is required.
- B. An approval is required for any fill or grading of an area in excess of ½ acre or more.
- C. An approval under this chapter may not be required where another regulatory agency has concurrent jurisdiction and the substantive concerns of this chapter are addressed and resolved by issuance of a permit under the authority of that regulatory agency.

6.3 Approval Conditions:

A. In granting an approval under this Section, the county shall attach the following conditions, where appropriate, in addition to those specified in this ordinance or a variance that has been issued by the Board of Adjustment.

1. Filling may be permitted provided the fill material
 - A. Is suitable for its intended use, no fill shall consist of junk, wood, sawdust, paper, tires, solid waste, muck, peat, or any similar materials which could cause subsidence.
 - B. Is protected from erosion so as not to cause siltation of adjacent lands. The use of a temporary ground cover or other conservation practices such as sediment catch basin or diversion terrace may be required in order to prevent erosion.
 - C. Rests on a firm bottom and be stabilized according to accepted engineering standards
 - D. Does not alter the drainage from and onto adjacent lands
 - E. Does not, in any manner, alter the course of a drainage way on property belonging to other than the applicant.
 - F. Where applicable, meet the requirements of state or federal agencies also having jurisdiction, such as the Wisconsin Dept. of Natural Resources or the US Army Corps of Engineers.
2. Grading of an area may be approved provide that:

- A. The smallest amount of bare ground shall be exposed for the shortest time feasible and permanent ground cover shall be established as soon as practical
 - B. Precautions are taken to prevent erosion and sedimentation with silting basins, diversions terraces, or similar practices used individually or in combination where circumstances warrant such. Silt fences shall be installed down gradient of the grading activity.
3. Excess fill, rock or materials associated with construction, reconstruction or repair of a structure shall be removed from the site unless its placement is addressed in the applicable permit issued for the construction activity.
4. No fill or grade approval will be issued until all applicable permits have been received from State and Federal agencies if required.

SECTION 7: DETERMINATIONS, ENCROACHMENTS, COMPLAINTS AND COVENANTS.

7.01 Encroachments

Encroachments and property line disputes are a civil matter and shall first be handled in court to determine proof of property lines. When a setback violation is established, the Forest County Zoning Office may proceed to enforce the applicable section of the ordinance.

7.02 Complaints

Zoning complaints shall be filed in writing and signed on forms provided by the zoning office.

7.03 Covenants

Restrictive covenants, or deed restrictions, are private contractual covenants that limit land use. Restrictions are placed on the property by affirmative action of the owner of the property. These restrictions are for the benefit of the property with the intent to enhance the value of the real property. Restrictive covenants affect subsequent owners of the real property usually for a stated term and for any extensions. Enforcement of restrictive covenants is the responsibility of participants of the property covered by the restrictions.

SECTION 8: ADMINISTRATION

8.01 Designation of an Administrator

- A. The County Zoning and Personnel Committee will appoint a County Zoning Administrator for the administration and enforcement of the provisions of this ordinance. The County Zoning Committee may authorize the appointment of a Deputy Zoning Administrator to assist in the enforcement and administration of this ordinance. Deputy Zoning Administrators may be appointed by a town to assist the office but compensation for the Deputy Zoning Administrator will be the responsibility of the town unless a memorandum of understanding between the town and the county exists to represent other arrangements.
- B. The Zoning Administrator may delegate to the Deputy Administrator any of the duties listed in this Section.
- C. The Zoning Administrator shall have the power to, cause, rescind, or alter any action of a Deputy Zoning Administrator and may also suspend their powers under this ordinance until the next regular meeting of

the Zoning Committee. Upon appointment of a Deputy Zoning Administrator by a town, the Zoning Committee shall, at its next regular meeting, vote to approve or deny said appointment. The Zoning Committee shall have the power to dismiss a township Deputy Zoning Administrator at any time, for cause

8.02 Duties

In administering and enforcing this ordinance, the County Zoning Administrator shall be responsible for the following duties:

- A. Provide necessary forms for applications for use permits
- B. Issue land-use permits, special exception permits and conditional use permits under this ordinance where the provisions of this ordinance have been complied with
- C. Maintain files of applications, permits, and other relevant information
- D. Regular inspect permitted work in progress to insure conformity of the finished structures with the terms of this ordinance.

8.03 Powers

The County Zoning Administrator and duly appointed deputies have the powers and authority including but not limited to the following:

- A. At any reasonable time, and for any proper purpose, to enter upon any public or private premises and make inspection thereof. In absence of a permit or permission from the landowner to inspect property the procedure set forth in WI Stat §66.0119 will be used to obtain information relating to conditions on the property or violations.
- B. Upon reasonable cause or question as to proper compliance to revoke any land-use permit and issue cease and desist orders requiring the cessation of any structure moving alteration or use which is in violation of the provisions of this ordinance, any variance, conditional use or special exception.
- C. Recommend prosecution and prosecute violators of this ordinance by issuing citations pursuant to WI Stat. §20.05.2, or action of the corporate counsel
- D. Refer to town deputies, or to town boards for investigation report or mediation complaints filed with the County Zoning Administrator that by their nature might best be dealt with in initial stages at the town level
- E. Other duties as listed in the Administrators job description of file with the County Clerk

SECTION 9: LAND USE PERMITS

9.01 When required

Except where another provision of this ordinance specifically exempts certain types of development from this requirement, a land use permit shall be obtained from the zoning office before any new development or any change in the use of an existing structure is initiated.

9.02 Application

An application for all permits, land use, variance or conditional use shall be made to the Zoning office upon forms furnished by the County. Landowners or agents will be required to complete the forms and demonstrate the placement of their development by marking the footprint in a manner county staff can easily identify and match the size and location to the permit application.

9.03 Required submissions

In addition to the written requirements of ownership and parcel identification on the development application, building plans are required to indicate size and positioning of development on the property. The site development plan may be drawn to any legible scale and submitted as part of the permit application and shall indicate the following:

- A. The location, dimension, area, and elevation of lot or parcel
- B. The location, dimension, area and elevation of development
- C. The distance of all development, existing and proposed to lot lines and centerlines of all abutting streets or highways or edges of easements
- D. The location of any existing or proposed sanitary systems or private and public water supplies.

9.04 Permit Approvals

Permits will be granted or denied based on the paper application, the onsite inspection and the requirements of the ordinance. An 8 ½ b 11-inch cardboard placard will be issued to the landowner or agent. The placard shall be placed conspicuously near the entrance of the property before work begins and remain until permitted work is completed.

The Administrator may defer any permit applications to the Committee for deliberation or instructions.

9.05 Expiration of Permits

Land use or Conditional Use permits expire 12 months from the date of issuance if no substantial work has commenced. If after 12 months of the date of issuance of any permit the proposed construction or preparation of land for use has not commenced, said permit shall expire. The Zoning Administrator may grant an extension of such permit for a period not to exceed 12 months upon the showing of valid cause and payment of another permit fee.

9.06 Late Application

Any application for permits or any other permission, received after the use change or construction has been initiated, shall be subject to an additional late application fee. Payment of a fee for late application shall not exempt the applicant from prosecution for violation of this ordinance.

9.07 Fees Required

The Forest County Zoning Office shall maintain a Master List of Fees for all permits and activities required by this ordinance.

SECTION 10: PENALTIES

10.01 Penalty for violations

- A. Except as otherwise provided, any person who violates this ordinance may be subject to a fine of \$500.00 plus \$50 cost per day a violation continues. Second offense or subsequent offense shall be \$1000.00 plus \$50 cost per day the violation continues. After the second or subsequent offense, the County may also seek injunctive relief from the circuit court to cause violation to be ceased, moved or removed.
- B. Any unpaid fine under this ordinance may be placed on the tax roll against the property where the violation occurred, subjecting the owner of the property to forfeiture of the property through a tax deed if it remains unpaid.
- C. Failure to comply with or follow instructions or restrictions as directed by the Board of Adjustment after securing a variance is considered a violation of this ordinance
- D. Failure to comply with or follow instructions or restriction as directed by the Forest County Zoning Committee after receiving a Conditional Use Permit is considered a violation of this ordinance.
- E. Failure to abide by the terms of placement of a structure as allowed in a land use permit as issued by the Zoning Office may be subject to the issuance of a fine up to \$20,000. Injunctive relief by order of the court.

10.02 Citation Enforcement

- A. Enforcement of this ordinance will be through the citation enforcement procedure authorized in WI. Stats § 66.0113.
- B. The adoption of the citation method under this section does not preclude the county or its officers authorized to issue citations from proceeding under any other enforcement procedure that pertains to the subject matter addressed in the citations.
- C. Payment of the citation by a violator does not relieve the violator of the obligation to the ordinance nor to remove what has been illegally installed. A new citation may be issued within 30 days from the time a previous citation for the same violation was given a judgement from the courts.
- D. Prior to issuing a citation under this section, the zoning administrator or any delegated deputy administrator shall attempt to gain compliance with the ordinance by issuing a correction letter. Upon failure to gain compliance, or a good faith start toward compliance, the administrator or delegate will issue the citation, delivered in person, by first class mail, or by registered letter as the administrator deems most effective.
- E. The format of any citation and procedures open to the violator including procedure on default will be consistent with WI Stats §66.1113, 66.0114, and 66.0115.
- F. All citations issued under this ordinance have the legal effect specified in Wi Stat §66.119 and provide the circuit court of the county with subject matter jurisdiction.
- G. Citations issued may be paid by either cash or a certified check or money order made out to the Forest County Clerk of Court, Forest County Courthouse, and Attention: Clerk of Court, 200 E. Madison Street. Crandon WI 54520 by mail or in person.

SECTION 11: CONDITIONAL USE PERMITS

11.01 Application for a Conditional Use Permit

Uses listed as permitted by a Conditional Use Permit shall be authorized in a district after application to the Zoning office, public hearing and the application of appropriate conditions.

11.02 Process for Conditional Use Permit

A request for a conditional use permit shall be submitted in writing to the county zoning office of forms provided by the county. The administrator will refer the application to the committee for approval to proceed. The request shall be accompanied by scale or distance maps or drawings prepared to the best of the applicant's ability, showing legibly and accurately the location, size and shape of the lot(s) involved and of any proposed structures, including the relation to abutting streets and any abutting lakes or streams, and the existing and proposed use of each structure, the design of any required parking areas, driveways, or internal roadways.

11.03 Hearing

The Zoning Office will cause to be published in the County's official newspaper a class 2 notice and at the same time notify, by regular mail, the applicant, the property owners within 500 feet of the subject property and the town where the property is located of the special request. This notice shall include the location, date, and time of the hearing and location of the application copies for examination by interested parties. The Zoning Committee shall invite 2 members of the town board in which the property is located to join the committee during the public hearing and deliberate on proposed conditions in a non-voting position. The administrator shall forward an agenda and copies of the application to each Zoning Committee member and the affected town before the next regular meeting after the waiting period for the Class 2 notice, but in no case less than seven days before the meeting.

11.04 Determination

- A. The Zoning Committee shall act on the application after hearing comments, and general and specific requirements requested by the town, the public and committee members. The applicant must demonstrate that the application and all requirements and conditions established by the County relating to the conditional use are or shall be satisfied and must be supported by substantial evidence.
- B. The County's decision to approve or deny the permit must also be supported by substantial evidence.
- C. The Conditions the County imposes must be reasonable to the extent practicable, measurable and may include conditions such as the permits duration, transfer or renewal.

11.05 Recording

When a conditional use permit is approved, an appropriate record shall be made at the Zoning office and in the public record consisting of the land use and structure permits and conditions specified by the Zoning Committee. Such permits shall be applicable solely to the structures, use and property so described.

11.06 Termination

Where a Conditional Use Permit does not continue in conformity with conditions of the original approval, the Conditional Use Permit shall be terminated by action of the Zoning Committee and may be considered by the committee as an ordinance violation. Procedure for termination shall be the same as for approval, except it shall be proceeded by issuance of notice of violation, and of any necessary citation, which if left unpaid and not corrected provide the basis for the termination.

11.07 Standards Applicable for Conditional Uses

When deliberating upon a Conditional Use request, in addition to any other factors, the committee shall also consider the following:

- A. The maintenance of safe and healthful conditions

- B. Sufficient property to adequately accommodate the proposed use
- C. The prevention and control of water pollution including sedimentation
- D. The prevention of damage to adjacent properties due to altered surface water drainage
- E. The avoidance of potential erosion based on the degree and direction of slope, soil type and vegetative cover.
- F. The location of the site with respect to existing or future access roads
- G. The compatibility with placement of structures on adjacent land
- H. Traffic, noise and hours of operation
- I. Any restriction the committee feels is necessary to secure the wellbeing of the surrounding community.

11.08 Conditions Imposed

- A. Upon consideration of the standards listed in Section (12.07) of this ordinance, the Zoning Committee may attach such conditions as are necessary to further the purpose of this ordinance. Any violations of these conditions is cause for evoking the conditional use permit. Citations may be issued to enforce compliance before revocation.
- B. If an applicant for a conditional use permit meets or agrees to meet, all of the requirements and conditions specified in the county ordinance or those imposed by the County Zoning Committee, the County shall grant the conditional use permit. Any condition imposed must be related to the purpose of the ordinance and be based on substantial evidence.
- C. All actions under this section are appealable to the Board of Adjustment.

11.09 CAMPGROUNDS, CAMPING RESORTS AND PRIMITIVE CAMPGROUNDS

- A. Minimum Area: Minimum area for a campground or camping resort shall be five (5) acres and a minimum road frontage of 200 feet.
- B. Density: Maximum density within a campground or camping resort shall be 15 campsites per acre.
- C. Access: There shall be no more than two access points from public roads, streets, or highways into any campground or camping resort.
- D. Buffer Zone: The outer boundaries of all campgrounds and camping resorts shall contain a thirty-foot buffer zone consisting of coniferous tree and shrubs. No campsites shall be within 30 feet of the campground or camping resort outside boundary.
- E. Campsite Identification: All campsites within campgrounds or camping resorts shall be marked with permanent markers and numbered indicating each corner of the lot
- F. Campsite Dimensions: Campsites within a campground or camping resort shall have minimum dimensions of not less than 40 feet wide and 60 feet long and shall be numbered.
- G. Campsite Sales Prohibited: Individual campsites within a campground or camping resort shall not be sold or transferred.
- H. Restroom Facilities: The campground management shall provide toilet facilities for each sex. There shall be a minimum of one set of facilities for each 15 campsites.
- I. Sewage System: Private septic systems or holding tanks serving individual campsites shall not be permitted in campgrounds or camping resorts.
- J. Retail Sales: Convenience establishments of a commercial nature, such as gasoline and grocery sales may be permitted in a campground providing that such establishments and their related parking areas shall not occupy more than 10% of the total campground area, shall be subordinate to the recreational

character of the camp, and shall be located, designed and intended to serve primarily the needs of the campground occupants.

- K. Drainage: Every campground shall be located on a well-drained area not subject to intermittent flooding. The premises shall be properly graded to prevent the accumulation of storm or other waters that may create hazards to the health and safety of the occupants. No campsite shall be located in any area that is situated so that the drainage from any source of pollution can be deposited thereon. Exposed ground surfaces in all parts of every parking area shall be paved or covered with stone screenings or other solid material or protected with vegetative growth capable of preventing soil erosion and eliminating objectionable dust.
- L. Plan Drawing: Plan drawings of proposed campgrounds and camping resorts must be submitted to the Forest count Zoning Office with the application showing all sites, roads, location of water sources and sanitation facilities.
- M. Licenses: All applicable State Permits and Licenses shall be acquired prior to the issuance of a campground permit.

11.10 JUNK AND SALVAGE YARDS:

- A. Salvage materials processing, and recycling facilities shall not be located within sixty (60) feet of any public road, street or highway right-of-way or within one hundred (100) feet of side or rear property line.
- B. Junkyard and salvage yards shall be enclosed by a fence or planting screen so the materials are not visible from other properties, nor a public right-of-way such as roads, streets, highways and waterways. Such fence shall be constructed to a height of 10 feet and shall be kept in good repair.
- C. Salvage materials shall not be piled higher than the height of the fence or screening, nor against the fence or screening.
- D. An unobstructed firebreak shall be maintained twenty (20) feet in width completely surrounding any junk and salvage yard. For purposes of enforcement, a firebreak shall be an area void of vegetation over 12" in height or any man-made combustible materials.
- E. All other State licenses shall be acquired prior to the issuance of a permit from Forest County.
- F. No household waste can be kept on site of a salvage or junkyard.

11.11 SHOOTING RANGES

- A. The Zoning Committee shall evaluate potential hazards to adjacent uses, topography, ground cover and noise.
- B. The firing of rifles and shotguns within a shooting range shall not be permitted directly towards or over navigable waters, public or private roads or drives, towards any building or structure nor directly towards any population concentration located within one and a half (1-1/2) mile.
- C. Shooting ranges shall be clearly identified by signs not less than four square feet in gross area located at intervals of not more than 25 yards around the perimeter and shall be maintained in a legible condition.

11.12 GUEST HOUSE RENTAL

- A. Each guesthouse rental shall meet the requirements of Forest County's Sanitary Ordinance along with the following requirements:

Not less than one and one quarter (1-1/4) onsite off-street parking spaces for every four (4) occupants based on maximum occupancy. Parking spaces may not extend into a setback of ten (10) feet from any lot line.

Obtain a health license from the State of Wisconsin for operating a tourist rental house issued under § 254.64 WI. Stats.

The rental shall not have excessive noise complaints

The rental shall not have poor property condition such as garbage or refuse complaints, condition complaints, and general care and maintenance complaints.

The rental shall not have other issues that may impact the use, value, and enjoyment of other property in the neighborhood.

All rental properties shall pay room tax.

11.13 AIRPORT HEIGHT LIMITATION DISTRICT

A. Purpose

This district is intended to regulate the height of any structures or trees in the mapped easement of the Airport known as "Crandon Municipal Airport".

B. Height Limitations

Except as otherwise provided in this ordinance, no structure shall be constructed, altered, located or permitted to remain after such construction, alteration or location and no trees shall be allowed to grow to a height in excess of the height limit indicated on the airport map.

C. Restrictions

No use may be made of land in any district in such a manner as to create electrical interference with radio communications between the airport and aircraft, or make it difficult for pilots to distinguish between airport lights and others, or result in glare in the eyes of pilots using the airport, or impair visibility, in the vicinity of the airport or otherwise endanger the landing, taking off or maneuvering of aircraft.

SECTION 12 METALLIC MINING

12.01 Purpose and Intent

1. Findings. Forest County has some of the largest known deposits of metallic minerals. If not properly regulated, metallic mineral mining could have an adverse impact on the environmental character and quality of the communities in Forest County.

2. Purpose. The purpose of this section is to regulate, consistent with Forest County's Comprehensive Plan, metallic mineral mining in Forest County and to promote the public health, safety and general welfare and accomplish the purposes under Stats.59.69 (1), including but not limited to the protection of water, groundwater, forest and other natural resources, and the protection of property values and the property tax base. In addition, it is the purpose of this section to coordinate the requirements of this section with other applicable state and federal requirements.

3. Authority. This section is adopted under the authority of the powers set forth in Wis. Stats., §§59.69, 59.692, 59.693, 59.694, and Wis. Stats., Ch. 293.

4. Interpretation. Where provisions of this section of the Forest County Zoning Ordinance impose requirements or procedures that vary from other provisions in this ordinance, the provisions of this section shall govern. Should any portion of this section be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this section shall not be affected.

12.02 Definitions

1. Except as set forth below, the terms in this section have the meaning set forth in Wis. Stats., Ch. 293 and regulations promulgated thereunder. The terms set forth below are defined for purposes of this section only. In this section, "Operator" and "Mining Operation" have the same meaning as provided in WI. Stat. §293.01.

A. ACTIVE MINE SITE--- The area owned or under lease by the operator including the above ground and underground mine workings, surface facilities and structures, surface water and wastewater treatment facilities, stockpiled material including material for backfill, overburden, topsoil and ore, but not including road, rail utility or pipeline corridors.

B. APPLICANT---A person who has applied for or received an exploration permit or a prospecting permit or a mining permit.

C. BOARD----- The Forest County Board of Supervisors

D. COMMITTEE--- The Forest County Zoning Committee

E. LIFE OF THE OPERATION --- The period of time from when permits are issued under this section to 40 years after the mine has permanently ceased operation.

F. LOCAL IMPACT COMMITTEE--- The Forest County Zoning Committee, along with 8 appointed community representatives.

D. SIGNIFICANT SUBSURFACE SUBSIDENCE---Any cave ins, sinkholes, depressions, shaft openings or settling of the surface of the ground over a reclaimed open pit or shafts, tunnels, or other openings associated with a mining or prospecting project permitted under this ordinance

E. SOLUTION MINING---The extraction of ore by the use of chemical reagents, including but not limited to cyanide heap leaching, vat leach mining or in situ leach mining techniques.

12.03 Conditional Use Permit Required

A. Mining and prospecting operations and mining site whether conducted or located in whole or in part within this County may be allowed under a conditional use permit in accordance with the provisions of this section, but only in the industrial, Forestry and Ag, and Mixed Use zoning districts.

B. No person or business entity may commence construction of a metallic mine or conduct metallic mining in Forest County unless in conformance with a valid metallic mining conditional use permit issued by the county pursuant to this section.

C. A conditional use permit issued in accordance with this section may contain conditions, restrictions, and limitations on mine construction, operation, and reclamation of mining activities as necessary to achieve the intent of this section.

D. Conditions established by the conditional use permit pursuant to this section must be met at all times or the applicant may be found in violation and be subject to forfeitures, penalties, permit suspension or revocation or other enforcement provided herein.

E. Any conditional use permit issued pursuant to this section may be in addition to any local agreement entered into by the County and the applicant. Local agreements may address conditions set forth herein.

G. Any conditional use permit issued pursuant to this section may be in addition to any other state, federal, or local permits, licenses or approvals necessary for any mine construction or any aspect of the mining operation.

12.04 Application Requirements

A. The application submitted for a Conditional Use Permit for a metallic mining permit shall be accompanied by the following information and/or plans reflecting the best information available at the time of the application. An application for a Conditional Use Permit shall be filed with the Zoning Administrator and shall include the application fee, an electronic copy and one paper copy of the following original materials.

1. Copies of all deeds, leases and landowner agreements for proposed mine site.
2. Complete application for mining pursuant to Stats. 293.37 and NR 132.07
3. All State and Federal documents with respect to the proposed mining permit. If for any reason a mining permit is not required by the WI DNR or if the application requirement for the State of Wisconsin mining permit change substantially from those in effect on the effective date of this ordinance, the applicant shall provide the county with all the information, materials and application content that would be required to be provided to the WI DNR under the mine permit application process.
4. Environmental Impact report prepared under Wis. Stats., 23.11
5. Environmental Impact Statement pursuant to Wis. Stats., 293.39
6. Mining Operational Plan pursuant to NR 132.07
7. Reclamation Plan pursuant to NR 132
8. Hydrologic study which identifies and characterizes groundwater resources that potentially could be impacted by the mining activity, including all accessible public and private wells subject to depletion or contamination.
9. A map and aerial photo identifying the proposed locations of existing and proposed permanent and temporary structures showing setback distances to property boundaries, right of ways, and private onsite wastewater treatment systems.

10. A description of the proposed primary travel routes to transport material to and from the site, type of vehicle used in transport, average loaded weight of vehicles used, and the anticipated schedule of travel to be used for transporting. The description shall identify the following information:

a. The anticipated need for road modifications resulting from the likely mine-related traffic impacts, including both primary and secondary impacts and shall fully describe the existing reasonably foreseeable mine-related changes to traffic patterns, traffic volume, the class of roads associated with those patterns, and any road-related needs and restrictions.

b. All reasonably foreseeable road construction and maintenance needs arising in Forest County and affected towns from operation of the proposed mine and reasonably foreseeable secondary impacts of the mining operation which may result in the demand for additional road improvements.

11. A description of the proposed frequency and amount of blasting, if any, to be used in the operation.

12. A description of measures to be taken to control dust including during mining, stockpiling, and on haul roads (internal and external).

13. A description of measures to be taken to screen or buffer the operation from view with vegetative or other screening devices from adjacent properties.

14. A description of proposed lighting to be used during the mining operation; including location, type, style and intensity of lighting to be used and its power source(s).

15. A description of security and safety measures including any proposed fencing, gating, or signing.

16. A description of the anticipated hours of operation including startup, shutdown, and maintenance of all equipment.

17. A description of how the ore is extracted and processed.

12.05 General Requirements, Restrictions and Prohibitions.

A. All mines permitted pursuant to this ordinance shall be located, constructed, operated and reclaimed to protect the public health, safety and general welfare.

B. Metallic mining may be permitted by the Forest County Zoning Committee in accordance with the Forest County General Zoning Ordinance as a conditional use in the Industrial, Mixed Use, and Forestry/Ag districts.

C. The applicant for a mining permit shall demonstrate that they have applied for all necessary approvals, licenses and permits for the proposed project from the WI DNR (including but not limited to, those under WI. Stats., 30, 31, 107, 280 to 299), from any other agency of Wisconsin, and from any federal agency with jurisdiction over the mining or mining operation.

D. The applicant shall provide the committee with the following information about its environmental compliance performance history for the fifteen-year period prior to the filing of its application:

1. Any forfeiture by the applicant, principal shareholder of the applicant or a related person of a mining reclamation bond that was posted in accordance with a permit or other approval for a mining operation in the United States or Canada.

2. A civil judgment or criminal conviction of the applicant, a related person or an officer or director of the applicant for a violation of law for the protection of the natural environment arising out of the operation of a mining site in the United States or Canada.

3. The bankruptcy or dissolution of the applicant or a related person that resulted in the failure to reclaim a mining site in the United States or Canada in violation of a state, provincial or federal law.

4. The permanent revocation of a mining permit or other mining approval was revoked because of a failure to reclaim a mining site in the United States or Canada in violation of state, provincial or federal law.

E. A 500 ft. buffer zone shall be established and maintained within the boundaries of the mining site. The buffer zone is an area to be left in its natural state except for the planting of native trees or shrubs to provide an aesthetic visual barrier to the active mine site. This buffer zone is to remain during active mining and for a period of 40 years following issuance of certificate of completion by the WI DNR of mining unless an alternate use is approved by the county as part of the reclamation plan.

G. An Environmental Impact Report and Statement shall be completed pursuant to WI. Stats., 1.11, 293 and NR 150

F. The standards set forth in Wisconsin Administrative Code NR 132.07(4) (g) and NR 132.08 regarding mine reclamation standards shall apply to metallic mining activities in Forest County.

H. A metallic mineral mining project shall be located, designed, constructed and operated in such a manner so as to prevent any surface or subsurface discharge from the facility into navigable waters or groundwater that would cause a violation of any applicable water quality standard contained in or promulgated pursuant to WI. Stats. 281 and 283, or constitute an unlawful discharge of any hazardous substance under WI Stats., 292, or under any other State, Federal or local law.

G. In addition to financial assurance provided to state and federal agencies, the applicant shall provide adequate financial assurance, in kinds and amounts as set forth below:

1. General Liability Insurance: Applications for a prospecting or mining permit shall be accompanied by a certificate of insurance certifying that the applicant has in force a liability insurance policy issued by an insurance company authorized to do business in Wisconsin covering all prospecting or mining activities of the applicant and affording personal injury and property damage protection in a total amount deemed adequate by the committee but no less than \$2 million. Such insurance coverage must remain in effect for 40 years following permanent termination of prospecting or mining operations.

2. Groundwater Trust Fund:

A. The applicant shall deposit into an interest-bearing trust account \$100,000.00 for each well potentially affected, as identified by the hydrologic study. The original deposit, any additional deposits and other accumulated interest shall remain in the trust account for period of 40 years after certificate of completion, issued by the DNR. If no outstanding claims are pending at the end of the 40-year period, any remaining balance shall be returned to the operator. The applicant agrees to establish the trust account at a bank or financial organization identified by Forest County.

B. The applicant shall agree to monitor all private or public wells within the groundwater impact area on regular schedule established by the County for water quality and quantity upon issuance of any

permit under this section. Results of such monitoring shall be reported to the County and each individual well owner and current resident of the property.

C. The groundwater trust fund shall be used to pay for replacing any contaminated, damaged, or depleted wells and/or providing potable water to any well owner/claimant whose well has been contaminated, damaged or depleted. The mine operator may object to payment of these claims only if it can establish that the contamination, damage or depletion is not due in whole or in any part to the mining operation.

D. Any person whose well is contaminated, damaged, or depleted beyond the identified hydrologic study area may apply for funds for a replacement well or alternate water supply if that person can demonstrate, by the preponderance of evidence, that the contamination, damage or depletion was due in whole or in any part to the mining operation.

E. The Forest County Clerk or their designee is designated to supervise and administer the groundwater trust fund. It shall approve of the distribution of monies from said fund to claimants under this subsection. The County Clerk, shall be empowered to hold meetings and hire licensed professionals to assist him or her in the proceeds of ascertaining the entitlement of the claimant to compensation, to ascertain the amount of such damages and to authorize disbursements to the claimant or to purchase and provide water to the claimant. The groundwater trust fund shall also be monitored to determine if there are adequate funds to cover actual and/or pending claims. The County Clerk shall request the operator to provide additional funding within 30 days if funding is deemed inadequate.

3. Property Value Compensation Fund

A. The applicant shall establish an interest bearing trust account at a bank or financial institution identified by Forest County in the amount of 25% of the equalized value of the property within three miles of the active mine site and the groundwater impact area, to cover decreased property value that may result from the property's proximity to the active mine site. The original deposit, any additional deposits and other accumulated interest shall remain in the trust account for a period of 40 years after permanent termination of mining operations. If no outstanding claims are pending at the end of the forty-year period, any remaining balance shall be returned to the operator.

B. Any property owner within three miles of the active mine site or the groundwater impact area may request an appraisal of their property reimbursed from the fund not more than once every five years or upon sale of their property. If their property shows a loss exceeding other prevailing losses to similar properties in the County, the property owner shall receive compensation of twice the value of the loss from the property value trust fund.

C. Any property owner outside three miles of the active mine site or the groundwater impact area may submit a claim to the trust fund if an appraisal of the property demonstrates a loss in property value and the owner can demonstrate that the loss is the result of the property's proximity to the active mine site.

D. The Forest County Clerk or their designee is designated to supervise and administer the property value trust fund in accordance with the procedures for the groundwater trust fund set forth above.

4. Road Damage Compensation Fund

A. The applicant may enter into a roadway maintenance agreement with any political subdivision whose roads are, or are likely to be, affected by the mining operation.

B. The applicant shall fund an irrevocable road damage compensation trust. The applicant shall initially deposit funds in an amount determined by the Zoning Committee to be reasonably

anticipated cost to construct, maintain, repair and reconstruct all affected public roadways to meet the traffic demands to be caused by the mining operation.

C. The Forest County Clerk or their designee is designated to supervise and administer the Road Damage Compensation Fund in accordance with the procedures for the groundwater trust fund set forth above.

12.06 Application Fee.

A. The application fee for a metallic mining permit shall be in the amount of \$50,000.00. The fee may be used to cover cost incurred prior to the county's first billing for actual costs. The balance shall be held in a segregated account until the final billing for actual costs has been paid and then refunded to the applicant.

B. The applicant shall also be responsible for those costs incurred before or after the application for the Conditional Use Permit filed with the County and for monitoring any such mining project that becomes operations, continuing for the life of the operation and during the 40 years following closure.

C. Costs under this subsection shall include staff time, equipment and material costs, licensed professionals and legal counsel. Such costs shall not exceed those which are reasonably charged for the same or similar services by licensed professionals of the type retained. The County shall also avoid duplication of services where reasonably possible, taking into consideration the normal duties and responsibilities of the staff. Prior to processing an application for a permit under this section, if the committee determines that the cost involved in permit review and approval will exceed \$50,000, the committee shall supply an estimate of the cost involved in the permit review and approval process. The committee shall require additional fees beyond the application fee if necessary and an agreement from the applicant that it will pay all processing costs billed to it. Mining Operations may not commence as requested in an application or otherwise, regardless of an approved Local Agreement, until the Operator has procured all necessary permits and approvals from all necessary state and federal agencies to construct, operate, close, reclaim, and monitor the Mining Operation.

12.07 Permit Transfers

A. In the event that the permit holder to which a conditional use permit is granted under this section seeks to divest itself in whole or in part of a continuing interest in either the mineral rights subject to the permit, or of the project itself or of any of the rights or responsibilities assigned to it under the permit and transfer such rights and responsibilities to a third party, it shall give prior notice thereof to the Board.

B. The Zoning Committee shall not unreasonably withhold consent to such transfer; however, it shall have the right to demand proof of the assignees fiscal and managerial ability to fulfill the requirements of the permit,

C. The permit holder shall provide a review fee of \$1500.00 to cover the cost of processing and shall be liable for any additional actual costs.

D. The committee may refuse to grant assignment of a permit if the proposed assignee has demonstrated its inability or refusal to abide by laws and regulations as based upon its performance history or that of its parent corporations or subsidiaries. If necessary, to protect the interest of the public, the committee may refuse to release the original permit holder from responsibility under the permit.

12.08 Inspections

A. Upon application for a conditional use permit, the applicant is deemed as a condition of application to have consented to allow inspections of the mining site and all mining operations by the county for the purpose

of determining compliance with the provision of this section and the terms and conditions of the conditional use permit. Inspections may occur, pursuant to this section, upon showing proper identification, with or without advance notice to the applicant.

12.09 Reports

A. Operator shall supply copies of all mine operation reports provided to the WI DNR until such time that a certificate of completion is issued.

12.10 Commencement of Mining Operations

A. The granting of a conditional use permit shall not be deemed effective until the operator has procured all necessary permits from the state and federal agencies to construct, operate, close, reclaim, and monitor the mining operation. Construction must be commenced within 2 years of the effective date of the last state and federal permit issued or the conditional use permit shall be null and void.

12.11 Permit Modifications

A. The County reserves the right to reopen and modify a conditional use permit after it has been granted if it is determined upon the basis of substantial evidence, including evidence presented at state or federal hearing, that mining activity pursuant to the permit would endanger the public health, welfare or safety.

B. In order to reopen a permit, the County or the Conditional Use applicant shall identify the specific terms of the permit subject to reopening and file an application for a public hearing with the Zoning Committee. The Zoning Committee shall hold a public hearing in accordance with the procedures in the ordinance. No modifications to an existing permit shall be made unless supported by substantial evidence and approved by the Zoning Committee.

12.12 Violation/Enforcement

A. Conducting Metallic Mining Operations without a Conditional Use Permit is subject to the following:

1. After the fact permit application fee of double the original application fee.
2. Such other and further relief, including but not limited to, equitable relief granted by a court of competent jurisdiction.

B. Permit revocation and suspension. The Zoning Committee may revoke or suspend a mining permit issued under this section if it is determined that there is substantial evidence that any of the following has occurred:

1. Statutes, ordinance, or permit requirements have been violated
2. Financial Assurance has not been provided as required or has lapsed
3. Insurance coverage has lapsed or fallen below required levels
4. Actual costs have not been paid for permit processing, monitoring and review
5. Applicant has failed to comply with State and Federal Regulations.
6. The mine is idle for 2 consecutive years

C. In the event the state/federal laws and/or regulations are amended to the extent that the terms and conditions of the Conditional Use Permit are affected, the applicant shall apply for a modification to the permit within 6 months of the effective date of such amendments.

12.13 Local Agreements

A. Negotiating Process

1. In the event that Forest County Board of Supervisors wishes to enter into negotiations with a proposed operator of a mining project pursuant to Wis. Stats. 293.41, the Chairperson of the Board or his/her designee shall be named to serve on a mining Impact Committee. The Chairperson shall also appoint other members of the committee as directed by the Board. The county may elect to participate in a joint mining impact committee with representatives of each town in which the proposed mine is located.

2. All negotiating sessions held pursuant to Wis. Stats. 293.41 whether by the County Board or by another representative committee on behalf of the County, shall be in open session except when a closed session is necessary to develop negotiating strategy outside of the presence of representatives of an applicant. All other business of the negotiating committee shall be conducted in open session.

B. Any local agreement must be approved as provided in Wis. Stats. 293.41

C. The governing body for the purposes of approving a local agreement under Wis. Stats. 293.41, is the County Board.

D. No local agreement shall be approved for public hearing under Wis. Stats. 293.41 until the applicant has filed all applications for all necessary approvals, Conditional Use Permits, and permits from the WI DNR and any other state or federal agency with jurisdiction over the prospecting or mining site or operation, and those permit applications have been deemed complete by the agency to whom they have been submitted, the applicant has filed the Environmental Impact report under Wis. Stats. 23.11 relating to any state permit applications, and the WI DNR has released its draft Environmental Impact Statement.

E. The local agreement may not declare any portions of this ordinance non-applicable to a metallic mining operation or include variances from this ordinance except upon an affirmative vote of a majority of the Forest County Zoning Committee, and an affirmative vote of three-fourths of the members elect of the County Board. Any exceptions, variances, or rezoning must comply with State Law.

F. A local agreement shall include the right to reopen and modify the local agreement after it has been approved if it is determined the mining activity pursuant to the agreement may endanger public health, welfare or safety. In such a case, the agreement shall be modified in accordance with the approval process set forth above.

12.14 Penalties

A. Any operator violating this section shall upon conviction, pay a forfeiture of not less than \$500.00 nor more than \$10,000 plus cost per day for each day a violation continues. Forfeitures for second or subsequent offenses shall be not less than \$1,000 nor more than \$20,000 plus costs per day for each day a violation continues.

SECTIONS 13 ADULT ORIENTED BUSINESS

A. Purpose and Intent

1. Purpose and Intent. It is the purpose of this section to regulate the location of sexually oriented businesses in order to promote the health, safety, morals, and general welfare of the county, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the county. The provisions

of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the Distributors and exhibitors of sexually oriented entertainment to their intended market. neither is it the intent nor effect of this section to condone or legitimize the distribution of obscene material.

B. Permit Required-

1. A Conditional Use Permit, under this section shall be required for the establishment of a sexually oriented business and it shall be a violation of this ordinance section for any person to operate a Sexually oriented business without a valid permit issued by the County under this section and each day that the operation continues is to be considered a separate and distinct violation subject to civil forfeiture.
2. An application for a permit must be made on a form provided by the County.
3. A person who wishes to operate a sexually oriented business must sign the application for a Conditional Use Permit as an applicant. If a person other than an individual wishes to operate a sexually oriented business, all persons legally responsible for the operations of the sexually oriented business, or who have power to control or direct its operations must sign the application for the permit as applicant.

C. Location of Sexually Oriented Businesses

1. A person commits a violation of this ordinance section if the person operates or causes to be operated a sexually oriented business within 500 feet of:
 - a. A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities.
 - b. A public or private educational facility including but not limited to child day care facilities, Playgrounds, parks, facilities that children are present for any type of instruction, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools; school includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school.

D. Regulations Pertaining to Sexually Oriented Business

1. Upon application for a sexually oriented permit, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations.
2. It is the duty of the permittee of the premises to ensure that at least one employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.

3. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted for any purpose, excluding restrooms.
4. Any act or omission of an employee constituting a violation of the provisions of this ordinance section shall be deemed the act or omission of the permittee for the purposes of determining whether the permittee's license/permit shall be revoked, suspended or renewed.

E. Prohibition against Children in a Sexually Oriented Business

A person commits a violation of this ordinance section if the person knowingly allows a person under the age of 18 years on the premises of a sexually oriented business.

F. Exceptions

The provisions of this ordinance section do not apply to the following establishments in which the predominant business or attraction is not the offering of entertainment which is intended for sexual interests or titillation of customers; and where the establishment is not distinguished by an emphasis on or the advertising or promotion of nude or semi-nude performances. While expressive live nudity may occur within these establishments, this ordinance section seeks only to minimize and prevent the secondary effects of sexually oriented businesses on the community.

SECTIONS 14-20 RESERVED FOR FUTURE USE.

SECTION 21: DEFINITIONS.

21.01 Incorporated Definitions.

Except as set forth in this Section, all terms have meanings as contained in Black's Law Dictionary.

Administrator: The Forest County Zoning Administrator or the Deputy Zoning Administrator under the direction of the Forest County Zoning Committee.

Adult Arcade: Any place to which the public is permitted or invited wherein coin-operated, slug-operated, or for any form of consideration, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc player, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by their emphasis on "specified sexual activities."

Adult Bookstore, Adult Novelty Store or Adult Video Store: A commercial establishment which, as one of its principal purposes, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides streaming videos, DVDs, Blu-ray or other visual representations which are distinguished or characterized by their emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas."

Adult Cabaret: A nightclub, bar, restaurant, or similar commercial establishment which regularly features:

- a. persons who appear in a state of nudity or semi-nude, or
- b. live performances which are distinguished or characterized by their emphasis on the exposure of “specified anatomical areas” or “specified sexual activities” or
- c. films, motions pictures, video cassettes, slides or other photographic reproductions which are distinguished or characterized by their emphasis on “specified sexual activities” or “specified anatomical areas.” This definition shall expressly exclude films, motion pictures, video cassettes, slides, or other similar photographic reproductions given an “R” or “NC-17” rating by the Motion Picture Association of America.

Agri-business: An industry engaged in the producing operations of a farm, the manufacture and distribution of farm equipment and supplies, and the processing, storage, and distribution of farm commodities.

Animal Husbandry: The science of breeding and caring for farm animals.

Blight: Blight refers to the deterioration or decay of a premises or exterior of a building or condition of a property, that when viewed at ground level from the public right-of-way or from neighboring premises, is detrimental to the property of others or to the value of the property of others.

Building Envelope: The three dimensional space within which a structure is built.

Building Line: A point of which all setback requirements can be met.

Campground: An area of land licensed to accommodate overnight camping by 3 or more vehicles or trailer designed for human habitation.

Camper Trailer: A vehicle or trailer designed for recreational, human habitation.

Chicken: The common fowl (*Gallus Gallus domesticus*), whose flesh and eggs are used for food.

Conditional Use: A use permitted, with conditions as applied by the Forest County Zoning Committee, but does not include a variance.

Conforming Structure: A structure legally placed by law, variance, conditional use, or permit.

Committee: The Forest County Zoning Committee

Cooking and Food Preparation Facilities: Any area containing any or all of the following equipment:

- a. Kitchen sink and/or other device for dishwashing
- b. Stove or other device for cooking
- c. Cabinets and/or shelves for storage or equipment and utensils
- d. Counter or table for food preparation

Coop: A structure for the sheltering of chickens and/or ducks. An existing shed or garage can be used for this purpose if it meets the standards contained in this ordinance including the required setback from property lines.

County Zoning Agency: The committee created or designated by the county board under Wis. Stat. §59.692(2) (a) that acts in all matters pertaining to county planning and zoning. In Forest County, this committee is the Forest County Zoning Committee whose directional jurisdiction includes the Zoning Administrator and the Deputy Zoning Administrator.

Cut-And-Fill: Earthmoving process that entails excavating part of an area and using the excavated material for adjacent embankments for fill areas.

Development: Any man made change to improved or unimproved real estate.

Department: The Dept. of Natural Resources.

Duck: Any of a variety of swimming birds (family anatidae), in which the neck and legs are short, the feet typically webbed, the bill often broad and flat, and the sexes usually different from each other in plumage.

Dwelling Unit: A structure, or that part of a structure, which is used or intended to be used as a home, residence or sleeping place by one or more individuals, to the exclusion of all others.

Escort: A person who, for consideration, agrees or offers to privately model lingerie or to privately perform a striptease for another person

Escort Agency: A person or business association, who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

Existing Pattern of Development: Means that structures exist, and are built to less than the required setback, within 250 feet of a proposed principal built to a setback that is less than required by this ordinance.

Existing Structure: A structure existing at the time this ordinance is adopted.

Fence: A barrier, railing, or other upright structure, typically of wood or wire, enclosing and area of ground to mark a boundary, control access, or prevent escape.

Footprint: An outline of the structure on the surface of land.

Fire Break: Naturally occurring or human-made barrier to stop the spread of fire.

Flood Plain: The land that has been, or may be, covered by floodwater during the regional flood. The floodplain includes the floodway and the flood fringe as those terms are defined in Ch. NR 116. Properties where development is located in a mapped floodplain or the flood shadow of a dam shall be administered under the Forest County Floodplain Ordinance of November 11, 2011, or this ordinance where applicable.

Forestry Best Management Practices (BMPs): Practices set forth in the manual titled “Wisconsin’s Forestry Best Management Practices for Water Quality” (March 1995). BMPs are considered minimum standards in forest management and similar activities of a smaller scale in shoreland setback areas in Forest County of at least 10 acres.

Forestry: The production, management and maintenance of trees as a crop or resource.

Geotextile A product used as a soil reinforcement agent and as a filter medium, which is made of synthetic fibers manufactured in a woven or loose non-woven manner to form a blanket-like product.

Grade (gradient): The slope of a road, trail, or lot expressed as a percentage of change in elevation per unit of distance traveled.

Gross Floor Area: The floor area is the sum of the gross horizontal areas of the several floors of the structure, or portion thereof, devoted to such use; including accessory storage areas.

Structure Height: The vertical distance measured from the lowest exposed element of the structure at ground level to the highest point.

Hobby Farm: A pass time not for income. One (1) livestock animal requiring pastureland will be allowed for each acre of land up to 5 acres.

Home Occupation: An activity where there are less than 3 employees, including family members and less than 50% of the total footprint of the primary or secondary structures are involved. No heavy equipment, loud noises, or noxious odors may be generated.

Hunting or Fishing Shelter: A nonpermanent, seasonal or temporal structure of 200 square feet or less intended solely for fishing, hunting or trapping, an only temporary occupancy.

In-Situ Soil: Soil in its natural location

Kennel: A place where 4 or more dogs over the age of 6 months are boarded, bred, or offered for sale.

Land Disturbance Activity: Construction, grading, filling, excavating, or any other activities that result in the temporary or permanent removal of vegetative cover, increased potential for soil erosion, increased storm water runoff volumes or velocities, or increased total area of impervious surfaces.

Lot: Any portion of land defined by metes and bounds, certified survey, recorded land subdivision plat or other means, and separated from other lots, parcels, or similar units by such description.

Lot Area: The area of contiguous land bounded by lot lines, exclusive of land provided for public thoroughfares; not including land below the OHWM.

Minimum Lot Width: The minimum lot width shall be measured at the narrowest point on the lot.

Minor Structures: Any small movable accessory construction such as birdhouse, pet house, arbors under six feet in height, or any structure with no more than forty square feet of structure area.

Mobile Home (singlewide): A factory built and inspected dwelling unit, complete with all exterior finishes and extensive interior finishes, and meant to be transported over public highways to a permanent foundation and utility hookup.

Mobile Home (double wide): A factory built and inspected dwelling component, where individual units are not complete dwelling units, being components meant to be assembled to each other to make a complete dwelling on one floor level of at least twenty-four feet in width. (See also Modular Manufactured Home.)

Mobile Home Park: Any lot on which more than one (1) mobile home is located.

Modular Manufactured Home: Factory built and inspected housing components, typically in three (3) or more sections, not containing extensive interior finishing, meant to be transported and then site assembled, often into more than one (1) floor level, and requiring some on-site local inspection, and when completed are indistinguishable, for practical purposes, from site-built housing.

Motor Home: A motor vehicle designed to be operated upon a highway for use as a temporary or recreational dwelling and having similar characteristics and equipment as a mobile home.

Mulch: A natural or artificial layer of plant residue or other materials covering the land surface that conserves moisture, holds soil in place, aids in establishing plant cover, and minimizes temperature fluctuations.

Multi-Family Unit or Dwelling: A group of more than 2 physically attached dwelling units.

Native Vegetation: Plants indigenous to a given area in geologic time, including plants that have developed, occur naturally or existed for many years in an area

Nonconforming Lot: A parcel or lot that does not conform in size to the regulations of this ordinance.

Nonconforming Structure: An existing structure that is not in conformity with elements of development regulations such as setbacks, height, lot coverage or side yard setbacks.

Nonconforming Use: An existing use of a structure or lot that is not in conformity with the provisions of its designated zone.

Nudity or a State of Nudity: The showing of the human male or female genitals, pubic area, vulva, or anus, with less than a complete opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple or the areola, or the showing of the covered male genitals in a discernibly turgid state.

Nuisance: A nuisance which affects numerous members of the public or the public at large.

Ordinary Maintenance and Repair: Not considered structural repairs, modifications, or additions. Such ordinary maintenance repairs include: internal and external painting, decorating, paneling, and the replacement of doors, window, and other nonstructural components. Ordinary maintenance and repair does not alter the building envelope in any direction.

Overflow Accommodations: Structures not intended to be used as residences but are capable of accommodating visitors and guests.

Pen: A wire enclosure connected to a coop for the purpose of allowing chickens and/or ducks to leave the coop while remaining in an enclosed, predator-safe environment.

Person: An individual, owner, operator, corporation, limited liability company, partnership, association, municipality, state agency or federal agency.

Personal Storage Facility (mini-warehouse): A single story structure containing individual locked spaces or an existing structure not originally intended for storage rental such as a barn or equipment shed, to rent for storage of personal or private property.

POWTS: Private Onsite Waste Treatment Systems.

Principal Structure and Use: Principal structures include dwelling units, commercial buildings, or other non-accessory structures in which the principal use of the lot is being conducted. Principal structures do not include boathouses, gazebos, and storage buildings or overflow guest accommodations.

Primitive Rural Hunting Cabin: means a structure that satisfies all of the following:

- a. The structure is not uses as a home or residence
- b. The structure is used principally for recreational hunting activity.
- c. The structure does not exceed 2 stories in height.
- d. The structure was constructed before December 31, 1997
- e. The structure results from alterations made to a structure described above.
- f. The structure replaces a structure described above.

Private Road: An area designated as a right-of-way available for use by one or more landowners whose property may or may not abut upon said right-of-way, but which right-of-way has not been dedicated to the public and is not intended to be used by the public. Private roads abutting more than one parcel or providing access to more than one dwellings, shall be named, signed legibly and registered with the Forest County Department of Emergency Services.

Private Sewage System: Has the meaning as written in WI Stat §145.01(12)

Public Sewage Disposal System: Sewers and sewage treatment facilities which are maintained and operated by a municipality or sanitary district.

Public Utilities: Utilities using underground or overhead transmission lines such as electric, telephone, telegraph, and distribution and collection systems such as water, sanitary sewer, natural gas, and storm sewer owned and operated by a municipal entity.

Recreational Vehicle: A motor vehicle or trailer which includes living quarters designed for accommodation.

Regional Flood: A flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular stream because of like physical characteristics once in every 100 years.

Residential: See dwelling unit. Multi-family and one (1) and two (2) family structures are allowed by district.

Retail Business: A commercial establishment that sells products in relatively small quantities, not in bulk, directly to the ultimate customer.

Road Right-of-Way: for the purpose of this ordinance. The road right of way shall be considered as measured from the center of the road, as built, for purposes of measuring setbacks.

Routine Maintenance of Vegetation: Normally accepted horticultural practices that do not result in the loss of any layer of existing vegetation and do not require earth disturbance.

Salvage Yard: An open area or fenced in enclosure, where used or secondhand materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled; including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles. For the purpose of this ordinance, salvage yard includes an auto salvage yard. Two (2) or more inoperative pieces of equipment shall constitute a salvage yard.

Sand and Gravel Pit: Any operation that extracts more than ten (10) cubic yards of non-metallic material per year in one location, or that involves crushing, sorting, or washing of non-metallic excavated materials. This does not include excavation used in construction and does not include stockpiling or storage of such material.

Service Business: Commercial establishment devoted to the performance of work for others, not the production of a tangible commodity.

Setback: The minimum allowable horizontal distance from a given point or line of reference, such as a thoroughfare right-of-way, or perspective line, to the nearest vertical wall or other element of a structure or structure as indicated in the text of this ordinance.

Sexually Oriented Business: An adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motion picture theater, adult theater, or escort agency.

Short Term Rental: Residence used as domiciles for periods of less than 7 days by anyone other than the owner, for compensation.

Side Yard: A yard extending along a side lot line that does not front on a public street, road, or body of water.

Silt Fence: A temporary barrier used to intercept sediment-laden runoff from an area.

Special Area Management Plan (SAMP): A plan which provides for increased specificity in protecting significant natural resources, reasonable economic growth, improved protection of life property and improved predictability.

Specified Anatomical Areas:

- a. the human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
- b. less than completely and opaquely covered human genitals, pubic region, vulva, anus or the nipple and areola of the human female breast.

Specified Sexual Activities: Any of the following:

- a. the fondling or other erotic touching of another person's human genitals, pubic region, buttocks, anus or female breasts;
- b. sex acts, normal or perverted, including but not limited to intercourse, oral copulation, masturbation or sodomy; or
- c. excretory functions as part of or in connection with any of the activities set forth in (a) through (b) above

Structure: A principal structure or any accessory structure including a garage, shed, boathouse, sidewalk stairway, walkway, patio, deck, retaining wall, porch or fire pit but not including the following:

Items connected to a single post or pole, less than 6 square feet, birdhouses, bird feeders, flags or other objects of like character, nature or use.

Items relating to private utilities, such as wells, private on site waste treatment systems, utility lines and poles. LP gas tanks or other objects of like character, nature or use.

Substantial Evidence: Facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

Temporary Structure: A structure which is permitted within a land use district without any foundation or footing and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased. Such structures may include, but are not limited to mobile or recreational vehicles used in conjunction with construction, event shelters/tents or other structures of like character, nature or use. Temporary structures may not stay in place more than 32 days unless its use is related to an activity

requiring a permit, in which case the temporary structure may be permitted for the duration of the permit allowing the activity.

Unnecessary Hardship: Circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with restrictions governing area, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of this ordinance.

Variance: An authorization granted by the Board of Adjustment to construct, alter, or use a structure in a manner that is inconsistent with the dimensional standards (not uses) contained in this ordinance.

Wetland: An area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic (water loving) vegetation and contains soils indicative of wet conditions.

Wall: An erection of stone, brick, or other material, raised to some height, and intended for purposes of security or enclosure.

Wholesale Business: A commercial establishment that sells products for further sale or processing. Wholesale businesses sell to retail business, not the ultimate customers.

APPENDIX

TABLES AND CHARTS