

ZONING ORDINANCE

BUFFALO COUNTY, WISCONSIN

An ordinance to promote the public health, safety and general welfare; to determine, establish, regulate and restrict the areas within which agriculture, forestry, industry, trades, business and recreation and residential uses may be conducted; the areas in and along or in or along natural waters courses, channels, streams and creeks in which trades or industries, including trailer camps, or tourist camps and motels or both, may be prohibited or restricted; regulation and building setback lines and such other uses authorized pursuant to Sections 59.97 and 59.99 of the Wisconsin Statutes.

The County Board of Supervisors of Buffalo County does ordain as follows:

ARTICLE I. DEFINITIONS

For the purpose of this ordinance certain terms and words are defined as follows:

1. Active Mine Boundary: The expression upon the land surface of a more or less continuous series of points that when taken together enclose all activities and operations that occur at the mine site on a regular or irregular basis, including all structures, facilities, parking areas and interior haul roads that are integral to or directly serve the mining operation and all stockpiles, waste piles, settling ponds, retention ponds, detention ponds, and lay-down areas that are utilized by the mining operation.
2. Building: Any structure used, designed or intended for the protection, shelter or roofed enclosure of persons, animals or property.
3. Building, Accessory: Any building except the principal building on a lot. In the case of a house and detached garage on a lot the accessory building is the garage.
4. Building, Height of: The vertical distance from the average established street grade in front of the lot or the finished grade at the building line, whichever is higher, to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the average height of the highest gable of a gambrel, hip or pitch roof.
5. Campgrounds: Means real property that is available for use for camping units, and is intended for camping or outdoor recreation, including the use of designated campsites and campground amenities such as an office, restroom facilities, and/or sewage transfer station, but does not include a manufactured and mobile home community. (7-15-08)
6. Camping Unit: Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, tent, or other mobile recreational vehicle. (7-15-08)
7. Closed Fence: Any fence which obstructs vision through the fence 50% or more when viewed from a right angle to the line of the fence. (2-27-89)
8. Construction Aggregate: Crushed and uncrushed particles of rock and/or predominantly non-metallic minerals, sand size and larger, that are produced for and used in the construction industry or for construction purposes at the site of production, including, but not limited to, the following uses: as sub-base or base course for buildings, roadways or railroads; granular backfill adjacent to foundations, culverts or other structures; ingredients of mortar, cement, concrete, asphalt; rip-rap, retaining walls, revetment stone and dimension stone; agricultural uses such as aglime, bedding or walkways for livestock; and for the specified miscellaneous uses of septic system

filters, landscape stone, landfill leachate collection systems and for placing on roadways in freezing weather.

9. County: Means Buffalo County, including any agency, department or committee thereof.
10. County Highway Commissioner: Means the Buffalo County Highway Commissioner or their designee.
11. Department: Means the Buffalo County Zoning Department.
12. Driveway: Means a private road within the highway right of way giving access from a public roadway to a building or other land use on abutting grounds.
13. Family: A group of persons related by blood or marriage, living together as a single housekeeping unit.
14. Farm Mobile Home: A family mobile home on any operating farm when the head occupant of the household of such mobile home is employed in connection with the farm operation. Such farm shall be a minimum of 35 contiguous acres. (3-10-09)
15. Floor Area: The area within the outer lines of the exterior walls of a building, at the top of the foundation of basement wall: Provided that the floor area of a dwelling shall not include space not usable for living quarters, such as attics and garages.
16. Fur Farm: A licensed fur animal farm requiring a license by the Department of Natural Resources pursuant to Sec. 29.575, Wisconsin Statutes. (2-27-89)
17. Grade: means the slope of a road, street, alley, footpath, lot or block, specified in percent.
18. Grade, Established: The elevation of the finished street at the centerline or curb as fixed by such authority as shall be designated by law to determine such elevation.
19. Great River Road: That portion of Great River Road on State Highway 35 in Buffalo County.
20. Hazardous Materials: Means any substance or combination of substances including any waste of a solid, semi-solid, liquid or gaseous form which may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or which may pose a substantial present or potential hazard to human health or the environment because of its quantity, concentration, or physical chemical or infectious characteristics. This term includes, but is not limited to, substances which are toxic, corrosive, flammable, irritants, strong sensitizers or explosives as determined by the Department of Natural Resources.
21. High-Impact Generating Operation: Any property use that generates more than twenty-five truck trips, from a property, in any given day.
22. High-Impact Receiving Operation: Any property use that receives more than twenty-five truck trips, onto a property, in any given day.
23. Home or farm based business: Any occupation, business or profession not considered an accessory use or listed as a permitted or conditional use within the district or not considered a home occupation under Article IV, #8, which is owned and operated by a resident occupant for their gain or support and contained entirely within buildings. No more than the equivalent of 3 full-time employees including the owner/occupant shall be employed in the business. If located in a dwelling, the business shall not occupy more than 50% of the total gross area of the dwelling unit. If located in a structure or structures other than a dwelling unit, the business shall not occupy more than a cumulative total of 3,000 square feet of the structure(s). All resulting noise, odor, dust, smoke, glare, refuse, matter, vibration, and effluent shall be confined to the premises and have no substantial measurable or annoying qualities beyond said premises. Such

businesses include, but are not limited to: Welding and metal fabrication, woodworking shops, gunsmithing and sales, art studios, taxidermy, small engine repair, assembly of component parts in to a final or intermediary finished product, barber and beauty shops. (12-17-96)

24. Industrial Sand Mining: Means any of the following:
 - a. The operation of an establishment that is engaged in excavating or otherwise removing from the land any sand or sandstone by any means, including any associated stripping of overburden, removal of sand or sandstone washing, screening, sorting, beneficiation, drying, loading, stockpiling or other processing or preparation of sand or sandstone for any use other than construction aggregate. Industrial sand mining is a form of nonmetallic mining and as such must comply with any and all ordinance requirements applicable to nonmetallic mining.
 - b. Extraction from the earth of sand, sandstone bedrock, fluvial sands, alluvial sands or aggregates for offsite use or sale of industrial sand products including associated activities such as drilling, blasting, excavation, stripping, grading and dredging of such materials and removing, relocating or disposing of overburden and other wastes of the mining process.
 - c. Manufacturing or processing operations on the mining site that involve the use of equipment for crushing, screening, separation, beneficiation, classification, washing dewatering, drying, coating, or blending of the industrial sand or products obtained by extraction from the mining site.
 - d. Stockpiling on the mine site of industrial sand products, nonmetallic mining waste materials, or topsoil intended for use in reclamation of the mine site.
 - e. Reclamation of the mine site.
 - f. Transport of industrial sand or nonmetallic waste materials to or from the extraction, manufacturing, or processing site located in the unincorporated areas of Buffalo County.
25. Zoning Administrator: Means the position described in Section 190.
26. Lot: A parcel of land described in a recorded plat or by deed and abutting on a public street.
27. Mine Operator or Operator: Any person who is engaged in, or who has applied for a permit to engage in nonmetallic mining, whether individually, jointly or through subsidiaries, agents, employees, contractors or subcontractors.
28. Mine Site or Site: The location where a nonmetallic mining operation is conducted or permitted to occur including all lands within the active mine boundary, all related storage and processing areas, areas where nonmetallic mining refuse and materials intended for use in reclamation is deposited and areas disturbed by or to be disturbed in the future by the nonmetallic mining operation or by ancillary activities, including but not limited to, the private roads, haulage ways or transportation corridors that connect any outlying lands used in the nonmetallic mining operation that do not share a common property boundary with the primary location of the nonmetallic mining activities.
29. Mini-Storage Facility: An unoccupied compartmentalized warehouse building having one or more overhead doors serving each compartment and used for the purpose of storage or residential household goods, boats or motor vehicles. (7-16-91)
30. Mississippi River Area: The Land west of the centerline of the Great River Road/National Scenic Byway to the thread of the Mississippi River and the Land east of the centerline of the Great River Road/National Scenic Byway included in the land sections and forties set forth in Section 121.

31. Mobile Home: All portable units intended for occupancy as a year round permanent residence and so placed as to be substantially affixed to the site.
32. Mobile Home Park: An area on which is provided the required space for accommodation of mobile homes together with necessary accessory building, driveways, screening and other required adjuncts.
33. Nonmetallic minerals: means a product, commodity or material consisting principally of naturally occurring, organic, inorganic, nonmetallic, non-renewable material. Nonmetallic minerals include but are not limited to stone, rock, sand, gravel, asbestos, beryl, diamond, clay, coal, feldspar, peat and talc.
34. Nonmetallic Mining: means any of the following:
 - a. Operations or activities at a nonmetallic mining site for the extraction from the earth of mineral aggregates or nonmetallic minerals for sale or use by the operator. Nonmetallic mining includes use of mining equipment or techniques to remove materials from the in-place nonmetallic mineral deposit, including drilling and blasting, as well as associated activities such as excavation, grading and dredging. Nonmetallic mining does not include removal from the earth of products or commodities that contain only minor or incidental amounts of nonmetallic minerals, such as commercial sod, agricultural crops, ornamental or garden plants, forest products, Christmas trees or plant nursery stock.
 - b. Processes carried out at nonmetallic mining sites that are related to the preparation or processing of the mineral aggregates or nonmetallic minerals obtained from nonmetallic mining sites. These processes include, but are not limited to stockpiling of materials, blending mineral aggregates or nonmetallic minerals with other mineral aggregates or nonmetallic minerals, blasting, grading, crushing, screening, scalping and dewatering.
 - c. Transport of extracted nonmetallic materials, finished products or waste materials to or from the extraction, manufacturing, or processing site located in the unincorporated areas of Buffalo County.
 - d. Disposal of nonmetallic mining waste materials.
 - e. Reclamation of mine sites.
 - f. Industrial Sand Mining
35. Nonmetallic Mining Structures: Means any buildings, facilities, permanent equipment or framework that is located on the mine site. It includes, but is not limited to, mining and processing equipment, storage facilities and improvements, mechanical shops, paved parking surfaces and office space.
36. Nonmetallic Mining Waste Material: Means the non-marketable by-product that results directly from or is displaced by extraction or that is a by-product of a manufacturing process that is scheduled for disposal at the extraction site of a nonmetallic mine site or processing operation or some other site as part of a reclamation plan.
37. Pavement: Means a material installed to formulate a semi-permanent surface onto the roadway width.
38. Permit: Means the written authority granted by the Department to conduct any activities regulated by this ordinance.
39. Reconstruct: Means to remove a driveway, or any of the structural portions of a driveway and construct again or replace the driveway with new or additional structural portions excluding the pavement surface.
40. Recreation Camp: An area containing one or more permanent buildings used for the accommodation of guests for recreational purposes.

41. Registered Professional: Means an Engineer, Surveyor, or Landscape Architect registered and certified to practice within the State of Wisconsin
42. Roadside Stand: A structure having a ground area of not more than 300 square feet, readily removable in its entirety and used solely for the sale of farm products raised on the premises.
43. Roadway: Means any public road, street, highway, alley (in towns), or portion thereof.
44. Shoulder Point: The edge of the paved or gravel shoulder, generally 2 feet to 6 feet, outside the driving lane.
45. Sight Distance: Means the distance from the entry point onto the highway to the point at which safe visual contact with oncoming traffic ceases to exist.
46. Sign: Any device used for the purpose of visually bringing the attention of the public to its subject matter while viewing the same outdoors.
47. Structure: Anything erected or constructed.
48. Trailer: A portable vehicle designed and used for temporary sleeping purposes while its occupants are actively engaged in the pastime of camping.
49. Transloading: The process of transferring a shipment or product from one mode of transportation to another. Transloading can also include transferring a shipment of product from one mode of transportation to the same or similar mode.
50. Truck Trips: A truck that has a gross vehicle weight rating or actual gross weight in excess of 50,000 pounds which enters or leaves private property.
51. Use, Principal: The primary use of a property or structure.
52. Use, Accessory: A use customarily incidental to the principal use and on the same lot as the principal use.
53. Wetland: Has the meaning established by Wisconsin State law: An area where water is at, near, or above the land surface long enough to be capable of supporting hydrophytic vegetation and which has soils indicative of wet conditions.

ARTICLE II. DISTRICT AND DISTRICT MAPS

For the purpose of promoting the public health, safety and general welfare and determining, establishing, regulating and restricting the areas within the county, outside the limits of incorporated cities and villages within which agriculture, forestry, industry, trades, business, recreation and residential uses may be conducted, to establish districts of such number, shape and area, to adopt such regulations for each such district and in accordance with the provisions of Section 59.97 of the Wisconsin Statutes, the entire area of Buffalo County, outside the limits of incorporated cities and villages, is hereby divided into the following districts namely:

Residential (R) District
Agricultural (A) District
Recreational (Rec) District
Steep Soils Overlay (StS) District
Suitable Soils Overlay (SuS) District
Commercial (C) District
Industrial (I) District

The boundaries of these districts are shown upon copies of individual township maps provided by the Mississippi River Regional Planning Commission dated August, 1967, designated as the “Official Zoning Map of Buffalo County, Wisconsin,” kept on file in the office of the Zoning

Administrator, and made part of this ordinance. All pertinent notations, soil mapping unit designations and other information shown upon the said “Zoning Maps” shall be as much a part of this Ordinance as if the matter and things set forth by the said map were fully and described herein.

ARTICLE III. EFFECT OF REGULATIONS

No land or premises shall be used except in conformity with the regulations herein prescribed for the use districts in which such land or premises is located.

No building shall be erected or structurally altered or used except in conformity with the regulations herein prescribed for the use districts in which such building is located.

This ordinance shall not repeal, impair or modify private covenants or other public laws, except that it shall apply whenever it imposes stricter regulations.

The granting of a zoning or Conditional Use Permit shall not constitute a representation, guarantee or warranty of the suitability of lands, practicability or safety of any structure, use or other plan proposed.

Uses considered to be accessory or incidental to permitted uses within each zoning district shall also be considered permitted uses within that same district.

(12-17-96)

ARTICLE IV. RESIDENTIAL (R) DISTRICT

Section 40

Permitted Uses

1. Single and multiple family dwellings. Mobile homes only when located in a mobile home park.
2. Churches, private, public and parochial schools.
3. Municipal buildings, except sewage disposal plants, garbage incinerators and buildings for the repair or storage of road building or maintenance machinery.
4. Public parks and playgrounds, including swimming pools, golf courses, tennis courts, picnic grounds and bathing beaches.
5. Accessory buildings including private garages and buildings clearly incidental to the residential use of the property, provided, however that no accessory building may be used as a separate dwelling unit.
6. Gardening and farming, including nurseries for the propagation of plants only, except farms operated for the disposal of sewage, rubbish or offal, fur farms, stock farms and poultry farms.
7. Telephoned exchanges, provided there be no service garage or storage yard. Telephone, telegraph and power distribution poles and lines and necessary appurtenant equipment and structures, such as transformers, unit substations and equipment housings.
8. Home occupation, when such occupation is incidental to the residential use of the premises and does not involve any external alteration that would effect a substantial change in the residential character of the building; provided further that no article is sold or offered for sale that is not produced by such home occupation.
9. Professional offices, when such office is conducted solely by a member or members of the resident family, entirely within the residence and incidental to the residential use of the premises.

Section 41

Conditional Uses

The following uses may be permitted upon issuance of a Conditional Use Permit as provided in Article XXI and subject to the following conditions:

1. Mobile home parks, when the location of each such park shall have been approved in writing by the County Zoning Board of Adjustment, after public hearing. In approving such location, the board shall view the proposed site or sites and shall consider such evidence as may be presented at the hearing, bearing upon the general purpose and intent of this ordinance to promote the public health, safety and general welfare and the specific purpose of this paragraph to prevent the overcrowding of land and the development of housing blight in rural areas.
 - (a) There shall be one parking space for each mobile home in such park, and such parking space shall be graveled, or paved with concrete or bituminous material.
 - (b) There shall be additional parking spaces for automotive vehicles within such park, surfaced as required above, equal to not less than 1 and ¼ parking spaces for each mobile home space. Minimum width of a mobile home site shall be 35 feet.
 - (c) There shall be a system of driveways, surfaced as required by (a) above, providing access from each and every mobile home and automobile parking space within such mobile home park to the public street or highway; provided that there shall not be more than two entrances from or exits to such street or highway from any one such park.
 - (d) Each mobile home space shall be separate from other mobile home spaces, automobile parking spaces or service buildings or structures within such park by open spaces, permanently planted to grass, flowers, shrubs, or trees, which shall not be less than 15 feet wide, except that there need not be more than a 5 foot setback from an access driveway; provided, however, that such 5 foot setback shall apply to the longest mobile home to be accommodated within such park.
 - (e) Each mobile home park shall be completely surrounded except for permitted entrances and exits by a yard, in addition to all other required yards and open spaces, which, shall not be less than 25 feet wide. Within such yard there shall be established within 6 months after issue of the permit for the location of such park, the following plantings:
 - (1) A temporary planting of fast growing material, capable of reaching the height of 15 feet or more such as Lombardy Poplar, and;
 - (2) A permanent evergreen planting, such as white or Norway pine, the individual trees to be of such a number and so arranged that within 10 years they will have formed a screen equivalent in opacity of a solid fence or wall. Such permanent planting shall be grown or maintained to a height of not less than 15 feet.
 - (f) It shall be a condition of the granting of a permit for the establishment of any such mobile home park, and a continuing condition for the operation of the same, that:
 - (1) All parking spaces, walks, and driveways be constructed and maintained so as to prevent the accumulation of surface water and the formation of substantial muddy area.
 - (2) That the planting screen required by subparagraph (e) be established and maintained.
 - (3) That sanitary facilities at least equal to the requirements of the State Board of Health be established and maintained.

2. All communication towers greater than 35 feet in height. All towers exceeding this height standard shall meet the additional standards listed for towers requiring conditional use in the Agricultural District.

Section 42
Prohibited Uses

1. Nonmetallic Mining

ARTICLE V. AGRICULTURAL (A) DISTRICT

Section 50
Permitted Uses

1. Any use as regulated in the Residential District.
2. General farming, including dairying, livestock and poultry raising, forestry, nurseries, greenhouses, and other similar enterprises or uses but not fur farms or premises operated for the disposal or reduction of garbage, sewage, rubbish or offal; provided that no greenhouse or building for the housing, feeding, watering or permanent enclosure of livestock or poultry shall be located within 200 feet of any boundary of a residential lot other than that of the owner or lessee of such greenhouse or building containing such livestock or poultry.
3. Dams, power plants, flowage area.
4. Roadside stands.
5. The installation of one family mobile home on any operating farm when the head occupant of the household of such mobile home is employed in connection with the farm operation.
6. All accessory farm buildings including silos, shall be set back from the highway right of way a distance equal to the height of the structure as well as meeting all other setback requirements of this ordinance.
7. Tourist Rooming Houses as defined in Wis. Admin. Code HFS 195 provided that:
 - (a) Proper methods for treatment of domestic generated wastewater as prescribed in the Buffalo County Sanitary Ordinance and Wis. Admin. Code COMM 83 are maintained.
 - (b) No tourist rooming house shall be located within 1,000 feet of another tourist rooming house except upon granting of a Conditional Use Permit as prescribed in Article XXI.
 - (c) The structure is located a minimum of 1,000 feet from any livestock animal feedlot, 1,000' from any animal waste storage structure (unless a greater distance is required by other Wis. Admin. Code requirement) and 200 feet from any structure used for the permanent enclosure of livestock; other than that of the tourist rooming house owner.
 - (d) A zoning permit is applied for by and issued to the property owner where the structure is to be located indicating that the structure will be used as a tourist rooming house.
 - (e) It shall be the responsibility of the tourist rooming house owner to comply with State Department of Health administrative code requirements.

8. Temporary concrete or asphalt mixing plants operated in conjunction with and accessory to a permitted nonmetallic mine not to exceed a period of 90 days from the date of issuance of a zoning permit granting the said use.

Section 51 Conditional Uses

The following uses may be permitted upon issuance of a Conditional Use Permit as provided in Article XXI and subject to the following conditions:

1. Nonmetallic Mining
2. Aircraft landing fields, basin and hangers.
3. Drive-in theaters, if entrance and exits provide unobstructed sight distances for 1000 feet in each direction along the highway.
4. Fur farms, stationary pea vinerys and charcoal kilns.
5. Kennels.
6. Medical, correctional or charitable institutions.
7. Mobile home parks under the provisions established for mobile home parks in Section 41.
8. Skeet and trap shooting, when no shooting stand is within 400 feet of any property line of the premises on which such skeet or trap shooting is conducted in the direction of normal firing, nor within 800 feet in any direction of any residence other than that of the owner of the premises, his agent or employee.
9. Stockyards, farms or premises operated for the disposal or reduction of garbage, sewage, rubbish or offal.
10. Sawmills which remain stationary for 60 days or more.
11. Dumping grounds or sanitary landfills, junk or salvage yards provided (a) they are located not less than 1000 feet from any building designed for human habitation and not less than 500 feet from the centerline of any Federal, State, County Highway or Town Road; (b) unless effectively screened by existing terrain, they are screened by a planting screen as provided in Section 41.1(e).
12. Agricultural Supply businesses such as farm machinery dealers and seed, fertilizers and chemical dealers, and industries which process agricultural products largely produced on nearby farms. (4-18-78)
13. Municipal buildings for the purpose of repair or storage of road building or maintenance machinery.
14. Timber yards. (9-25-90)
15. Mini-storage facilities. (8-16-91)
16. Non-farm mobile homes: Not more than 2 conditional use permits may be granted per quarter-quarter section for this use except by granting of variance to this requirement by the Board of Adjustment. (7-1-92) Mobile homes may only be permitted for human habitation. (3-10-09)
17. Home or farm based businesses. (12-17-96)
18. All communication towers greater than 100 feet in total height including all ancillary equipment provided the following minimum standards are met:
 - (a) Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) approval of a proposed site and tower construction plan shall be made part of the application.

- (b) Documentation from the applicant and verified by an independent consultant designated by the county and paid for by the applicant that co-location on existing towers at standard market rates within a 10 mile radius of the site is not possible. Documentation may be in the form of letters from existing tower owners that the additional existing towers are not structurally capable of handling additional equipment nor of an acceptable height to accommodate the needs of the applicant. Monopole and stealth tower design shall be utilized when possible and will also be evaluated for feasibility by the consultant designated by the county and paid for by the applicant. All current and future legal fees associated with this ordinance shall be the sole responsibility of the applicant or future owners.
- (c) A map showing a proposed grid of any future towers in the applicant's current phase or project.
- (d) A statement from the owner/operator that said tower will be constructed to accommodate at least three additional carriers in addition to the anchor tenant. The tower cannot be constructed in a manner which allows only partial carrier installation and not full broadband systems. Additional carrier space shall be made available to commercial users at competitive rates.
- (e) A plan for abandonment included in the leasing arrangement and a bond or letter of surety as required by the Board of Adjustment shall be part of the application to cover the cost of abandonment should the applicant default. Notification shall be made to the Buffalo County Zoning Department whenever transfer in ownership of the facility or appurtenant equipment is made. A performance bond or letter of surety shall be required of all future owners, heirs or assignees in the event an owner defaults so that the county will recover costs associated with abandonment of the tower.
- (f) Lighting and painting of towers shall conform to all Federal Aviation Administration (FAA) standards. Flashing or strobe lights shall be installed only if required by FAA regulations and if specified in the application. Strobe lights shall not be used during hours of darkness unless required by FAA standards.
- (g) Auxiliary uses and structures associated with the tower such as receivers, transmitters, sheds, buildings, guy wires, lighting, fences and other equipment shall be depicted on the application. All structures, towers, and guy wires shall be fenced and properly maintained so as to protect the property owner as well as against the liability of damage that could affect the tower, structure(s), fencing and guy wires. Wisconsin Statutes 66.96 shall apply to the control of noxious weeds on the premises.
- (h) There shall be no change in the height of the tower, lighting or light intensity, facility use or other changes in a tower or appurtenant structure unless modification of the original conditional use permit is obtained through the Buffalo County Board of Adjustment through the regular conditional use process.
- (i) Setbacks from all property lines, residential structures and highway right-of-ways for all towers except non-commercial towers less than 100 feet in height shall be a minimum of 50 feet plus the height of the tower. All guy wires, supports, anchors, or structures associated with a communication under this section shall be located a minimum of 50' from any property boundary. The height of the tower shall include all antennas, lightning rods and other equipment.
- (j) Access to the facility shall be constructed and maintained in a manner designed to provide maneuverability for service and emergency response vehicles. Inability to access the tower or equipment site(s) because of poor road construction and/or poor

road maintenance shall be at the discretion of the responding agency(s) for that jurisdictional area.

- (k) This list of standards shall in no way limit additional conditions or requirements that the Board of Adjustment may require prior to acting on an application. (3-1-01)
19. Campgrounds with 20 campsites or less unless approved by a successful petition for variance to the Board of Adjustment. (7-15-08)
- (a) In approving such location, the board shall view the proposed site or sites and shall consider such evidence bearing upon the general purpose and intent of this ordinance to promote the public health, safety and general welfare and the privacy and the property values of residential neighborhoods so far as it is consistent with the public interest.
 - (b) Each campsite shall be plainly marked and surfaced with gravel, asphalt or other material to free the site of mud.
 - (c) The maximum number of campsites shall be 15 per acre.
 - (d) Each campsite shall be 25’ wide by 40’ long.
 - (e) Each campsite shall be separated from adjacent campsites by 15’.
 - (f) There shall be two off-street parking spaces for each site.
 - (g) All campsites shall meet the required setbacks from roads and from the ordinary highwater mark and shall be located at least 50’ from exterior lot lines.
 - (h) The campground shall be screened by means of a vegetative screening and/or fence along all lot lines. Such requirement may be waived by the Board of Adjustment if existing vegetation is deemed adequate.
 - (i) No porches, lean-tos or additions shall be constructed onto or immediately adjacent to a camping unit. Canvas screen rooms or awnings shall be allowed.
 - (j) An outlet supplying water which is under pressure and which is safe for human consumption shall be located not more than 400 feet from any individual campsite and not within 50 feet of a sanitary station. Water, which is safe for human consumption, shall be available for users of all campsites.
 - (k) Campgrounds shall be kept free of camper generated litter, rubbish and other flammable materials.
 - (l) The applicant is responsible to obtain the appropriate permits from the State of Wisconsin Department of Health and Family Services as well as applicable permits from any other authorized entity.
20. Concrete or asphalt mixing plants which remain stationary for more than 90 days

ARTICLE VI. RECREATIONAL (REC) DISTRICT

Section 60
Permitted Uses

1. Single-family homes for year round occupancy and mobile homes only when located in a mobile home park.
2. Cottages for seasonal occupancy.
3. Institutions of philanthropic or educational nature.
4. Public parks and playgrounds.
5. Buildings and structures and uses of land customarily incidental to the above permitted uses, but only on the same premises with the primary permitted uses.

6. The harvesting of wild crops, such as wild hay, ferns, moss berries and tree fruits and seeds.
7. Hunting and fishing, including trapping.
8. The practice of wildlife, fish and forest management.
9. Hydro-electric, power stations, dams and other structures for the use or control of flowing water.
10. Telephone, telegraph and power transmission lines and necessary appurtenant structures.
11. Boat launching area.
12. General farming, as regulated in Section 50.

Section 61 Conditional Uses

The following uses may be permitted upon issuance of a Conditional Use Permit as provided in Article XXI and subject to the following conditions:

1. Recreation camps, when the location of each camp shall have been approved in writing by the County Zoning Board of Adjustment after public hearing. In approving such location, the board shall view the proposed site or sites and shall consider such evidence bearing upon the general purpose and intent of this ordinance to promote the public health, safety and general welfare and the privacy and the property values of residential neighborhoods so far as it is consistent with the public interest in recreational development.
2. Mobile home parks, under the provision established for mobile home parks in Section 41.
3. Boat liveries, including boat storage, sale of boats, motors but not manufacture of boats or motors.
4. Gift, notion, or variety store.
5. Restaurants, taverns, drive-in service.
6. Sale of bait and sporting good and supplies.
7. Motels and hotels.
8. Campgrounds as regulated in Article V, Section 51.19, except that the number of campsites may exceed 20 upon approval from the Board of Adjustment. (7-15-08)

Section 62 Prohibited Uses

1. Nonmetallic Mining

ARTICLE VII. COMMERCIAL (C) DISTRICT

Section 70 Permitted Uses

1. Residential uses in conjunction with and accessory to the commercial uses permitted under this section.
2. Automobile and machine repair shops.
3. Art shop, antique shop.

4. Automobile dealerships up to 20 vehicles. (3-10-09)
5. Bakery
6. Bank, savings and loan or other financial institution.
7. Barber shop, beauty parlor.
8. Book and stationary store, newsstand.
9. Bowling alleys.
10. Bus depot.
11. Business and professional offices.
12. Clothing store, department store, shoe store, shoe repair shop.
13. Clubs and lodges.
14. Drug store, soda fountain, soft drink stand.
15. Filling station, tire and battery service.
16. Florist shop, greenhouse.
17. Food products (retail) fruit and vegetable store, grocery store, meat and fish market, supermarket.
18. Funeral home.
19. Furniture store, appliances, office equipment, upholstery.
20. Hardware, household appliances, plumbing, heating, and electrical supplies, sporting goods.
21. Hotel, motel.
22. Jewelry store.
23. Laundry, cleaning and dyeing establishment.
24. Music, radio and television store, records shop.
25. Paint store, interior decorator.
26. Parking lot, garage.
27. Photographer, photography supply shop.
28. Printing and duplicating.
29. Private vocational schools, conducted for profit.
30. Public utility office or substation, telephone exchanges.
31. Radio and television broadcasting studio, tower, mast or aerial, micro-wave radio relay structures.
32. Restaurant, café, tavern.
33. Theater, except drive-in theater.
34. Feed and seed stores and lumberyards.
35. Manufacturing or storage in connection with any of the above uses, when clearly incidental to the conduct of a retail business on the premises.

Section 71 Conditional Uses

The following uses may be permitted upon issuance of a Conditional Use Permit in Section XXI and subject to the following conditions:

1. Automobile dealerships exceeding 20 vehicles (3-10-09)
2. Animal hospital, 2 pet shop, veterinary.
3. Dance halls, skating rinks.
4. Go-kart and similar race tracks.
5. Other commercial establishments compatible with the uses enumerated in this section.

Section 72
Prohibited Uses

1. Nonmetallic Mining

ARTICLE VIII. INDUSTRIAL (I) DISTRICT

Section 80
Permitted Uses

1. Automobile service stations, parking lots, storage garages.
2. Repair garages, body and fender works, paint and upholstery shops.
3. Bakery, laundry, cleaning or dyeing plant.
4. Publishers, printers and similar establishments.
5. Transportation terminals and facilities.
6. Public service or public utility uses including vehicle storage, repair maintenance, service equipment, or storage yards.
7. Carpenter, cabinet, electrical, plumbing, heating, tire, sheet metal, air conditioning, furniture, upholstery, shops and stores and similar enterprises.
8. Wholesale business, storage firms, warehouses.
9. Commercial uses considered to be an integral or substantial part of and directly related to uses listed as permitted within this district. (12-16-97)

Section 81
Conditional Uses

The following uses may be permitted upon issuance of a Conditional Use Permit as provided in Article XXI and subject to the following conditions:

1. Any manufacturing, fabricating, processing, packaging, or storage uses and any other operations for the making, repairing, finishing, packing or storing of items provided that all resulting odor, noise, smoke, dust, gas, glare, refuse matter, vibration, and effluent is confined to the district in which the use is to be located and has no substantial measurable harmful or annoying qualities beyond such area.
2. Automobile salvage and wrecking establishments, junk scrap, paper, rag storage and baling establishments provided they are contained within completely enclosed buildings or screened by planting screen as provided in Section 40.1(e).
3. Commercial uses considered to be an integral or substantial part of and directly related to uses listed as conditional within this district. (12-16-97)
4. Nonmetallic Mining
5. Transloading Facilities

Section 82
Prohibited Uses

1. Religious, educational, charitable and medical institutions.

2. The use of any structure or premises for dwelling or lodging, whether on a permanent or transient basis, except that there may be a dwelling for a watchman or caretaker employed on the premises and members of his family if a Conditional Use Permit for that purpose is obtained.

ARTICLE X. STEEP SOILS OVERLAY (StS) DISTRICT

Section 100

Characteristics and Designation

1. Designation

This district shall included all lands designated on map sheets 1 through 45 inclusive of the Soil Survey of Buffalo County, Wisconsin (U.S.D.A. SCS Series 1957, No. 13) by the following letter symbols:

Map	Symbol	Mapping Unit Name
Bo	D2	Boone fine sand, 12 to 40% slopes, eroded
Dd	D2	Downs silt loam, benches 12 to 20% Moderately eroded
De	D	Dubuque silt loam, 12 to 20% slopes
De	D2	Dubuque silt loam, 12 to 20% slopes, Moderately eroded
De	E	Dubuque silt loam, 20 to 30% slopes
De	E2	Dubuque silt loam, 20 to 30% slopes, Moderately eroded
De	F2	Dubuque silt loam, 30 to 40% slopes, eroded
Dp	D	Dubuque silt loam, deep, 12 to 20% slopes
Dp	D2	Dubuque silt loam, deep, 12 to 20% slopes, Moderately eroded
Dp	E	Dubuque silt loam, deep, 20 to 30% slopes
Dp	E2	Dubuque silt loam, deep, 20 to 30% slopes, Moderately and severely eroded
Ds	D3	Dubuque soils 12 to 20% slopes, Severely eroded
Ds	E3	Dubuque soils 20 to 30% slopes, Severely eroded
Du	D3	Dubuque soils, deep, 12 to 20% slopes, Severely eroded
Fa	D	Fayette silt loam, uplands, 12 to 20% slopes
Fa	D2	Fayette silt loam, uplands, 12 to 20% slopes, Moderately eroded
Fa	D3	Fayette silt loam, uplands, 12 to 20% slopes, Severely eroded
Fa	E	Fayette silt loam, uplands, 20 to 30% slopes
Fa	E2	Fayette silt loam, uplands, 20 to 30% slopes, Moderately eroded
Fa	E3	Fayette silt loam, uplands, 20 to 30% slopes,

		Severely eroded
Fv	D	Fayette silt loam, valleys, 12 top 20% slopes
Fv	D2	Fayette silt loam, valleys, 12 to 20% slopes, Moderately eroded
Fv	D3	Fayette silt loam, valleys, 12 to 20% slopes, Severely eroded
Fv	E	Fayette silt loam, valleys, 20 to 30% slopes
Fv	E2	Fayette silt loam, valleys, 20 to 30% slopes, Moderately eroded
Fv	E3	Fayette silt loam, valleys, 20 to 30 % slopes, Severely eroded
Ga	D	Gale silt loam, 12 to 20% slopes
Ga	D2	Gale silt loam, 12 to 20% slopes, moderately eroded
Ga	D3	Gale silt loam, 12 to 20 % slopes, severely eroded
Ga	E	Gale silt loam, 20 to 30% slopes
Ga	E2	Gale silt loam, 20 to 30% slopes, moderately eroded
Ga	E3	Gale silt loam, 20 to 30% slopes, severely eroded
Gf	D	Norden silt loam, 12 to 20% slopes
Gf	D2	Norden silt loam, 12 to 20% slopes, Moderately eroded
Gf	D3	Norden silt loam, 12 to 20% slopes, severely eroded
Gf	E	Norden silt loam, 20 to 30% slopes
Gf	E2	Norden silt loam, 20 to 30% slopes, Moderately eroded
Gf	E3	Norden silt loam, 20 to 30% slopes, severely eroded
Hc	D2	Hesch fine sandy loam, 12 to 20% slopes, Moderately eroded
Hc	E	Hesch fine sandy loam, 20 to 30% slopes
Hc	E2	Hesch fine sandy loam, 20 to 30% slopes, Moderately eroded
He	D2	Hesch loam, 6 to 12% slopes, moderately eroded
He	E	Hesch loam, 20 to 30% slopes
He	E2	Hesch loam, 20 to 30% slopes, moderately eroded
Hf	D	Hixton fine sandy loam, 12 to 20% slopes
Hf	D2	Hesch fine sandy loam, 12 to 20% slopes, Moderately eroded
Hf	D3	Hesch fine sandy loam, 12 to 20% slopes, Severely eroded
Hs	D	Hixton loam, 12 to 20% slopes
Hs	D2	Hixton loam, 12 to 20% slopes, moderately eroded
Hs	D3	Hixton loam, 12 to 20% slopes, severely eroded
Ht	E	Hixton loam and fine sandy loam, 20 to 30% slopes
Ht	E2	Hixton loam and fine sandy loam, 20 to 30% slopes, Moderately eroded
Ht	E3	Hixton loam and fine sandy loam, 20 to 30% slopes, Severely eroded
Ht	F	Hixton loam and fine sandy loam, 30 to 40% slopes
Ht	F2	Hixton loam and fine sandy loam, 30 to 40% slopes,

		Moderately eroded
Ls	D2	Lindstrom silt loam, 12 to 20% slopes, Moderately eroded
Ls	E	Lindstrom silt loam, 20 to 30% slopes
Ls	E2	Lindstrom silt loam, 20 to 30% slopes, Moderately eroded
Nf	D	Norden fine sandy loam, 12 to 20% slopes
Nf	D2	Norden fine sandy loam, 12 to 20% slopes, Moderately eroded
Gu		Gullied land
Nf	D3	Norden fine sandy loam, 12 to 20% slopes, Severely eroded
No	D2	Norden loam, 12 to 20% slopes, moderately eroded
No	E2	Norden loam, 20 to 30% slopes, moderately eroded
St		Steep stony and rocky land
Un	E	Urne-Norden loams, 20 to 30% slopes
Un	E2	Urne-Norden loams, 20 to 30% slopes, Moderately eroded
Un	F	Urne-Norden loams, 30 to 40% slopes
Un	F2	Urne-Norden loams, 30 to 40% slopes, Moderately eroded
Tm		Terrace escapements loamy
Tn		Terrace escapements sandy

2. Characteristics

Soils designated by these symbols have slopes of 12% or more. These soils pose special problems in building construction and may be subject to severe erosion. Sub-soil sewage disposal facilities are difficult to install and liquid may seep out down slopes.

Section 101.

Use Regulations

The Steep Soils Overlay District provides supplementary controls over land use in addition to the requirements of the several primary zoning districts (Residential, Agricultural, Recreational, Commercial, Industrial) and shall be used only in combination with such primary district. Within the limits of the Steep Soils Overlay District all requirements set forth in the primary district shall apply with the following additions or exceptions:

1. Permitted Uses

Any use permitted by the primary zoning district which is located on a lot at least 10 acres in area and at least 1000 feet in width or which does not require a building, sub soil sewage disposal facility or substantial non-agricultural displacement of soil.

2. Conditional Uses

Any other uses permitted by the primary zoning district and not listed above.

Section 102.
Procedure

1. Permitted Uses

Issuance of a Zoning Permit as provided in Article XX

2. Conditional Uses

In granting a permit the Board may attach the following conditions:

1. That the proposed structure shall be of sound engineering design and that footings are designed to extend to stable soil or rock.
2. That access roads and other land clearing will not cause excessive erosion.
3. That access roads will not create an undue traffic hazard.
4. That sub-soil sewage disposal facilities be properly installed.
5. That the development will not materially detract from the scenic value of the immediate locality.
6. Any other requirements necessary to protect the public health, safety and general welfare.

Section 103

Minimum Lot Dimensions

1. Permitted Uses

- a. The minimum lot dimensions for permitted uses which do not require a building, sub-soil sewage disposal system or substantial non-agricultural disturbing of soil shall be that specified for the primary zoning district in Section 140.
- b. All other permitted uses shall be at least 10 acres in area and at least 1000 feet in width.

Conditional Uses

Minimum lot dimensions shall be as specified in the Conditional Use Permit but in no case less than for similar textured soils as provided in Section 141.

ARTICLE XI.

SUITABLE SOILS OVERLAY DISTRICTS

The remaining lands designated on map sheets 1 through 45 of the Soil Survey of Buffalo County, Wisconsin are hereby classified into three groups as indicated by the following letter symbols. These soils have suitable characteristics for all land uses permitted by the several primary zoning districts (Residential, Agricultural, Recreational, Commercial, Industrial). Uses shall be as permitted in the primary zoning district. Minimum lot dimensions for the various land uses on these soils which require onsite sewage disposal systems shall be as indicated in Section 141.

Section 111
Suitable Sandy

Sandy soils are rapidly permeable and require only small lot sizes. All wells on these soils shall be drilled and cased (no sand points).

Map	Symbol	Mapping Unit Name
Bo	B2	Boone fine sand, 2 to 6% slopes, eroded
Bo	C2	Boone fine sand, 6 to 12 % slopes, eroded
Bu	A	Burkhardt sandy loam, 0 to 2% slopes
Bu	B	Burkhardt sandy loam, 2 to 6% slopes
Bu	C2	Burkhardt sandy loam, 6 to 12% slopes, moderately eroded
Da	A	Dakota fine sandy loam, 0 to 2% slopes
Da	B	Dakota fine sandy loam, 2 to 6% slopes
Da	B2	Dakota fine sandy loam, 2 to 6% slopes, moderately eroded
Db	A	Dakota loam, 0 to 2% slopes
Db	B	Dakota loam, 2 to 6% slopes
Go	A	Gotham loamy fine sand, 0 to 2% slopes
Go	B	Gotham loamy fine sand, 2 to 6% slopes
Go	B2	Gotham loamy fine sand, 2 to 6% slopes, moderately eroded
Hc	B	Hesch fine sandy loam, 2 to 6% slopes
Hc	C2	Hesch fine sandy loam, 6 to 12% slopes, moderately eroded
He	C2	Hesch loam, 6 to 12% slopes, moderately eroded
Hf	B2	Hixton fine sandy loam, 2 to 6% slopes, moderately eroded
Hf	C2	Hixton fine sandy loam, 6 to 12% slopes, moderately eroded
Hf	C3	Hixton fine sandy loam, 6 to 12% slopes, severely eroded
Hs	B	Hixton loam, 2 to 6% slopes
Hs	B2	Hixton loam, 2 to 6% slopes, moderately eroded
Hs	C	Hixton loam, 6 to 12% slopes
Hs	C2	Hixton loam, 6 to 12% slopes, moderately eroded
Hs	C3	Hixton loam, 6 to 12% slopes, severely eroded
Hu	A	Hubbard soils, 0 to 2% slopes
Hu	B	Hubbard soils, 2 to 6% slopes
Me	A	Meridian fine sandy loam, 0 to 2 % slopes
Me	B	Meridian fine sandy loam, 2 to 6% slopes
Me	B2	Meridian fine sandy loam, 2 to 6% slopes, Moderately eroded
Me	C2	Meridian fine sandy loam, 6 to 12% slopes, Moderately eroded
Mm	A	Meridian loam, 0 to 2% slopes
Mm	B	Meridian loam, 2 to 6% slopes
Mm	B2	Meridian loam, 2 to 6% slopes, moderately eroded
Mm	C2	Meridian loam, 6 to 12% slopes, moderately eroded
Pf	A	Plainfield loamy fine sand, 0 to 2% slopes
Pf	B	Plainfield loamy fine sand, 2 to 6% slopes
Pf	B2	Plainfield loamy fine sand, 2 to 6% slopes, eroded
Pf	C2	Plainfield loamy fine sand, 6 to 12% slopes, eroded
Ps		Plainfield loamy fine sand, loamy substrata variant

Sp	A	Sparta loamy fine sand, 0 to 2% slopes
Sp	B	Sparta loamy fine sand, 2 to 6% slopes
Sp	B2	Sparta loamy fine sand, 2 to 6% slopes, eroded
Sp	C	Sparta loamy fine sand, 6 to 12% slopes
Sp	C2	Sparta loamy fine sand, 6 to 12% slopes, eroded
Sr		Sparta loamy fine sand, loamy substrata, variant
Ss		Sparta and Plainfield fine sands, and Dune land
Tr	A	Trempe loamy fine sand, 0 to 2% slopes
Tr	B	Trempe loamy fine sand, 2 to 6% slopes
Tr	B2	Trempe loamy fine sand, 2 to 6% slopes, eroded
Tr	C2	Trempe loamy fine sand, 6 to 12% slopes, eroded

Section 112

Suitable – Medium Textured

Medium textured soils are moderately permeable and require somewhat larger lot sizes than for sandy soils because septic tank seepage fields must be larger for equivalent uses.

Map	Symbol	Mapping Unit Name
Be	A	Bertrand silt loam, 0 to 2% slopes
Be	B	Bertrand silt loam, 2 to 6% slopes
Be	B2	Bertrand silt loam, 2 to 6% slopes, moderately eroded
Be	C	Bertrand silt loam, 6 to 12% slopes
Be	C2	Bertrand silt loam, 6 to 12% slopes, moderately eroded
Dc	B	Downs silt loam, 2 to 6% slopes
Dc	B2	Downs silt loam, 2 to 6% slopes, moderately eroded
Dc	C2	Downs silt loam, 6 to 12% slopes, moderately eroded
Dd	B	Downs silt loam, benches, 2 to 6% slopes
Dd	C2	Downs silt loam, benches, 6 to 12% slopes, Moderately eroded
Fa	B	Fayette silt loam, uplands, 2 to 6% slopes
Fa	B2	Fayette silt loam, uplands, 2 to 6% slopes, Moderately eroded
Fa	C	Fayette silt loam, uplands, 6 to 12% slopes
Fa	C2	Fayette silt loam, uplands, 6 to 12% slopes, Moderately eroded
Fa	C3	Fayette silt loam, uplands, 6 to 12% slopes, severely eroded
Fv	B	Fayette silt loam, valleys, 2 to 6% slopes
Fv	C	Fayette silt loam, valleys, 6 to 12% slopes
Fv	C2	Fayette silt loam, valleys, 6 to 12% slopes, Moderately eroded
Fv	C3	Fayette silt loam, valleys, 6 to 12% slopes, severely eroded
Ga	B2	Gale silt loam, 2 to 6% slopes, moderately eroded
Ga	C2	Gale silt loam, 6 to 12% slopes, moderately eroded
Ga	C3	Gale silt loam, 6 to 12% slopes, severely eroded
Gf	C2	Norden silt loam, 6 to 12% slopes, moderately eroded
Ja	A	Jackson silt loam, 0 to 2% slopes

Ja	B	Jackson silt loam, 2 to 6% slopes,
Ja	B2	Jackson silt loam, 2 to 6% slopes, moderately eroded
Ls	C	Lindstrom silt loam, 6 to 12% slopes
Ls	C2	Lindstrom silt loam, 6 to 12% slopes, moderately eroded
Nf	B2	Norden fine sandy loam, 2 to 6% slopes, moderately eroded
No	C	Norden loam, 6 to 12% slopes
No	C2	Norden loam, 6 to 12% slopes, moderately eroded
Rc	A	Richwood silt loam, 0 to 2% slopes
Rc	B	Richwood silt loam, 2 to 6% slopes
Rc	C2	Richwood silt loam, 6 to 12% slopes, moderately eroded
Te	A	Tell silt loam, 0 to 2% slopes
Te	B	Tell silt loam, 2 to 6% slopes
To	A	Toddville silt loam, 0 to 2% slopes
To	B	Toddville silt loam, 2 to 6% slopes
Wk	A	Waukegan silt loam, 0 to 2% slopes
Wk	B	Waukegan silt loam, 2 to 6% slopes

Section 113
Suitable – Clayey

Soils with clayey subsoils are slowly permeable. Therefore, septic tank seepage fields and lots must be large.

Map	Symbol	Mapping Unit Name
De	B	Dubuque silt loam, 2 to 6% slopes
De	B2	Dubuque silt loam, 2 to 6% slopes, moderately eroded
De	C	Dubuque silt loam, 6 to 12% slopes
De	C2	Dubuque silt loam, 6 to 12% slopes, moderately eroded
Dp	B	Dubuque silt loam, deep, 2 to 6% slopes
Dp	B2	Dubuque silt loam, deep, 2 to 6% slopes, moderately eroded
Dp	C	Dubuque silt loam, deep, 6 to 12% slopes
Dp	C2	Dubuque silt loam, deep, 6 to 12% slopes, Moderately eroded
Ds	C3	Dubuque soils, 6 to 12% slopes, severely eroded
Du	C3	Dubuque soils, deep, 6 to 12% slopes, severely eroded
Md	A	Medary silt loam, 0 to 2% slopes
Mb	B	Medary silt loam, 2 to 6% slopes

**ARTICLE XII MISSISSIPPI RIVER TOURISM AND RECREATION
OVERLAY DISTRICT**

Section 120

Statement of Purpose and Intent

The purpose of this overlay district is to guide development and land use in the Mississippi River Area in Buffalo County by regulations that will:

- a) Preserve the scenic nature of the Mississippi River area, and
- b) Preserve the natural and economic amenities that support and maintain the jobs and businesses in the tourism and recreation industries located there which are dependent upon the many visitors and tourists who travel along the Mississippi River and in the Mississippi River Area.
- c) Preserve and protect the public, health, safety and general welfare of the citizens as represented in the physical and economic amenities of the Mississippi River.

Section 121

Jurisdiction

This overlay district shall apply to land within the County as follows:

- a) Land west of the centerline of the centerline of the Great River Road/National Scenic Byway to the thread of the Mississippi River; and
- b) Land east of the centerline of the Great River Road/National Scenic Byway included in the land sections below:

Buffalo Township

T18N-R10W – Sections 3,4,5,6

T19N-R10W – Sections 31, 33, 34, 35

T19N-R11W – Sections 23, 25, 26, 35, 36

Milton Township

T19N-R11W – Sections 5, 6, 8, 9, 15, 16, 17, 21, 22, 27

T19N-R12W – Section 1

T20N-R12W – Section 14, 22, 23, 24, 25, 26, 36

T20N-R11W – Sections 19, 30, 31, 32

Belvidere Township

T20N-R12W – Sections 4, 5, 6, 8, 9, 10, 14, 15, 16

T21N-R12W – Sections 7, 18, 19, 20, 28, 29, 30, 32, 33, 34

T21N-R13W – Sections 11, 12, 13, 24, 25

Alma Township

T21N-R13W – Sections 1, 2

T22N, R13W – Sections 25, 26, 27, 34, 35, 36

Nelson Township

T22N, R13W – Sections 5, 6, 7, 8, 9, 15, 16, 21, 22, 23

T23N-R13W – Sections 30, 31

T23N-R14W – Sections 25, 26, 27, 33, 34, 35, 36

Section 122

Use Regulations:

The Mississippi River Tourism and Recreation Overlay District provides supplementary controls over land use in addition to the requirements of the several primary zoning districts (Residential, Agricultural, Recreational, Commercial, Industrial) and shall be used in combination with such primary districts. Within the boundaries of the Mississippi River Tourism and Recreation Overlay District all requirements set forth in the primary district shall apply, with the following additions or exceptions:

a) Permitted Uses.

All uses permitted by this Zoning Ordinance, or uses customarily incident of any permitted uses, except that no high-impact generating operation or high-impact receiving operation shall be permitted.

b) Conditional Uses.

All conditional uses permitted by this Zoning Ordinance, or uses customarily incident with those conditional uses, except that no high-impact generating operation or high-impact receiving operation shall be permitted.

Section 123

Existing Permitted Uses and Conditional Uses

- a) Any high-impact generating operation or high-impact receiving operation that is being operated as a permitted use prior to April 2, 2015 is not subject to the terms of the Mississippi River Tourism and Recreation Overlay District.

- b) Any high-impact generating operation or high-impact receiving operation that is being operated as a conditional use prior to April 2, 2015 is not subject to the terms of the Mississippi River Tourism and Recreation Overlay District except that any changes, modifications or expansion of a conditional use permit shall subject the conditional use to this Ordinance from that point forward.

ARTICLE XIV

Dimensional Requirements Section 140.

Dimensional Requirements For Respective Use Districts, Uses Served By Public Sewer Or Uses Not Requiring Sewage Treatment

Zoning District	Residential	Agricultural	Recreational	Com	Ind	Flood Plain
Rear Yard Property Boundary Setback: Principle Building	40	40	40	20	30	40
Side Yard Property Boundary Setback: Principle Building	10	10	10	10	30	30
Rear and Side Yard Property Boundary Setback: Accessory Building	5	10	5	5	20	20
**Front Yard Property Boundary Setback (3-10-09)	40	40	40	40	40	40
Building Height: Principle Building	35	35	35	35	60	35
Building Height: Accessory Farm Building	*	*	*	*	*	*
Building Height: Nonmetallic Mining Structure	0	100	0	0	100	0
Building Height: Other Accessory Building	15	35	15	25	35	35
Floor Area for Residences: 1 st Family (sq ft)	700	700	700If Occupied >6mo/yr 240 Other Dwellings	500	*	*
Floor Area: Each Additional Family (sq ft)	700	700	700If Occupied >6mo/yr * Other Dwellings	500	*	*
Residence Uses (sq ft)	12000 +5000 For Each Unit Over 1	12000 +5000 For Each Unit Over 1	12000	*	*	*
Other Uses (sq ft)	*	48000 and 150 ft Width	12000	12000	48000	48000
Minimum Lot Width	75 + 10% For Each Unit Over 1	75 + 10% For Each Unit Over 1	75	75	150	150

Note: * No limit or not applicable

** Front Yard setback only applies to structures adjacent to the front lot line, which is not a Class A, B, or C road.

All measurements in feet unless otherwise noted

Unless specified elsewhere in this ordinance or in a special exception or conditional use permit, the stated minimum yard, height, floor area, lot area, and lot width requirements shall apply to the respective use districts as set forth in the above table regardless of sewage treatment requirements. Lot area and lot width requirements in this table shall apply only to those uses served by public sewer or uses not requiring sewage treatment according to WI Administrative Code. Minimum lot area and lot width for uses requiring onsite sewage treatment shall be as shown in Section 141 and shall be large enough to comply with setbacks as prescribed in Wisconsin Administrative Code ILHR 83.

Section 141
Minimum Lot Area and Lot Width
For Uses Requiring On-site Sewage Treatment Systems

Provided They Comply With WI Administrative Code ILHR 83
Approved Soil Features

Use	Floodway	Wet	Suitable Sandy	Suitable Medium	Suitable Clayey	Steep Slope
Dwelling Unit	**Prohibited	See Article IX	12000 sq ft & 75' width + 5000 sq ft & 10' width for each unit over 1	24000 sq ft & 100' width + 5000 sq ft & 10' width for each unit over 1	36000 sq ft & 125' width + 5000 sq ft & 10' width for each unit over 1	10 acres and 1000' width*
Medical, Correctional, or Charitable Institutions	**Prohibited	See Article IX	24000 sq ft & 100' width	36000 sq ft & 125' width	48000 sq ft & 150' width	10 acres and 1000' width*
Churches & Municipal Buildings	**Prohibited	See Article IX	24000 sq ft & 100' width	36000 sq ft & 125' width	48000 sq ft & 150' width	10 acres and 1000' width*
Schools	**Prohibited	See Article IX	36000 sq ft & 125' width	48000 sq ft & 150' width	60000 sq ft & 175 width	10 acres and 1000' width*
Taverns, Bowling Alleys, Restaurants, and Drive-in Service	**Prohibited	See Article IX	36000 sq ft & 125' width	48000 sq ft & 150' width	60000 sq ft & 175 width	10 acres and 1000' width*
Motels & Hotels	**Prohibited	See Article IX	36000 sq ft & 125' width + 3000 sq ft & 5' width for each unit over 10	48000 sq ft & 150' width + 3000 sq ft & 5' width for each unit over 10	60000 sq ft & 175 width + 3000sq ft & 5' width for each unit over 10	10 acres and 1000' width*
Other Commercial Uses	**Restricted	See Article IX	24000 sq ft & 100' width	36000 sq ft & 125' width	48000 sq ft & 150' width	10 acres and 1000' width*
Industrial Uses	**Restricted	See Article IX	48000 sq ft & 150' width	48000 sq ft & 150' width	60000 sq ft & 150' width	10 acres and 1000' width*

* Note See Article X

** According to terms of the Buffalo County Zoning Ordinance & WI Administrative Code NR 116

ARTICLE XV. SIGNS (10-26-82)

No signs shall hereafter be erected, moved, or structurally altered without being in conformity with the provisions of this Ordinance, Section 84.30 of the Wisconsin Statutes and Chapter H 19 of the Wisconsin Administrative Code. The sign shall also meet all structural requirements of the local and state building codes.

For purposes of the Ordinance a sign shall constitute any advertising device used for the purpose of visually bringing the attention of the public to its subject matter while viewing the same outdoors. Official traffic control signs are exempt from all provisions of this Ordinance.

Section 150

Types of Signs Permitted in Various Zoning Districts

<u>Zoning District</u>	<u>Types of Signs Permitted</u>
R	1, 2, 3, 4, 8
A	1, 2, 3, 4, 5, 7, 8
REC	1, 2, 3, 4, 7, 8
C	1, 2, 3, 5, 6, 7, 8
I	1, 2, 3, 5, 6, 7, 8

Section 151

Types of Signs, Maximum Size, Number and Location

TYPE 1

Informational or directional notice erected by federal, state, or local units of government. Such signs must be placed at the right-of-way line of the highway, no permit needed.

TYPE 2

On premise real estate signs, residential identification, warning and similar signs not greater than 8 square feet in gross area. Such signs may be placed at the right-of-way line of the highway. No permit needed.

TYPE 3

Signs advertising a customary occupation or professional office. Such signs shall not exceed 6 square feet in gross area, shall be attached to the building, and if illuminated, shall be indirectly lighted. No permit needed.

TYPE 4

Agricultural signs pertaining to the identification of or sale of agricultural products produced on the premises or to membership in agricultural or agricultural related organization. No one single sign can be greater than 12 square feet in gross area and the display area on all sides for all signs may not exceed thirty-two (32) square feet. Such signs may be placed at the right-of-way line of the highway. No permit needed.

TYPE 5

Directory signs advertising a business or activity conducted, an area of interest, or a service available, at a specific location. Such signs shall be not more than 12 square feet in gross area. There shall be not more than 2 such signs relating to any one such use in the approaching direction along any one highway. No such sign shall be more than 10 miles from the location to which it relates. Such signs may be placed at the right-of-way of the highway. A larger number of signs (or signs of a larger size) may be permitted by the Board of Adjustment if the Board shall find it necessary for directing the traveling public. Permit Needed.

TYPE 6

Signs advertising a general brand or product; an area of interest; a business conducted; of a service available. Such signs shall not be more than 300 square feet in gross area and erected outside a line parallel to and 50 feet from the highway right-of-way line. Permit Needed.

TYPE 7

Signs attached to commercial and industrial buildings advertising a business conducted or a service available on the premises. No shall sign shall exceed 40 square feet in gross area, be higher than 4 feet above the top of the roofline or exceed the maximum height limitation permitted in the district.

TYPE 8

On-premises signs advertising a public or semi-public use. Such signs shall not exceed 12 square feet in gross area. There shall be no more than one sign for each highway upon which the property faces. Such signs may be placed at the right-of-way line of the highway. Permit Needed.

Section 152

Prohibited Characteristics of Signs

1. No sign shall be so placed as to interfere with visibility or effectiveness of any official traffic sign or signal, or with driver vision at any access point or intersection.
2. No sign shall contain, include or be illuminated by flashing light.
3. No sign shall contain, include or be composed of any conspicuous animated part.
4. No sign shall contain more than 300 square feet in gross area.

ARTICLE XVI. HIGHWAY SETBACK LINES AND ROADSIDE REGULATIONS

Section 160

Setbacks

For the purpose of determining the distance buildings and other structures shall be set back from the streets and highways of Buffalo County, the highways of Buffalo County are divided into the following classes:

1. Class A Highways
 - (a) All State and Federal highways are hereby designated as Class A highways

- (b) The setback line for Class A highways shall be 110 feet from the centerline of the highway or 50 feet from the right-of-way line whichever is greater.
 - (c) Service roads to Class A highways shall be considered as Class C highways for the purpose of determining the setback along said roads.
2. Class B Highways
- (a) All county trunks are hereby designated as Class B highways. For the purpose of this ordinance any road will considered as a county trunk after it has been placed on the Highway Commission.
 - (b) The setback for Class B highways shall be 63 feet from the centerline of such highway or 30 feet from the right-of-way line, whichever is greater.
3. Class C Highways
- (a) All town roads, streets and highways not otherwise classified, are hereby designated Class C highways.
 - (b) For all Class C highways setback lines are hereby established parallel to and distant 50 feet from the centerline of such highway or 17 feet from the right-of-way line whichever is greater.
4. Lesser Setbacks
- Lesser setbacks may be permitted by the Board of Adjustment according to Article XXII in cases of unusual topography, or existing patterns of lesser setbacks of buildings on nearby properties or varying alignment of highway right-of-way lines.
5. Reduced Setback Overlay District
- The Zoning Ordinance hereby recognizes areas of the county as depicted in the Appendix where pre-ordinance development has made compliance with highway setbacks burdensome.
- (a) Property owners may add onto an existing structure in line with the front wall of the structure without further encroaching on the highway setback without the issuance of a variance
 - (b) The addition may not encroach on other applicable setbacks without the Board of Adjustment issuing a variance.
 - (c) A proposed addition on a state of federal highway must have a written approval from the WDOT prior to issuance of a zoning permit.

Section 161

Vision Clearance at Intersections

1. In each quadrant of every highway intersection or intersection of a road with a railroad, there shall be a vision clearance triangle bounded by a straight line connecting them 150 feet from their intersection.

Section 162

Objects Permitted Within Setback Lines and Vision Triangles

No structure shall be permitted within a setback line except:

1. Open fences.
2. Telephone, telegraph and power transmission pole lines and portable equipment and livestock housings that are readily removable in their entirety.
3. The planting and harvesting of field crops, shrubbery and trees, except that no trees or shrubbery shall be planted within a vision clearance triangle so as to obstruct the view.
4. Closed fences meeting the highway setback and vision triangle requirements. (2-27-87)

Section 163

Scenic Roadsides (2-28-86)

In order to promote the public safety, health, welfare, convenience and enjoyment of public travel and to preserve and enhance the scenic beauty of lands bordering public highways, the Board of Supervisors of Buffalo County, Wisconsin enacts the following Ordinance:

1. Definitions:
As used in this Ordinance, the words “garbage” and “refuse” shall have the following meanings:
 - (a) Garbage-waste resulting from the handling, preparation, cooking and consumption of food; waste from the handling, storage and sale of produce;
 - (b) Refuse-combustible trash, including, but not limited to paper, carton, boxes, barrels, wood, excelsior, non-combustible trash, including but not limited to metal, tin cans, glass, crockery, synthetic material.
2. No person shall accumulate any of the following material within 300 feet of a public highway unless the material is effectively screened from view from the public highway.
 - (a) Old scrap metal, metal alloy, garbage, refuse, or any junked, ruined, dismantled or wrecked motor vehicles or machinery or any parts thereof:
 - (b) Two or more licensed or unlicensed inoperable motor vehicles.
3. Each day that the material remains in violation of this ordinance after a conviction of this ordinance, shall constitute a separate offense.

ARTICLE XVII. OFF STREET PARKING AND LOADING

Section 170

Loading Space

All commercial and industrial uses shall provide sufficient maneuvering and loading space on the premises for pickup, delivery and service vehicle necessary for normal operation.

Section 171
Off-Street Parking

Each use shall provide the following minimum off-street parking spaces. Each parking space shall be at least 200 square feet in area.

Dwellings – one space for each dwelling unit.

Restaurant, taverns and similar establishments – 1 space for each 50 square feet of floor space devoted to patrons.

Drive-in eating stands offering in-car service – 5 spaces for each person employed to serve customers.

Motels, mobile home parks and camping grounds – 1 space for each unit.

Retail business and service establishments – 1 space for each 200 square feet of floor area.

Industrial uses and warehouses – 1 space for each 2 employees on the premises at maximum employment on the main shift.

Service stations – parking for all vehicles used directly in the conduct of the business; plus 2 spaces for each gas pump; plus 3 spaces for each grease rack.

Any use not specifically named shall be assigned by the Zoning Administrator to the most appropriate classification subject to appeal to the Board of Adjustment.

Section 172 (3-24-05)

Driveway Access to County Trunk Highways

(1) Applicability

In accordance with ss. 86.07 (2), Wis. Stats., this section applies to all design, layout, and construction of private driveways within unincorporated areas of Buffalo County, which access a County Trunk Highway, or access a Town Roadway within 150 feet of an intersection with a County Trunk Highway.

(2) Interpretation and Purpose

(a) The County Board has determined that improper design, layout and or construction of driveway access onto County Trunk Highways impairs the ability of said highway system to efficiently and safely serve as a part of an integrated intermodal transportation system. This section specifies the County's minimum standards for the design, layout and construction of private driveways accessing a County Trunk Highway or on a Town Highway within 150 feet of an intersection with a County Trunk Highway. These minimum design standards have been adopted in order to provide for the safety of entrance upon and departure from those highways, to preserve the public interest and investment in those highways, to help maintain speed limits, and to provide for the development and implementation of an intermodal transportation system to serve the mobility needs of people and freight and foster economic growth and development, while minimizing transportation related fuel-consumption, air pollution, and adverse effects on the environment and on landowners and users.

(b) It is not intended by this section to repeal, abrogate, annul, impair or interfere with any regulations or permits previously adopted or issued pursuant to laws; provided, however, that where this section imposes a greater restriction upon the design and construction of driveways the provisions of this section shall govern.

(4) Permits

(a) No owner of real estate, owner of an easement of ingress and egress or tenant of real estate in the unincorporated areas of Buffalo County which abuts a County Trunk Highway or within 150 feet of an intersection to County Trunk Highways on a Town Highway, shall open, construct, reconstruct or change the principle use of a driveway or roadway onto that County Trunk Highway or roadway, without obtaining a permit under this section.

(b) All permits applied for under this section shall be filed with the Department and shall include an application fee that shall be listed in Section 215 of this ordinance. Upon receipt of the application by the Department, the application shall be referred to the County Highway Commissioner for inspection and consideration of approval. Applicants shall be notified in writing of the County's decision on their application within 30 days of receipt of completed application. The Department shall issue a permit under this section for driveways that meet the following standards listed in Subsections (5) through (7):

(5) Location

All driveway access shall:

- (a) Whenever possible, be obtained off a local road and not off a County Trunk Highway.
- (b) Be constructed to ensure that the sight distance is of adequate length to meet the design requirements set forth in the State of Wisconsin Department of Transportation Facilities Development Manual. In all cases a sight distance of 500 feet in both directions is recommended. The applicant may be required to submit, at the applicant's expense, a sight/distance study performed by a registered professional.
- (c) Be constructed to ensure that adequate spacing is established between other access points and intersecting highways. Where no curb and gutter is present the minimum spacing distance of highway frontage measured between the centerlines of driveways shall be 150 feet with a distance of 300 feet desirable. The minimum spacing distance of highway frontage from the centerline of a highway intersection shall be 150 feet with 300 feet desirable. Where curb and gutter is present, refer to Section 172(7)(g) of this ordinance.
- (d) Be located outside the vision clearance triangle as described in Section 161.

(6) Design

All driveways shall:

- (a) Be constructed at a 90° angle (perpendicular) to the roadway that it abuts, for 20 feet from the shoulder point or to the edge of the right of way (whichever is less).

- (b) Be constructed so the surface of the driveway is relatively level with a maximum slope of 5% for 20 feet from the shoulder point or to the edge of the right of way (whichever is less).
- (c) Be constructed within the County Trunk Highway right of way so as to support typical vehicle traffic during all weather conditions. The traveled portion of the driveway shall consist of at least six inches of compacted gravel. Any top surface shall be in addition to the required six inches of compacted gravel.
- (d) Be constructed so that the width of the driveway measured at the right of way complies with the following table:

TABLE – DRIVEWAY WIDTH			
Use of Property to be Served by Driveway		Minimum Width Of Driveway	Maximum Width Of Driveway
Residential		16 feet	26 feet
Shared Driveway		20 feet	26 feet
Agricultural		20 feet	40 feet
Commercial		20 feet	40 feet
Industrial		24 feet	40 feet

- (e) Have the County Highway Commissioner determine if a culvert is required. Any required culvert shall be installed entirely at the applicant’s expense. The County Highway Commissioner may require that a registered professional, at the applicant’s expense, submit a culvert design.
- (f) Be constructed with a minimum diameter culvert pipe of 15 inches. The culvert pipe shall be corrugated metal pipe meeting the Wisconsin Department of Transportation specifications for class III culvert pipe. Any culvert type proposed by the applicant that is not corrugated metal pipe is subject to approval by the County Highway Commissioner and shall be certified by a registered professional as appropriate for the construction of said driveway.
- (g) The County may require a Traffic Impact Analysis by a registered professional to determine the overall impact of a commercial or industrial application for access to the system. This analysis may result in additional design and construction requirements pursuant to the Wisconsin Department of Transportation Facilities Development Manual. The cost of the Traffic Impact Analysis and subsequent design and construction costs shall be the responsibility of the applicant.

(7) Construction

(a) All construction shall be completed within 1 year of the County's issuance of the driveway permit. If the driveway is not completed within this deadline, the permit shall be null and void and construction must stop on the driveway until the County has issued a new permit.

(b) All costs of installing the new driveway shall be the responsibility of the applicant.

(c) All necessary erosion control measures shall be installed and maintained so as to eliminate sediment discharge to the roadway or the highway right of way.

(d) There shall be no sediment, brush or other debris in the highway right-of-way as a result of the construction of the driveway.

(e) All work shall be performed in such a manner as to preclude any danger to, or interference with traffic flow.

(f) Concrete approaches or aprons shall not extend into highway right-of-way unless curb and gutter standards apply.

(g) Where driveways are to be installed in a curb and gutter section the following construction standards apply:

(i) When curb and gutter is removed, the new connections shall be of equivalent acceptable material and curb returns provided or restored in a manner equivalent to the curb returns of the surrounding area. The driveway construction shall include the replacement of affected sidewalk areas, which are inadequate or become damaged.

(ii) All curb flares shall be tangent to the curb line, and within the right-of way.

(iii) A curb length of not less than 3 feet shall be left undisturbed adjacent to each property line to serve as an island area should the adjoining owner request a permit for an entrance.

(h) All driveways existing as of the effective date of this section shall be deemed to be permitted driveways and no permit shall be required. Reconstruction or replacement of a driveway lawfully in existence at the effective date of this section is allowed provided that, no expansion, enlargement or change of use is implemented. If the driveway is located in the Shoreland or Floodplain District, the construction, repair or reconstruction conforms to the Shoreland/Wetland and Floodplain Zoning Ordinance standards.

(8) Appeals, Enforcement and Penalties

Variance to the terms of section 172 and appeals of administrative decisions shall be heard by the Buffalo County Board of Adjustment as required in Article XXII, Section 220. Enforcement and penalties for violation of this section are listed in Article XXIV.

(9) Validity

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

ARTICLE XVIII NON-CONFORMING USES, STRUCTURES, LOTS

With existing lawful use of a structure or premises which is not in conformity with the provisions of this ordinance may be continued subject to the following conditions:

A) NON-CONFORMING USES

- i. No such use shall be expanded or enlarged except in conformity with the provisions of this ordinance except upon granting of a variance by the Board of Adjustment.
- ii. No structural alteration or repair to any such existing structure, as long as such use continues, shall exceed 50 percent of its equalized value except upon granting of a variance by the Board of Adjustment.
- iii. If such use is discontinued for 12 consecutive months, any future use of the structure and premises shall conform to this ordinance. The assessor shall notify the Zoning Administrator in writing of all instances of non-conforming uses which have been discontinued for a period of 12 consecutive months.

B) NON-CONFORMING STRUCTURES (3-10-09)

- i. No such structure shall be expanded or enlarged except in conformity with the provisions of this ordinance except upon granting of a variance by the Board of Adjustment.
- ii. No structural alteration or repair to any such existing structure, as long as such use continues, shall exceed 50 percent of its equalized value except upon granting of a variance by the Board of Adjustment.

C) NON-CONFORMING LOTS (3-10-09)

- i. Substandard lots, which were recorded in the Register of Deeds and were conforming to the standards of the Zoning Ordinance upon creation, shall be deemed buildable when referring to lot size requirements.
- ii. Such lots shall not be deemed buildable if standards unrelated to lot size change between the date of creation of the lot and the time of permit application.
 1. Standards which may deem a previously created lot unbuildable may include, but are not limited to changes in floodplain or shoreland delineation, changes in use district which do not allow the proposed development or other applicable ordinance changes which may deem the property unbuildable.

ARTICLE XIX. ADMINISTRATION (12-14-78)

Section 190

Zoning Administration

There is hereby created the office of Zoning Administrator for Buffalo County who shall have the following duties and powers:

Duties

It shall be the duty of the Zoning Administrator or designee to administer, supervise, and enforce the provision of this ordinance to:

Record all permits issued, inspections made, work approved, and other official actions.

Inspect all permits issued, inspections made, work approved, and other official actions.

Investigate all complaints made relating to the location of structures and the use of structures, lands, and waters, give notice of all violations to the owners, resident agent, or occupant of the premises, and report uncorrected violations to the Zoning Committee in the manner specified by him.

Assist the Zoning Committee in the prosecution of Ordinance violations.

Powers (12-14-78)

The Zoning Administrator or designee shall have all the power necessary to enforce the provisions of this Ordinance without limitations by reason of enumeration, including the following:

Issue Zoning Permits as provided for in Section 200 upon application for construction or use of a structure, lands, or water where such construction or use complies with all the provisions of this Ordinance.

Access to premises and structures during reasonable hours to make those inspections as deemed necessary by him to ensure compliance with this ordinance,

Prohibit the use or construction of any structure, land, or water until he has inspected and approved such use or construction.

Recommend to the Zoning Committee any additional use regulations as he shall deem necessary.

Request Assistance and cooperation from the Sheriff, County Surveyor, and Zoning Committee.

ARTICLE XX. ZONING PERMITS

Section 200

Zoning Permit (2-18-03)

Permits shall be granted or denied by the Zoning Administrator or designee, or the Board of Adjustment and the applicant shall post such permits in a conspicuous place at the site. The permits shall expire within 12 months unless work has commenced, or within 24 months after the issuance of the permit of the structure for which a permit is issued is not substantially completed, and the applicant shall re-apply for the permit before recommencing work on the structure. The Zoning Administrator may grant an extension of a permit for up to one year based on reasonable cause.

A state or county sanitary permit shall be applied for and issued in accordance with the Buffalo County Sanitary Ordinance and Wis. Admin. Code Comm 83 prior to issuance of a zoning permit allowing construction of a structure requiring a private on-site wastewater treatment system.

Applications for permits shall be made in writing to the Zoning Department upon a form furnished by the Department. Permit application fees are not refundable.

Any permit issued in conflict with the provisions of this Ordinance shall be null and void. Any permit obtained through material misrepresentation shall be null and void.

No permits shall be issued if the applicant/property owner is in violation of the Buffalo County Zoning Ordinance, Sanitary Ordinance, Floodplain Ordinance or Shoreland Ordinance.

Evidence of property lines: Prior to granting any permit required under this chapter, it is the duty of the property owner to present satisfactory evidence to the Zoning Administrator or his designee as to the location of the property lines relevant to the permit. The property owner/applicant may meet the evidence requirement by identifying the existing plat or certified survey markers. The Administrator may accept a mutually acknowledged lot line confirmed in writing by abutting property owners. In any case where the Administrator should reasonable question the location of a property line, the Administrator may require a licensed survey thereof. The owner/applicant is responsible for survey costs. Granting a permit does not in itself determine property lines or represent the respective property rights of adjacent property owners.

Cases Where Zoning Permits are Required (12-14-78)

1. Where any building or other structure is erected, moved or structurally altered so as to change its use or increase its floor area.
2. Where more than 10,000 square feet of land is substantially altered, disturbed, graded or filled for other than agricultural cropping purposes. A zoning permit application for a land alteration shall include an Erosion Control Plan and a Stormwater Management Plan. Zoning permits for land alterations are not required for the construction of structures, sewage treatment system or driveways when such development is approved under a validly issued permit.
3. Where one acre (43,560 sq. ft.) or more of land is substantially altered or disturbed, for other than agricultural cropping practices, a Conditional Use Permit shall be required.
4. Where any building or other structure located in the Floodplain or Shoreland District, is erected, moved or structurally altered so as to change its use or increase its floor area.

5. Where any mobile home is not located in an approved mobile home park.
6. For any addition to any structure, regardless of cost, that encroaches upon previously existing open yard space. (2-18-03)

Cases Where Zoning Permits Are Not Required

1. For any accessory building 150 square feet or less, provided such building conforms to all highway and property line setbacks, and all other requirements of this ordinance.
2. For any improvements, or alterations to an existing building which shall not affect a change in use or encroach upon any yard or open space.
3. For any maintenance regardless of cost.
4. For the construction of any fence. (2-27-87)

Section 201

Permit Application Fees

Applications for permits required under this Ordinance shall be accompanied by a fee as established by the County Board. A copy of the current fee schedule shall be kept on file in the Zoning Department. Any building, development, structure, land use or land alteration exceeding 10,000 square feet not having a valid Buffalo County permit shall be subject to after-the-fact fees as set forth in Article XXI.

Governmental Units are exempt from zoning permit application fees, they are however required to apply for and obtain all required permits.

For applications of a non-routine nature for which the Zoning Administrator expects that the County will need to engage paid expertise relating to legal, planning, surveying and/or engineering, design, economic, environmental, tax impact or other issues relevant to the application in order to review decisions, and the cost of legal counsel and court reporting, transcription services for cases deemed to warrant such recording and transcriptions of hearings and meetings shall require an additional deposit. For these applications, the base application fee shall be supplemented by the required payment by the applicant of a deposit equal to 125% of an estimate established by the Zoning Committee of the costs of necessary services. The deposit shall be used to pay all reasonable County review expenses and shall be replenished when the initial deposit is exhausted. Any excess in the deposit account shall be returned to the applicant when the County actions on the application are complete and all bills have been paid.

ARTICLE XXI CONDITIONAL USE PERMIT

Section 210

General Provisions

Any use listed as a conditional use in this ordinance shall be permitted only upon application to the Zoning Administrator and issuance of a Conditional Use Permit by the Board of Adjustment. A Conditional Use Permit shall be issued only upon satisfaction of the requirements listed herein, in addition to all other requirements of this ordinance. All such uses are hereby declared to possess such unique and special characteristics that each specific use shall be considered as an individual case.

Section 211
Required Information

In order to secure evidence upon which to base its determination, the Board of Adjustment may require, in addition to the information required for a Zoning Permit, the submission of plans of buildings, arrangement of operations, plat of grounds showing location of buildings, stockpiles, equipment storage, fences or screens, specifications of operations, parking areas, traffic access, open spaces, landscaping and any other pertinent information that may be necessary to determine if the proposed use meets the requirement of the ordinance.

Section 212
Standards Applicable to all Conditional Uses

In consideration of any Conditional Use Permit application, the Board of Adjustment shall consider the following factors. Consideration should include the effect of the proposed operation or usage from both an individual and cumulative perspective:

1. The location, nature, and size of the proposed operation or use.
2. The physical size of the site in relation to the proposed use.
3. The location of the site with respect to anticipated traffic and existing or future streets or roads giving access to the proposed use.
4. Its compatibility with existing uses of the proposed land use, including adjacent lands.
5. Its harmony with current and future development of the district.
6. Existing factors including, but not limited to: topography, drainage, water quantity and quality, air quality, soil types, soil erosion, and vegetative cover.
7. The relationship of the proposed use to the public interest, the purpose and intent of this ordinance, and substantial justice to all parties concerned.

Section 213
Conditions Attached to Conditional Use Permit

Upon consideration of the factors listed above, the Board of Adjustment may attach such conditions, in addition to those otherwise specifically listed, that it deems necessary in furthering the purposes of this ordinance. Violation of any of these conditions shall be deemed a violation of this ordinance.

Section 214
Notice and Public Hearing

Before issuing a Conditional Use Permit, the Board of Adjustment shall hold a public hearing. Notice of such public hearing specifying the time, place and matters to come before the Committee shall be given in the manner specified in Section 222. When notice of a public hearing is published, copies of the notice shall be forwarded by the County to all property owners within 300 feet of the boundaries of the parcel or parcels of land on which the proposed use is located.

Section 215

Fees (Amended 11-8-11)

The applicant, upon filing of his/her application, shall pay a fee to the Zoning Administrator in accordance with the applicable fee schedule as established by resolution:

If the permit is denied, the fee shall not be refunded.

Fees for Work Commenced Prior to Obtaining a Zoning Permit

An after-the-fact fee equal to five times the applicable zoning permit fee shall be charged by the Zoning Administrator if work is started before a permit is applied for and issued. Such after-the-fact fee may be decreased to three times the applicable fee if such fee is paid within 30 days of owner notification of noncompliance (3-10-09). Such after-the-fact fee shall not release the applicant from full compliance with this ordinance nor from prosecution for violation of this ordinance. Such fee shall be waived if the applicable structure cannot meet use and/or dimensional requirements listed elsewhere in this ordinance, is not granted a variance and the owner/agent/lessee voluntarily dismantles or removes the structure within 30 days of notice from the Zoning Department or within 30 days of the board's date of filing Findings and Conclusions. All remediation or penalties issued under this subsection and ordered by the Zoning Department shall be stayed until appeal periods have expired. (4-27-06)

ARTICLE XXII. BOARD OF ADJUSTMENT

Section 220

Powers of the Board

The Chairman of the County Board is hereby directed to appoint a Board of Adjustment according to Section 59.694 of the Wisconsin Statutes, which shall have the following duties and powers:

1. It shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of administration of this Ordinance.
2. It shall hear and decide as special exceptions to the terms of this ordinance all conditional uses through the issuance of a Conditional Use Permit in the manner provided in Article XXI
3. It may authorize upon appeal in specific cases a variance from the terms of the ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardships and so that the spirit of the ordinance shall be observed and substantial justice done. No variance shall have the effect of allowing in any district uses prohibited in that district. Board of Adjustment will consist of three members appointed for a term of three years effective each May 1.

Section 221
Appeals to the Board

Appeals to the Board of Adjustment may be taken by any person aggrieved or by an officer, department, board or bureau of the municipality affected by any decision of any other administrative officer. Such appeal shall be taken within 60 days, by filing with the officer from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

Section 222
Public Hearings (12-14-78)

Upon filing with the Board of Adjustment of Appeals, a complete application for a Conditional Use Permit, or an application for a Variance, the Board shall hold a public hearing. The Board shall, within 60 days, fix a date for the hearing and publish a Class II notice under Chapter 985 of the Wisconsin Statutes as well as giving due notice by mail to all required parties of interest. The Board shall render a decision within 120 days of the date of the hearing. When the matter concerns the Shoreland or Floodplain Ordinance, the Board shall submit to the Department of Natural Resources a copy of the notice and application for the proposed variance sufficiently in advance so that the Department of Natural Resources will receive at least ten (10) days' notice of the hearing.

At the hearing any party may appear in person or by agent or attorney and present written and oral evidence for the record.

The Board of Adjustment shall adopt such rules as it deems necessary for the conduct of business and may exercise all the powers and is vested with all the duties conferred on such boards by Section 59.694 of the Wisconsin Statutes.

ARTICLE XXIII. CHANGES AND AMENDMENTS

The Board of Supervisors of Buffalo County may from time to time amend, supplement or change by ordinance the boundaries of the district or regulations herein established. Any proposed change shall first be submitted to the County Zoning Committee for its recommendation and report. Upon receipt the County Zoning Committee shall hold a public hearing thereon. Notice of time and place of such hearing shall be given by publication in the county of a Class II Notice, under Chapter 985 of the Wisconsin Statutes. A copy of such notice shall be mailed by registered mail to the town clerk of each town affected by the proposed amendment at least 10 days prior to the date of such hearing. (2-9-82)

ARTICLE XXIV. ENFORCEMENT AND PENALTIES

Any person, firm, company, or corporation who violates, disobeys, omits, neglects or refuses to comply with or resist the enforcement of any of the provisions of the ordinance shall be subject to a fine of not less than one hundred (\$100.00) dollars (3-10-09) nor more than one thousand (\$1,000.00)

dollars (3-10-09), together with the cost of the action, and in default of payment thereof imprisonment in the county jail for a period of not less than one (1) day nor more than six (6) months, or until such fine and costs be paid. Each day of continued violation shall constitute a separate offense. Compliance therewith may be enforced by injunctive order at the suit of the county or the owners of real estate within the district affected.

ARTICLE XXV. VALIDITY

Should any section, clause or provision of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared invalid.

ARTICLE XXVI. NONMETALLIC MINING

Section 260

1. Title

This ordinance shall be known as the Buffalo County Nonmetallic Mineral Mining Ordinance and referred to herein as “this Ordinance”

2. Authority

Buffalo County is adopting this Ordinance in accordance with its home rule authority of Wis. Stats. Sec. 59.03(1)

3. Effective Date

The provisions of this Ordinance shall take effect upon proper adoption by the regulatory authority of Buffalo County with an effective date of April 30, 2013.

4. Applicability

The requirements of this Ordinance apply to any and all nonmetallic mining sites within Buffalo County commencing operation after the effective date of this ordinance.

5. Interpretation

In both interpretation and application, this Ordinance shall be held to be the applicable requirements for Nonmetallic Mining in Buffalo County. Where any terms or requirements of this Ordinance may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this Ordinance is specifically required to comply with Wisconsin Statutes Sec. 295, or environmental standards of Wisconsin Statutes, or Wisconsin Administrative Code Chapter NR 135 or environmental regulations, and where the provision is deemed to be unclear, the provision shall be interpreted to be consistent with the Wisconsin Statutes and Wisconsin Administrative Code requirements.

6. Purpose and Intent

The purpose of this section is to provide impartial standards to regulate nonmetallic mineral mining in Buffalo County. While nonmetallic mineral mining is a legitimate and permissible part of the state and local economy and may provide beneficial economic activity and good jobs, the activities and processes employed may adversely affect ground and surface waters, alter aesthetic appearance of natural landscapes and produce harmful levels of soil erosion and

dust. Nonmetallic mineral mining may present safety concerns to members of the public, create traffic problems and road damage, and affect land use and property values. Therefore, in addition to taking into consideration the Standards Applicable to all Conditional Uses under Section 212, nonmetallic mineral mining proposal analysis should be completed on an objective basis which includes not only an individual mine, but also the various incremental impacts of other mine sites when considered cumulatively. This specific analysis should ensure the wise use of natural resources of the County, protection of surrounding properties and the physical environment, evaluation of aesthetic implications of a mine at a given location, as well as the promotion of public health, safety and general welfare.

Section 261

Administration

The provisions of this section shall be administered by the Zoning Department. The Zoning Committee shall prescribe rules, regulations, and administrative procedures, and provide such administrative personnel as it considers necessary for the enforcement of this section. Additional rules and regulations authorized by this section shall be prescribed by policies which shall be declared to be for the stated purpose of this section.

Section 262

Application Required

1. Nonmetallic mining may be permitted upon the issuance of a Conditional Use Permit. Each proposed mine site shall submit an application, and each application shall be judged according to policies approved by the Zoning Committee and subject to the standards set forth in this section and the zoning ordinance as a whole.
2. All applications for a nonmetallic mine in Buffalo County shall include the following:
 - a) A legal description of the property including parcel identification numbers.
 - b) The names and contact information of all persons or organizations who are owners or lessors of the property on which the mine site is located.
 - c) The name and contact information of the person or organization who is the mine operator.
 - d) A narrative description of the proposed operation including the number of acres to be mined, and the excavation and processing equipment to be used.
 - e) A map showing the general location of the site.
 - f) A plan showing the components of the operation, including structures, stockpiles, equipment, storage areas, parking areas, fences or screens, and any other pertinent information deemed necessary to evaluate the proposed operation.
 - g) A description of the water requirements for processing materials onsite.
 - h) The location of all surface water and wetlands occurring on the mine site and within 2640 feet of the active mine boundary.
 - i) A topographic map showing the drainage patterns of the site.
 - j) Any additional information or materials deemed necessary by the Zoning Department to adequately evaluate the proposed operation.
 - k) The appropriate permit fee.

- l) A certification that the operator will provide, as a condition of the reclamation permit, financial assurance before the mining begins.
3. Applications for Nonmetallic Mines may be subject to additional requirements for a Conditional Use Permit according to policies approved by the Zoning Committee.

Section 263
Standards

A. General Standards

1. All nonmetallic mines shall be operated in compliance with all applicable federal, state, and local laws, rules, and regulations in a manner to promote health, safety, and general welfare.
2. Mine operators shall demonstrate that all required federal, state, and local permits and approvals for the mine site have been or will be obtained prior to commencement of operation.
3. Nonmetallic mining operations and reclamation shall be conducted simultaneously, to the extent practicable, to minimize the area disturbed by nonmetallic mining.

B. Surface Water, Groundwater, and Wetlands Protection

1. Nonmetallic mining operations shall be conducted in a manner that assures compliance with the Wisconsin Department of Natural Resources' water quality standards for surface waters and wetlands. Before disturbing the surface of a mine site and removing topsoil, all necessary measures for diversion and drainage of runoff from the site to prevent pollution of waters of the county shall be installed in accordance with the approved operation plan.
2. Nonmetallic mines shall be operated in a manner that does not cause a permanent lowering of the water table resulting in adverse effects on surface waters or a significant reduction in the quantity of groundwater reasonably available for future users of groundwater.
3. Nonmetallic mining operations shall be conducted in a manner which does not cause groundwater quality standards in Chapter NR 140, Wisconsin Administrative Code to be exceeded at a point of standards application defined in that chapter.

C. Topsoil Management

1. Once removed, topsoil and topsoil substitute material shall either be used in contemporaneous reclamation or stored in an environmentally acceptable manner.
2. The location of stored topsoil and topsoil substitute material shall protect the material from washing away, eroding, or disturbing or contaminating the area. Runoff shall be diverted around stored topsoil or topsoil substitute material.

D. Air Quality

1. Nonmetallic mining operations shall utilize appropriate best management practices to control fugitive dust as specified in Chapter NR 415, Wisconsin Administrative Code. State approved fugitive dust control plans shall be kept on file with the Zoning Department, and nonmetallic mining operators shall keep records to document that the plan is being followed.

Section 264

Inspections

1. Upon issuance of a Conditional Use Permit for the purpose of nonmetallic mining, the operator is deemed to have consented to allow inspections by the Zoning Department or its approved agents to determine compliance with the provisions of this ordinance and the conditions of the permit. Inspections may occur with or without notice to the mine operator and upon showing of proper identification. Inspections shall be performed during operating hours. All public or private complaints against an operator shall be investigated and may result in an inspection of the mining operation to determine the validity of the complaint.
2. Approved agents of the Zoning Department may inspect any required records of a mining operation to determine compliance with the provisions of this ordinance. Records requests shall be limited to information pertaining to the operation or reclamation of the mine site, and shall not include proprietary or confidential information. Records requests shall be made by an approved agent of the county in writing. All required records shall be made available within the time specified in the written request.

Section 265

Permit Transfers and Modifications

1. A Conditional Use Permit for nonmetallic mining may be transferable to a new operator. The new operator shall submit to the Zoning Department certification in writing that all terms and conditions of the permit and the approved reclamation plan for the mine site will be complied with. The transfer is not valid until financial assurance has been submitted by the new operator and accepted by the Zoning Department. The Zoning Administrator or designee shall make a written finding validating the transfer of the permit to the new operator.
2. An operator may apply for a modification of a permit or for a change in the nonmetallic mining operational plan for a mining site. The application for a permit modification shall be processed in the same manner as an original application for a Conditional Use Permit. If a permit modification is applied for, the Board of Adjustment shall have the discretion to impose additional permit conditions, to remove or modify permit conditions, or to allow the original permit conditions to stand.

Section 266

Violations and Penalties

1. Whenever the Zoning Department finds a nonmetallic mining operation to be in violation of this ordinance, including unapproved deviation from the operational or reclamation plan, it shall be recorded, and the department shall notify the operator in writing. When issuing an order, the department shall send the operator, by certified mail, an order specifying the nature of the violation, time of violation, corrective steps necessary to achieve compliance with this ordinance, and the date by which compliance must be achieved. Failure to comply with an order shall result in revocation of the permit.
2. A violation of terms and conditions of a Conditional Use Permit for nonmetallic mining shall be deemed a violation of this ordinance and subject to the enforcement and penalties in Article XXIV.
3. Every applicant for a Conditional Use Permit for nonmetallic mining is charged with knowledge of the requirements of all federal, state, and local laws, rules, and regulations relating to or affecting nonmetallic mining and/or the land upon which a mine is located. Any incorrect or false statement made by an applicant, or issuance of a permit contrary to a law, rule, regulation or ordinance, may result in revocation of the permit.

ARTICLE XXVII WHEN EFFECTIVE

This ordinance shall be in effect in any town in Buffalo County when approved by the Town Board and when a certified copy of the approving resolution is filed with the County Clerk .

All Zoning Ordinances in conflict with provisions of this ordinance are hereby repealed.

Official Zoning maps on file at Buffalo County Zoning Department.

REPEAL OF CONFLICTING ORDINANCES. All other ordinances or parts of ordinances in conflict with this ordinance heretofore enacted by the Buffalo County Board of Supervisors are hereby repealed.

SEVERABILITY. The provisions of this ordinance shall be deemed severable and it is expressly declared that the Buffalo County Board of Supervisors would have passed the other provisions, sections, subsections, paragraphs, clauses, or phrases of this ordinance irrespective of whether or not one or more of such parts may be declared invalid. If any provision or part of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

ARTICLE XXIX APPENDIX

Gilmanton, Indian Creek, Modena, Waumandee

Ordinance Amendment Information:

February 11, 2014 – Additional edits made to Ordinance as adopted by the County Board of Supervisors at the April 16, 2013 meeting.

April 2, 2015 (effective date) – Change all references to “Land Resources Department to “Zoning Department”. Change all references to the “Land Resources Administrator” to “Zoning Administrator” and change all references to the “Land Resources Committee” to “Zoning Committee”. Amend ARTICLE I (definitions) to include Great River Road, Truck Trip, High-Impact generating operation, High-Impact receiving operation and Mississippi River Area. Add ARTICLE XII - MISSISSIPPI RIVER TOURISM AND RECREATION OVERLAY DISTRICT. Adopted by the County Board of Supervisors at their March 23, 2015 meeting.

January 1, 2016 (effective date) – All changes were made to “ARTICLE XX Zoning Permits” as follows: Section 200 - one year extension of a zoning permit may be granted by the Zoning Administrator; application forms are furnished by the Department and permit application fees are not refundable; permits are null and void through material misrepresentation; no permits will be issued where there is a violation in other ordinances administered in the Zoning Department; evidence of property lines is required; farm structures require a zoning permit; substantial land alteration is defined; a conditional use permit is required where one acre or more of land is substantially altered; deleted requirement for a permit where 50% or more of equalized value of a structure is destroyed and is being repaired or altered; deleted language where sanitary permits are required; Zoning permits are not required for buildings 150 square feet or less (setbacks and all other ordinance requirements apply). Section 201 – zoning permit application fees are not part of this ordinance, certain after-the-fact fees apply, Governmental Units are exempt from Zoning Permits; cases where the Department needs outside professional services, these costs may require a deposit from the applicant (this is spelled out in the ordinance).