WAUPACA COUNTY
PLANNING & ZONING OFFICE

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ZONING ORDINANCE, CHAPTER 34

LEGEND:

Highlighted Term = Additional language proposed
~~Red Font Strikethrough~~ = Language proposed to be stricken

Amend Table 4:

"PURF (Public Recreation and Forestry) District" – change the maximum building height to "None".

Amend Table 5 & Table 5.1:

Delete "~~Accessory Structure~~"

"Indoor Commercial Entertainment ~~and Service~~"

"Commercial Animal Facility" – should add "C" (Conditional Use) to RC-N (Rural Commercial - Neighborhood) District

"Campgrounds and Camping Resorts" – should add "C" (Conditional Use) to RC-N (Rural Commercial - Neighborhood) District

"~~Agriculture~~" changed to "Agricultural Use"

Add Footnote #5 to Table 5 and Footnote #10 to Table 5.1:

Accessory Structures are permitted in all zoning districts, except the Conservancy District which may require a Conditional Use Permit, as set forth in Sec. 2.15.

Amend Sec. 1.04:

1.04 Application of Overlapping Regulations

This Ordinance shall not repeal, impair, or modify private covenants or other ~~public~~ municipal Ordinance, with the exception of Chapters 32 or 36 as stated below ~~that it shall apply whenever it imposes stricter regulations~~.

The Shoreland and Floodplain regulations of this Ordinance and of Chapters 32 and 36 of this Code of Ordinances, when applied within the jurisdictional area as defined in Sections 59.692 and 87.30, Wis. Stats.,

supplement and take precedence over the less restrictive provisions of the respective zones~~, except that the water setback, roadway setback and yard setbacks for residential properties in shoreland areas specified in Chapter 32 shall control or prevail throughout all zones. No approval by any Town or Town Board shall be required for this Ordinance as it applies to shorelands or to the shoreland regulations of Chapter 32 of this Code of Ordinances~~. Where the provisions of this Ordinance are more restrictive than similar provisions in Chapters 32 or 36, the provisions of this Ordinance shall prevail.

Amend Sec. 1.07(4) and it will become (2):

~~4.~~2. ~~Building,~~ Accessory Structure: A subordinate ~~building or a portion of a principal building~~ structure, the use of which is incidental and customary to that of the principal ~~building~~ structure, located on the same lot as the principal ~~building~~ structure. No accessory ~~building~~structure or part thereof shall be used for living, sleeping, or eating quarters.

Amend Sec. 1.07(8):

8. Building, Public and Semi-Public: Public and semi-public buildings, in the sense of this Ordinance, are structures principally of an institutional nature and serving a public need such as: churches, hospitals, rest homes, schools, including private academic schools and ~~nursery schools~~ preschools, libraries, museums, post offices, police and fire stations, public and private utilities, and other public services, but not including the operation of a public bar, restaurant, or recreational facility as commercial enterprise.

Amend Sec. 1.07(27):

1.07(27) Height: Structure height is the measurement of the vertical line segment starting at the lowest point of any exposed wall and its intersect with the ground to a line horizontal to the highest point of a structure as described in Section 2.06.

Amend Sec. 2.02(2), moved from Sec. 14.03(5)(a):

2. Land Use Permit: Unless exempted under Section ~~14.03.5.a (2) or~~ 2.03, a Land Use Permit is required~~.~~ to be issued before any of the following may occur:

(a) Before any building or structure, not excepted below, is erected, moved, or structurally altered; and

(b) Before any building or structure or any parcel or tract of land is changed as to use.

(c) Exceptions: A Land Use Permit shall not be required for the following:

(1) Above ground swimming pools that are erected seasonally and do not have accessory decking.

(2) Retaining walls located outside the jurisdiction of Chapter 32 Shoreland ~~Zoning~~ Protection Ordinance.

(3) Signs, however, must comply with applicable regulations.

(4) Rooftop and building mounted small solar energy systems.

(5) A four (4) foot by six (6~~0~~) foot open platform for safe access to an existing egress/ingress on a principal structure.

(6) The construction or maintenance of a hunting blind (maximum size limited to thirty-two (32) square feet).

Amend Sec. 2.02(5):

(5) Expiration: Within two (2) years from issuance of a Land Use Permit for construction, the project shall have progressed at least to the point of the exterior shell being completed. Unless extended as provided herein, the original permit shall lapse if this state of completion is not accomplished within the two (2)-year period. A new permit shall be required to recommence work on the project. ~~Persons wishing to move into a residence before it is completed must first obtain an occupancy permit from their local building inspector. Permits shall not be issued if the facility does not have running water, proper sanitary arrangements and electric service installed to code.~~

Amend Sec. 2.03:

2.03 Exemptions

The following uses are exempted by this Ordinance and are permitted in any zoning district: poles, wires, cables, conduits, vaults, laterals, pipe mains, valves, or any other similar distributing equipment for telephone or other communications and electric power, gas, water, and sewer lines, structural alterations involving ordinary maintenance, and satellite dishes less than one (1) meter in diameter. ~~The provision regarding filling and grading shall not apply to the construction and repair of public roads, flood control structures, or conservation practices such as terracing, installation of diversions, grass waterways, subsurface drainage, non-navigable drainage ditches, stream stabilization by rip-rapping or vegetative cover, ponds used for agricultural purposes or, non-floating docks accessory to private dwellings. In accordance with Wisconsin Act 347, this Ordinance shall not apply to the disposal of septage meeting State of Wisconsin Department of Natural Resources standards.~~

Amend Sec. 2.04(3):

3. Change/Expansion in Uses: If a change/expansion in the use of the property occurs and that use is listed as a permitted use, then a Land Use Permit is required. If the new use is listed as a Conditional Use, then a Conditional Use Permit is required.

Amend Sec. 2.05(4) & (5):

~~4. Required Lot Grouping: If two (2) or more substandard lots with continuous frontage have the same ownership as of the effective date of this Ordinance or at time of development and have historically been conveyed on a single deed, the lots involved shall be considered to be one (1) individual parcel for the purpose of this Ordinance.~~

5. Building Over Lot Lines: When the same entity owns more than one (1) contiguous lot and wishes to place a new building across lot lines or within minimum required yard areas between lots in the same ownership, the two (2) or more lots shall be legally combined into one (1) lot before a Land Use Permit will be issued. ~~Where a building was previously constructed across lot lines in common ownership, the affected two (2) lots shall thenceforth be considered one (1) lot for the purposes of this Zoning Ordinance and may not be transferred independently from one another until and unless the building is removed or relocated.~~

Amend Sec. 2.07(3):

3. All other roads in the County that are named per Chapter 11, Street Name and Building Numbering Ordinance (E911 Addressing), are hereby designated Level III highways.

Amend Sec. 2.08:

2.08 Setback

1. Level I highway setback shall be one hundred ten (110) feet from the centerline of the highway or fifty (50) feet from the right-of-way line, whichever is greater. Level II highway setback shall be seventy-five (75) feet from the centerline of the highway or forty-two (42) feet from the right-of-way line, whichever is greater. Level III highway setback shall be sixty-three (63) feet from the centerline of the highway or thirty (30) feet from the right-of-way line, whichever is greater. Where no right of way exists, the centerline of the as travelled Level III Highway shall be utilized for the measurement.

2. Road Setback Average

a. Average Setback Determination: The road setbacks for Level III Highways found in Section 2.08 may be reduced, as described in par. b, provided all the following are met:

(1) There are existing structures located on adjacent lots to the proposed building site in both directions on the same side of the road.
(2) The existing structures are located within two hundred and fifty (250) feet of the proposed building site.
(3) Both existing structures do not meet the required road setback.
(4) Required setbacks cannot be met.

b. Average Setback Application: The average setback shall be calculated by averaging the road setback distances of the existing adjacent structures described in par. a. The following shall also apply:

(1) The road setback may not be reduced to less than twenty (20) feet to the right of way or fifty-three (53) feet to the centerline of the road, whichever setback distance is greater.

(2) Where no right of way exists, the centerline of the as travelled Level III Highway shall be utilized for the measurement. The road setback in this case may not be reduced below fifty-three (53) feet from the centerline.

(3) Accessory structures may not be utilized in the application of a reduced setback for a proposed principal structure and, likewise, principal structures may not be utilized in the application for a proposed accessory structure.

Amend Sec. 2.14(3)(d):

d. A Land Use Permit is first obtained per Section ~~14.03.5.a~~ 2.02.2

Amend Sec. 2.15:

2.15 Accessory Uses and Structures

1. Accessory buildings, structures and uses are permitted in all zoning districts, except the Conservancy District which may require a Conditional Use Permit, and they shall be compatible with the principal uses on a parcel. An accessory structure may be placed on a parcel prior to a principal structure if approved by the Planning & Zoning Director or designee, and if the following conditions are met:
    a. No accessory building or part thereof shall be used for living, sleeping, or eating quarters.
    b. No commercial use shall be allowed in this structure unless the property is appropriately zoned for the proposed use or a land use permit for home occupation (see Section 6.05 (8) & (9)) has been obtained.
    c. In residential uses, no sanitary system or plumbing shall be allowed in this structure if it is built prior to the ~~principal structure~~ dwelling.
    d. The structure must be according to the site plan and meet all the required setbacks.
    e. All other Sections of this Ordinance must be met.
2. Accessory Use: see definition in Section 1.07(1) and Section 2.04(2)
3. Accessory Structure: Any detached private garage, carport, or utility shed on a ~~residential~~ lot that primarily accommodates the sheltered parking of a vehicle, the storage of ~~residential~~ maintenance equipment to serve the same lot or a contiguous lot, or a detached shelter such as a gazebo. It also includes swimming pools, greenhouses, wind and solar energy systems for on-site residential use, and private kennels. ~~No accessory building or part thereof shall be used for living, sleeping, or eating quarters.~~ Attached garages, attached carports, and decks shall be considered part of the principal ~~residential~~ building, not an accessory structure.
    a. ~~If proposed to be constructed in advance of the principal building (dwelling) on the same lot, the structure shall be sited with relation to appropriate locations for a future dwelling, private well, and on-site waste treatment system, and driveway. These accessory structures shall not include sanitary facilities or plumbing.~~
4. Location: No accessory building or structure shall be erected or altered or moved to a location within the required setback area of a front or side yard. An accessory building, structure or use under two hundred (200) square feet in area and located in a rear yard shall be not less than seven and one-half (7 ½) feet from any property line, except that on a corner lot, a reversed corner lot or a through lot, such accessory building, structure or use shall be set back from the property line adjoining a street the distance required for a front yard, unless otherwise required herein for a specific permitted or conditional use.

5. Encroachment: No accessory building, structure or use shall encroach upon that side yard of a corner lot which is adjacent to the street, upon the side yard of a reversed corner lot which is adjacent to the street, upon that part of a rear yard of a through lot, which is within thirty-five (35) feet from the street line abutting the rear lot line or upon a front yard, except as permitted herein for specific uses.
6. Non-conforming: See Sections ~~2.12(1)~~ 2.11, 2.12 and 2.13
7. Campground: See Section 6.09(5)
8. Agricultural Accessory Structures: See Section 6.10(5)
9. Portable Storage Facilities (includes shipping containers, portable on demand storage (PODS), and store and move (SAM) containers), buses, heavy-duty trucks and their bodies, semi-trailers, freight containers, mobile homes, and similar items which are no longer in use for their designated purpose are prohibited from being used as an accessory structure.

Amend Sec. 2.16(1) & (2)(a):

2.16 Yard Regulations

1. Yard setbacks are measured to the first vertical wall or post of any structure.

(a) Roofs, overhangs, or other architectural features in excess of three (3) feet within side yard setbacks are not permitted.

2. The following shall not be considered to be obstructions when located in yards as specified:

(a) In Any Yards: Marquees and awnings adjoining the principal building's overhanging roof eaves; ornamental light standards, flag poles, arbors, trellises, shrubs, retaining walls for landscaping purposes, ~~coin operated telephones,~~ permitted signs, outdoor fuel dispensing equipment, air conditioning units and fences. However, fences must be less than four (4) feet in height if located in a front yard setback. ~~Roofs, overhangs, or other architectural features in excess of three (3) feet within side yard setbacks are not permitted.~~

(b) In Side Yards: Open accessory off-street parking spaces, except in a side yard abutting a street.

(c) In Rear Yards: Enclosed, attached, or detached off-street parking spaces; open off-street parking spaces; and balconies, breezeways and open porches.

(d) Accessory Buildings or Structures: See Section 2.15 and Table 4.

~~(e) Waterfront Lots: See Waupaca County Shoreland Zoning Ordinance.~~

Amend Sec. 2.16(3):

3. In all zoning districts, any building or structure that exceeds ~~one hundred (100)~~ thirty-five (35) feet in height must be set back from all parcel, property lines and lot lines, a distance equal to the height of the building or structure, excepting amateur radio antennas.

Amend Sec. 2.18:

2.18 Shoreland Zoning

See Waupaca County Shoreland ~~Zoning~~ Protection Ordinance, Chapter 32, Waupaca County Code of Ordinances.

Amend Sec. 3.02 through 3.17:

3.02 PURF: Public Recreation and Forestry District

Purpose: To accommodate and maintain publicly owned property for the purpose of natural resource management and public outdoor recreation, parks and open space. The PURF zoning district corresponds with the Public Recreation and Forestry Enterprise or Forestry Preferred Land Use Category within the Waupaca County Comprehensive Plan.

3.03 PVRF: Private Recreation and Forestry District

Purpose: To maintain privately owned large tracts of forest and woodland areas that are managed to produce sustainable forest products and to provide quality outdoor recreation experiences. Selective cutting, sustained yield, and other practices of good forestry management shall be encouraged within the district.

Residential development shall be limited and placed on the landscape in a fashion that minimizes the fragmentation of large forest tracts and prevents conflicts between forest management, outdoor recreation, and residential land uses.

The PVRF zoning district corresponds with the Private Recreation and Forestry Enterprise or Forestry Preferred Land Use Category within the Waupaca County Comprehensive Plan.

3.04 AE: Agriculture Enterprise District

Purpose: To preserve and promote a full range of agricultural uses in areas where soil and other conditions are best suited to cultivation and livestock.

Nonfarm development shall be limited and placed on the landscape in a fashion that prevents conflicts between agricultural and residential land uses, and minimizes the loss of prime agricultural soils as identified by the Natural Resource Conservation Service. The AE zoning district corresponds with the Agriculture Enterprise or Agriculture Preferred Land Use Category within the Waupaca County Comprehensive Plan.

3.05 AR: Agriculture Retention District

Purpose: To preserve and promote a full range of agricultural uses in areas where soil and other conditions are best suited to cultivation and livestock.

Nonfarm development shall be limited and placed on the landscape in a fashion that prevents conflicts between agricultural and residential land uses, and minimizes the loss of prime agricultural soils as identified by the Natural Resource Conservation Service. Though still limited, residential densities are generally higher in the AR District than the AE District. The AR zoning district corresponds with the Agriculture Retention or Agriculture Preferred Land Use Category within the Waupaca County Comprehensive Plan.

3.06 AWT: Agriculture and Woodland Transition District

Purpose: To accommodate agricultural uses and woodlands, but also to allow for land use change or "transition" to residential and compatible uses within these areas driven primarily by market forces or land sale trends.

Nonfarm development shall be placed on the landscape in a fashion that prevents conflicts between agricultural, forestry, and residential land uses. The AWT zoning district corresponds with the Agriculture and Woodland Transition or Agriculture Preferred Land Use Category within the Waupaca County Comprehensive Plan.

3.08 RR: Rural Residential District

Purpose: To accommodate existing and planned residential development including compatible neighborhood uses that rely on private on-site wastewater treatment systems and private wells in a rural setting.

Residential development shall be placed on the landscape in a fashion that allows the concentration of local services while minimizing the consumption of agricultural land, forested land, and open space. The RR zoning district corresponds with the Rural Residential or Residential Preferred Land Use Category within the Waupaca County Comprehensive Plan.

3.11 PD: Planned Residential Development District

Purpose: To provide the means whereby land may be planned and developed as a unit for residential uses under standards and conditions which encourage good design and promote a stable, desirable living environment. This district is intended to permit flexibility and variety in development, to encourage the preservation of natural features and open space, and to minimize the present and future burdens upon the community as a whole which result from poor planning. Such developments shall be site designed as a total unit development and may be developed by sub-units in accordance with the approved overall site plan. All rezone applications must be accompanied by a Site Plan according to Section 10.0. The PD zoning district corresponds with the

Sewered Residential and the ~~Shoreland~~-Residential Preferred Land Use Categories within the Waupaca County Comprehensive Plan.

3.12 H: Hamlet – Mixed Use District

Purpose: To accommodate historic or planned future collections of small-scale commercial, office institutional, residential, and open space uses in which community character is protected through building scale, appearance and signage. This district should be generally mapped at or near road crossings that serve as gathering points for rural communities, which are often referred to as hamlets or unincorporated communities. The district best corresponds with the Rural Crossroads-Mixed Use (RCM) or Hamlet Preferred Land Use Category within the Waupaca County Comprehensive Plan.

3.13 RC-N: Rural Commercial - Neighborhood District

Purpose: To accommodate rural commercial development that is generally neighborhood or locally oriented in areas well-served by the transportation system, does not conflict with adjacent land uses in terms of use or generated traffic, and is properly buffered from residential or other potentially conflicting land uses. The RC-N zoning district corresponds with the Rural Crossroads-Mixed Use and the Rural Commercial/Industrial or Commercial Preferred Land Use Categories within the Waupaca County Comprehensive Plan.

3.14 RC-G: Rural Commercial - General District

Purpose: To accommodate rural commercial development that includes uses that are generally more intensive than allowed in the RC-N District in areas that are well-served by the transportation system, does not conflict with adjacent land uses in terms of use or generated traffic, and is properly buffered from residential or other potentially conflicting land uses. These uses are generally oriented to the greater county and region rather than the neighborhood or community level. The RC-G zoning district corresponds with the Rural Commercial/Industrial or Commercial Preferred Land Use Category within the Waupaca County Comprehensive Plan.

3.16 RI-G: Rural Industrial - General District

Purpose: To accommodate rural industrial development with a variety of lot sizes that is generally light intensity, in terms of noise, dirt, smoke, odor, physical appearance, traffic generated, etc., in areas that are well-served by the transportation system, does not conflict with adjacent land uses in terms of use or generated traffic, and is properly buffered from residential or other potentially conflicting land uses. The RI-G zoning district corresponds with the Rural Commercial/Industrial or Industrial Preferred Land Use Category within the Waupaca County Comprehensive Plan.

3.17 RI-I: Rural Industrial - Intensive District

Purpose: To accommodate rural industrial development with a variety of lot sizes that is generally more intensive than the RI-G District in areas that are well-served by the transportation system,

does not conflict with adjacent land uses in terms of use or generated traffic, and is properly buffered from residential or other potentially conflicting land uses. The RI-I zoning district corresponds with the Rural Commercial/Industrial or Industrial Preferred Land Use Category within the Waupaca County Comprehensive Plan.

Amend Sec. 3.07, move Sec. 6.10(11) to this section & delete portions of it:

3.07 CV: Conservancy District

Purpose: The intention of this district is to provide for general agricultural and open-space activities with the prohibition of any structures or buildings, except as provided in Table 5.0 and 5.1. It is intended to be used as a tool to preserve tracts of land that are to remain free from structural development, but can continue to be used for agriculture.

~~11. Conservancy District:~~

~~The intention of this district is to provide for land uses that include general agricultural and open-space activities with structures or buildings prohibited. It is intended to be used as a tool to preserve tracts of land that are to remain free from structural development, but can continue to be used for agriculture.~~

a. ~~Permitted Principal Uses:~~

(1) ~~Agricultural~~

(2) ~~Agricultural – Animal Husbandry, in accordance with the animal units allowances of Appendix B-Animal Density Unit Standards~~

(3) ~~Forestry Management~~

b. ~~Conditional Uses:~~

~~Outdoor Public Recreation~~

a. Requirements:

(1) Minimum of five (5) acres, no maximum acreage required

(2) Consistent with all Forestry (or PVRF (Private Recreation and Forestry) District) and Agriculture (or AE (Agriculture Enterprise) District, AR (Agriculture Retention) District and AWT (Agriculture and Woodland Transition) District) Planning Districts found within the Preferred Land Use Map.~~, except for Residential.~~

(3) Requires no development rights. Any existing development rights may exist but cannot be used in this district. They can be transferred in accordance with Sec. 7.06(2) and Sec. 8.07(1)(d).

(4) Any existing or new structures are prohibited, except as provided in Table 5.0 and 5.1.

(5) Property owners may rezone into the Conservancy District with approval of a Petition of Zoning Map Amendment and a document recorded detailing the acreage under the Conservancy District.

(6) Once in the Conservancy District, property owners may adjust the acreage as long as it results in a greater or equal amount of acreage that remains in the Conservancy District. This procedure would also require a Petition for Zoning Map Amendment and a new document recorded detailing the change in acreage.

(7) This Conservancy District is not the same as Chapter 47 Waupaca County Voluntary Conservation Easement Donation Ordinance which is administered through the Waupaca County Land & Water Conservation Department.

Amend Sec. 6.05(1)(c); (1)(c)(1) & (1)(c)(4):

1. Single-Family Residence, Nonfarm: Land uses consisting of a single detached building containing one (1) dwelling unit.

   a. Parking required is two (2) spaces per dwelling unit.

   b. This land use includes modular homes as defined in the Wisconsin Statutes Section 101.71(6) and manufactured homes as defined in the Wisconsin Administrative Code SPS 327. This does not include mobile homes as defined in the Wisconsin Statutes 101.91(10).

   c. All ~~homes~~ dwellings shall meet the following requirements:

      (1) All ~~homes~~ dwellings shall have a minimum width of twenty-two (22) feet.

      (2) Roof pitch shall not be less than a nominal 3:12, rise to run.

      (3) Roof overhang shall not be less than a nominal six (6) inches excluding any gutter.

      (4) Any ~~home~~ dwelling not meeting the above standards shall require a Conditional Use Permit.

Delete Sec. 6.05(7), moved to Sec. 2.15:

6.05(7) ~~Accessory Structure: Any detached private garage, carport, or utility shed on a residential lot that primarily accommodates the sheltered parking of a vehicle, the storage of residential maintenance equipment to serve the same lot or a contiguous lot, or a detached shelter such as a gazebo. It also includes swimming pools, greenhouses, wind and solar energy systems for on-site residential use, and private kennels. No accessory building or part thereof shall be used for living, sleeping, or eating quarters. Attached garages, attached carports, and decks shall be considered part of the principal residential building, not an accessory structure.~~

~~a. If proposed to be constructed in advance of the principal building (dwelling) on the same lot, the structure shall be sited with relation to appropriate locations for a future dwelling, private well, and on-site waste treatment system, and driveway. These accessory structures shall not include sanitary facilities or plumbing.~~

Delete Sec. 6.05(12), this was in the ordinance twice:

~~6.05(12) Group Day Care Center Facility: Land uses in which qualified person provide child care services for nine (9) or more children. Examples of such land sues include day care centers and nursery schools. Such land uses shall not be located within a residential building. Such land uses may be operated on a for-profit~~

~~or not-for-profit basis. Such land uses may be operated in conjunction with another principal land use on the same environs, such as a church, school, business, or civic organization, which may require a Conditional Use Permit.~~

Amend Sec. 6.05(13):

13. ~~Manufactured Home~~ Dwelling Less Than Twenty-Two (22) Feet in Width: ~~Land uses meeting the definitions and requirements of the Wisconsin Statutes 101.91(2):~~

a. Required parking is two (2) spaces per dwelling unit.

b. All ~~manufactured home units~~ residential dwellings under this section shall be skirted and have a proper foundation. ~~or have a product which makes the home appear to be built upon a basement or foundation; shall be made of plastic, fiberglass, aluminum, metal or vinyl; and shall be of a permanent color or painted to match the manufactured home so as to enhance the general appearance thereof.~~

~~c. No person shall keep or locate a manufactured home upon any lot or parcel in the County at any time when such manufactured home is occupied or available for occupancy, except in a manufactured/mobile home community or as a secondary farm residence. This provision applies to manufactured home condominiums.~~

~~(1) Exceptions include emergency or temporary stopping or parking of a trailer or manufactured home is permitted on any street, alley, or highway for not longer than one (1) hour, subject to any further prohibitions, regulations or limitations imposed by the traffic or parking ordinances for that street, alley or highway. An existing manufactured home placed on land outside of a manufactured/mobile home community or park on the effective date of this Chapter shall be permitted to remain in its original location subject to the following conditions:~~

~~(a) The manufactured home may not be extended, enlarged, reconstructed, moved, or structurally altered, or replaced with a different manufactured home, unless the Planning & Zoning Director determines that such action will be an aesthetic improvement to the manufactured home; will be in fundamental harmony with surrounding uses; and will comply to the extent feasible with requirements for manufactured home installation in manufactured/mobile home parks.~~

~~(b) In the event the existing manufactured home is damaged by fire, explosion, flood or other peril to the extent of more than fifty percent (50%) of its current value, it shall not be reconstructed or repaired, but instead shall be demolished or removed.~~

~~(2) A business engaged in the sale or service of manufactured homes, provided the manufactured homes located at such business are unoccupied and are only temporarily placed, and further provided that said business complies with the zoning requirements of this Code.~~

~~(3)~~ (c) A ~~manufactured home~~ contractor trailer may be used as a temporary office by a contractor for a permitted project not to exceed the project's duration without the requirement of a Conditional Use Permit.

~~Any club or group of persons wishing to park travel trailers for a special, short-term event within the County shall apply to the Planning & Zoning Director and Public Health Sanitarian for a permit, which may be granted upon finding that such use is compatible with uses of adjacent property and the general public health, safety and welfare.~~

(d) In the Farmland Preservation Overlay, ~~the manufactured home~~ a dwelling less than 22 feet in width must meet the standards for a Farm Residence as described in Section 6.10.8.

Amend Sec. 6.05(14)(m):

m. ~~Out-buildings~~ Accessory Structures:

(1) Only one (1) ~~out-building~~ accessory structure may be placed on each lot.

(2) The following set back requirements apply to each ~~out-building~~ accessory structure:

(a) Minimum front yard setback: 20 feet

(b) Minimum rear yard setback: 3 feet

(c) Minimum side yard setback: 3 feet

(3) All ~~out-building~~ accessory structure, except for automobile garages, shall be located in the rear one-half (1/2) of the lot.

(4) No ~~out-building~~ accessory structure shall exceed one (1) story in height or four hundred (400) square feet in area.

Amend Sec. 6.06(12):

Group Day Care Center Facility: Land uses in which qualified persons provide child care services for nine (9) or more children. Examples of such land uses include day care centers and ~~nursery schools~~preschools. Such land uses shall not be located within a residential building. Such land uses may be operated on a for-profit or a not-for-profit basis. Such land uses may be operated in conjunction with another principal land use on the same environs, such as a church, school, business, or civic organization, which may require a Conditional Use Permit.

Amend Sec. 6.06(13):

13. Commercial Animal Facility: Land uses where ~~five (5) or more~~ nonfarm animals six (6) months of age or older are bred by a person providing facilities for breeding and the offspring are sold, or where ~~such~~ animals are received for care, training, grooming and boarding for compensation, excluding personal pets. This would include a small animal hospital, clinic, or pet shop. These uses include exercise yards, fields, training areas, and trails.

Amend Sec. 6.06(15):

15. Mini-Warehouse: Land uses oriented to the indoor storage of personal items entirely within partitioned buildings having an individual access to each partitioned area. Such storage areas may be available on either a condominium or rental basis. Onsite retail is prohibited, although General Temporary Outdoor Sales is permitted in accordance with Table 5 and Table 5.1.

Amend Sec. 6.06(16):

16. Indoor Storage or Wholesaling: Land uses primarily oriented to the receiving, holding, and shipping of materials for a single business or a single group of businesses. With the exception of loading and parking facilities, such land uses are contained entirely within an enclosed building. Examples of this land use include conventional warehouse facilities, long-term indoor storage facilities, and joint warehouse and storage facilities, but not uses described in the "~~personal storage facility~~ mini-warehouse" land use category.

Delete Sec. 6.06(19)(h):

~~h. Holding tanks shall be located above the normal high-water elevation. Holding tanks located on sites subject to flooding shall be flood-proofed.~~

Amend Sec. 6.06(19)(i):

If located within the (F-P) Floodplain Zone or (RP) Resource Protection Overlay District, subject to periodic flooding, the provisions of the Waupaca County Floodplain Ordinance, Chapter 36, and Waupaca County Shoreland ~~Zoning~~ Protection Ordinance, Chapter 32, shall also apply.

Amend Sec. 6.07(3):

3. Heavy Industrial: Land uses which meet one (1) or more of the following criteria: are not conducted entirely within an enclosed building; are potentially associated with nuisances such as odor, noise, heat, vibration, and radiation which are detectable at the property line; and pose a significant safety hazard, such as danger of explosion. Examples of heavy industrial land uses include meat product producers; alcoholic beverage producers; paper, pulp or paperboard producers; ~~agricultural~~ chemical dealers and/or storage facilities; chemical and allied product producers, except drug producers, but including poison or fertilizer producers; petroleum and coal product producers; asphalt, concrete or cement producers; tanneries; stone, clay or glass product producers; primary metal producers; heavy machinery producers; electrical distribution equipment producers; electrical industrial apparatus producers; transportation vehicle producers; commercial sanitary sewage treatment plants; railroad switching yards; and recycling facilities not involving the on-site storage of salvage materials.

Add Sec. 6.07(6):

6. Mineral Extraction (Non-Metallic): For requirements, see the Waupaca County Non-Metallic Mining Ordinance, Chapter 38.

Amend Sec. 6.07(6), now (7): (We didn't need to make this change)

~~6. Salvage or Junk Yard: Land uses that include any land or structure used for a salvaging operation including, but not limited to, the above-ground outdoor storage, collection, recycling, dismantlement, and/or sale of items listed in Section 6.07.76.b. Licensed recycling facilities involving on-site outdoor storage of salvage materials are not included in this land use.~~

Amend Sec. 6.09(1)(b)(2):

2. The provisions of the Waupaca County Shoreland ~~Zoning~~ Protection Ordinance, Chapter 32, shall apply.

Amend Sec. 6.09(6):

6. Vehicle Course or Track: Any privately operated track, course, circuit, strip, or loop designed for use by motorized vehicles such as automobiles, trucks, ATVs, motorcycles, motocross bikes, dirt bikes, snowmobiles, go-~~cards~~carts, or boats. Such uses occasionally are operated for recreational proposes for family use. This use shall meet the following standards:

Amend Sec. 6.10(6)(b): (We didn't need to make this change)

b. ~~Storage shall be consolidated at a single location not to exceed one half (1/2) acre in area and a twenty (20) foot setback shall be required for side and rear yard as well as the road setback based upon road classification. Storage areas exceeding one-half (1/2) acre in area are regulated under Section 6.07.76., Salvage or Junk Yard.~~

Delete Sec. 6.10(11) and move it to Sec. 3.07:

11. ~~Conservancy District:~~

~~The intention of this district is to provide for land uses that include general agricultural and open-space activities with structures or buildings prohibited. It is intended to be used as a tool to preserve tracts of land that are to remain free from structural development, but can continue to be used for agriculture.~~

a. ~~Permitted Principal Uses:~~

(1) ~~Agricultural~~

(2) ~~Agricultural – Animal Husbandry, in accordance with the animal units allowances of Appendix B-Animal Density Unit Standards~~

(3) ~~Forestry Management~~

b. ~~Conditional Uses:~~

(1) ~~Outdoor Public Recreation~~

c. ~~Requirements:~~

(1) ~~Minimum of five (5) acres, no maximum acreage required~~

(2) ~~Consistent with all Planning Districts found within the Preferred Land Use Map, except for Residential.~~

(3) ~~Requires no development rights. Any existing development rights may exist but cannot be used in this district. They can be transferred in accordance with Sec. 7.06(2) and Sec. 8.07(1)(d).~~

(4) ~~Any existing or new structures are prohibited~~

~~(5) Property owners may rezone into the Conservancy District with approval of a Petition of Zoning Map Amendment and a document recorded detailing the acreage under the Conservancy District.~~

(5) ~~Once in the Conservancy District, property owners may adjust the acreage as long as it results in a greater or equal amount of acreage that remains in the Conservancy District. This procedure would also require a Petition for Zoning Map Amendment and a new document recorded detailing the change in acreage.~~

(6) ~~This Conservancy District is not the same as Chapter 47 Waupaca County Voluntary Conservation Easement Donation Ordinance which is administered through the Waupaca County Land & Water Conservation Department.~~

Amend Sec. 7.05(1):

1. Nothing in this Section shall preclude the petitioner from seeking a zoning map amendment to remove lands from the PVRF, AE, AR, or AWT zoning districts unless located in ~~a~~ Farmland Preservation ~~District~~ in accordance with Sec. 14.05(11). In the event that such lands are rezoned away from one of these districts, and not rezoned to another one of these districts, the provisions of this Section shall no longer apply.

Amend Sec. 8.01(1):

8.01 Establishment of Zoning District Overlays

1. The purpose of zoning district overlays is to allow the County to establish special land use regulations or procedures in areas with unique land use, site planning, building design, or environmental resource issues. Zoning district overlays are intended to be applied only where special circumstances justify the modification of base zoning district regulations to achieve specific land use and design objectives based on the Waupaca County and local Town Comprehensive Plans and applicable ordinances. Zoning district overlays are established in Sections 8.02 through ~~8.04~~ 8.07.

Amend Sec. 8.03:

8.03 Limited Development Overlay

~~1. When the density limit is reached, construction of additional principal structures will not be approved. The property will be placed in the Limited Development Overlay, notifying the public that unless density rights can be transferred (see TDR section), no additional dwellings or equivalent principal uses will be approved.~~

~~2. A parcel is considered restricted if available development units are zero (0).~~

1. Purpose: To graphically show parcels of land that no longer have any development rights. If, however, a landowner is able to transfer development rights to a parcel in this overlay, the overlay will automatically be modified. This overlay is not a certified farmland preservation district.

2. For landowners without any development rights, permits will still be issued for any structures that are not principal structures ~~or~~ and do not require development rights. (see Section 7.0).

Delete Sec. 8.08, this was basically the same as Sec. 8.03:

~~8.08 FP: Restricted Development Overlay~~

~~Purpose: To graphically show parcels of land that no longer has any development rights. If, however, a landowner is able to transfer development rights to a parcel in this overlay, the overlay will automatically be modified. This overlay is not a certified farmland preservation district.~~

~~For landowners without any development rights, permits will still be issued for any structures that are not principal structures or do not require development rights. (see Section 7.0).~~

Amend Sec. 10.02(1) and (2):

10.02 Applicability

1. A Site Plan is required for all Conditional Uses as identified in Section 5.0, 5.1 and 6.0.

2. A Site Plan is required for certain Permitted Uses where specifically identified in Section 5.0 and 5.1.

Amend Sec. 10.06(2)(a):

a. Adherence to the County's ~~Design Guidelines~~ Site Plan Components as established in a stand-alone document.

Add Sec. 11.04(1)(b):

b. Invasive species, regulatory signs or any other signs as approved by the lake association.

Amend Sec. 14.03(5)(a) and move portions of it to Sec. 2.02:

a. Land Use Permit

(1) When required: A Land Use Permit shall be required to be issued ~~before any of the following may occur:~~ in accordance with Sec. 2.02.

~~(a) Before any building or structure, not exempted below, is erected, moved, or structurally altered; and~~

~~(b) Before any building or structure or any parcel or tract of land is changed as to use.~~

~~(2) Exceptions: A Land Use Permit shall not be required for the following:~~

~~(a) Above ground swimming pools that are erected seasonally and do not have accessory decking.~~

~~(b) Retaining walls located outside the jurisdiction of Chapter 32 Shoreland Zoning Ordinance.~~

~~(c) Signs, however, must comply with applicable regulations.~~

~~(d) Rooftop and building mounted small solar energy systems.~~
~~(e) A four (4) foot by six (60 foot open platform for safe access to an existing egress/ingress on a principal structure.~~
~~(f) The construction or maintenance of a hunting blind (maximum size limited to thirty-two (32) square feet).~~

Amend Sec. 14.03(5)(b)(5):

(5) ~~Footings Inspections~~ Setback Verifications: ~~Inspections~~Setback verifications at the footings stage may be conducted at the property owner's request or upon decision of the Planning & Zoning Director~~, but are not required~~ to ensure that the proper setbacks are met.

Add Sec. 14.04(1)(b)(4):

(4) To promote effective use of resources, the Planning & Zoning Office will wait for two (2) or more variance~~/appeal~~ applications to come into the office before scheduling or 45 days from the receipt of the first application, whichever comes first.

(a) At the discretion of the Board of Adjustment Chair, the Board may delay the scheduling of the public hearings for variances/appeals due to seasonal inclement weather that may hinder the Board from properly assessing the site.

Amend Sec. 14.05, add #1:

1. Conditional Use Permit Decisions. Certain uses are of such special nature that their effects are so dependent upon specific circumstances as to make impractical the determination in advance of where and when and under what conditions they should be permitted. Provision has been made in this Ordinance for the determination of such cases as Conditional Uses (C) in a Zoning District as identified in Sections 5.0, 5.1 and 6.0. A Conditional Use Permit may be granted in a Zoning District only upon approval by the Planning and Zoning Committee.

Amend Sec. 14.05, change to #2:

2. ~~(9)~~ Rezone Review Process: Waupaca County's process for each amendment to the Official Zoning Map (rezoning) is as directed by Wisconsin Statutes Section 59.69 and is as follows.

Amend Sec. 14.05(1)(b):

(b) Step 2—Initial Recommendation from Town: Following the application for a Conditional Use Permit, the County will forward the complete application to the Clerk of the affected Town, or the Town Chair if that particular Town has designated the Chair as the receiving party, along with a Town Recommendation Form. The consultation process may vary from town to town, and may involve the Town Plan Commission and/or Town Board. The Town shall have forty-five (45) days from the date the application materials and Town Recommendation Form were forwarded by the County to provide the County with a recommendation regarding the potential application. After forty-five (45) days, if the affected town has not provided a recommendation to the County regarding the potential application, and provided the applicant has attempted to meet or has met with representatives of the Town, the County shall schedule the public

hearing before the Planning and Zoning Committee. The Planning & Zoning Director may grant an extension to the forty-five (45) days if requested by the Town.

Amend Sec. 14.05(9)(b):

(b) Step 2—Initial Action by Town: Following receipt of a rezone application, the County will forward the complete application to the clerk of the affected town or the Town Chair if that particular town has designated the Chair as the receiving party, along with a Town Recommendation Form. Prior to scheduling of a Planning and Zoning Committee meeting, the potential applicant, within one (1) month of the application, shall attempt to arrange a consultation with representatives of the affected town. The consultation process may vary from town to town, and may involve the Town Plan Commission and/or Town Board. The Town shall have forty-five (45) days from the date the application materials and Town Recommendation Form were forwarded by the County to provide the County with a recommendation regarding the potential application. After forty-five (45) days, if the affected Town Board has not taken action, and provided the applicant has attempted to meet with representatives of the Town, the County shall schedule the Planning and Zoning Committee meeting to review the rezone application. The Planning & Zoning Director may grant an extension to the forty-five (45) days if requested by the Town.

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Amend Sec. 7.01(6):

6. **Setbacks or Building Lines** from public rights-of-way, existing buildings or shorelines as provided in the Zoning Ordinance or the following plat note shall be depicted on the Certified Survey Map, "For building setbacks, contact the Waupaca County Planning and Zoning Office."

Amend Sec. 8.07(3)(a):

(a) At the creation of the third principal structure, the road is required to be named and a road sign erected in accordance with Town standards and E-911 County addressing provisions. These roads will be hereby designated as a Level III highway.