Title 18

LAND USE AND DEVELOPMENT ORDINANCE

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EXECUTIVE SUMMARY

The Eau Claire County Land Use and Development Ordinance establishes standards and procedures for new development.
or redevelopment in the county. The ordinance is organized so readers may look up only the parts they need. The list of subtitles in "How to Read this Document" shows the main topics and overall organization of the zoning ordinance. Later portions of this Executive Summary explain different ways to use the zoning ordinance to answer frequently asked questions.

Planning in Eau Claire County

The major purpose of the zoning ordinance is to implement the county's long-term planning policies. These are found in its comprehensive plan, the Eau Claire County Comprehensive Plan 2010-2030. As part of the comprehensive plan, the future land use section located within the comprehensive plan, establishes long-term policies for land use. The zoning ordinance establishes development and land use metrics that implement the comprehensive plan, and zoning districts that align with the Future Land Use Map and Future Land Use Summary. The zoning ordinance provides clear rules about what is expected of applicants in order to gain approval to develop land in the county.

How to Read this Document

The ordinance is written in a way that allows readers to quickly find information that is of interest to their property or neighborhood. Purpose statements are included to assist readers in understanding the intent of a regulation. In addition, the numbering conventions are consistent with the rest of the county code of ordinances to maintain consistency.

A. How the Document is Organized.

1. The ordinance is divided into 17 subtitles. These are structured so that the most frequently used information appears first, with the definitions and technical information (such as submittal requirements) appearing later. Subtitles I-IV and VI-XII constitute the Eau Claire County Zoning Ordinance - these apply only in those towns that have adopted county zoning. Subtitles V (Subdivision Regulation), XIV (Floodplain Overlay), XVI (Nonmetallic Mineral Mine Reclamation) and XVII (Shoreland Overlay) apply in all towns. Subtitle XIII (Airport Overlay) applies within 3 statute miles of the boundaries of the Chippewa Valley Regional Airport and Subtitle XV (Groundwater Overlay) applies within the mapped recharge area of a municipal water supply.

2. The first subtitle, called Introduction, contains some basic information on the purpose of the zoning ordinance. It sets the stage for the remainder of the document.

3. The zoning districts establish the uses permitted in each district. They also state which uses are allowed in limited situations, known as "conditional use," and which are prohibited. Development standards for each zoning district are also included. These standards include metrics for residential density, height, setbacks, and lot coverage. A Table showing the permitted and conditional uses in all districts is presented in Chapter 18.33.

4. The Use Regulations contain requirements for specific uses and development types that apply in all zoning districts. Examples include accessory uses, home-based businesses, and temporary structures and uses. These uses may or may not be permitted by right or as a conditional use, depending on how they are listed in the applicable zoning district. The standards are designed to address issues that are raised by the particular use - such as state or federal legal requirements, impact on surrounding neighborhoods, or development allowances or incentives.

5. The Development Standards consolidate the development metrics that apply to all development and land uses in the county's zoning jurisdiction. This includes standards for site improvements such as access, parking, landscaping, grading, and building height. It includes general standards for blocks and lots that determine how lots, blocks, and setbacks are measured. Similarly, the height standards establish standards and rules of interpretation that guide the zoning districts standards.

6. The Subdivision Regulations establish standards for the division of land, including required improvements. Chapter 18.88 authorizes conservation subdivisions, which provide for the unified and planned development of clustered residential uses, outside of State-certified agricultural districts, that are designed and located to minimize disruption to the rural character of the land and incorporate large areas of permanently protected common open space. This section applies to every town in the county.

7. The Procedures tell the applicant how projects are entitled. This subtitle provides information on the county's administrative framework and procedural workflows. Chapter 18.95 through Chapter 18.101 provide general information about the application process, public hearings, and notification. Chapter 18.102 through Chapter 18.106 describe the procedures for zoning approval, including land use permits, conditional use permits, text amendments, and rezonings, appeals, and variances. Processes to appeal and request variances from the board of land use appeals are set out in Chapters 18.108 and 18.109. Section 18.86.010 through Section 18.86.050 describe the procedures for subdivision approval, including certified survey maps, preliminary plats, final plats, and replats and reconfigurations. The procedure to request a waiver from certain subdivision regulations is set out in Section 18.86.060.

8. The Submittal Requirements provide a checklist of the information that applicants need to have a complete application that the county can process.

9. The Nonconformities subtitle addresses situations where a use or building has been legally established before new regulations that would otherwise not allow them. Under Wisconsin law these uses are grandfathered but may have standards that dictate whether and how they can expand or continue. This subtitle also addresses the grandfathering of building permits that are in process when the zoning ordinance, or changes to the zoning ordinance, are adopted.

10. The Agencies subtitle establishes, or references state statutes relating to, the agencies involved in administering the zoning ordinance. These include the committee on planning and development, department of planning and development, and board of land use appeals. The county board of supervisors is the county's legislative body and adopts amendments to this title (including rezonings).

11. The Enforcement subtitle establishes procedures to enforce the zoning ordinance, including penalties for violations.

12. The Definitions & Rules of Interpretation provide the zoning ordinances "glossary." It defines terms and phrases used in the zoning ordinance, the uses listed in the zoning districts, and acronyms. It also establishes rules of interpretation, including rules for determining the location of zoning district boundaries.

13. The Legal Provisions include legal language such as the severability clause, how to apply standards that differ from each other, and the effective date.

B. Purpose Statements. Many sections include a purpose statement. These statements are aids in explaining and interpreting this ordinance. They are not separate standards. They will not be used to deny or condition development, but they may be used to explain how the standards are applied. They may also include legislative findings, which provide facts that support ordinance requirements.

Determining the Regulations for a Specific Site

A. To determine the regulations of the zoning ordinance applicable to a site, the reader must first find the site on the zoning map. The map will show the zoning district that is applied to the site. The official zoning map is maintained online through the county's geographic information systems (GIS) website.

B. The reader should then look up all the relevant regulations, starting with the zoning districts and development standards. The zoning districts state whether a use is allowed by right, is a conditional use, or prohibited. The dimensional standards in each district include the setback, building height, and related standards that apply to the uses that are allowed.

C. In addition, readers should consult Subtitle III, Use Regulations, to see if additional requirements apply to the use they are contemplating

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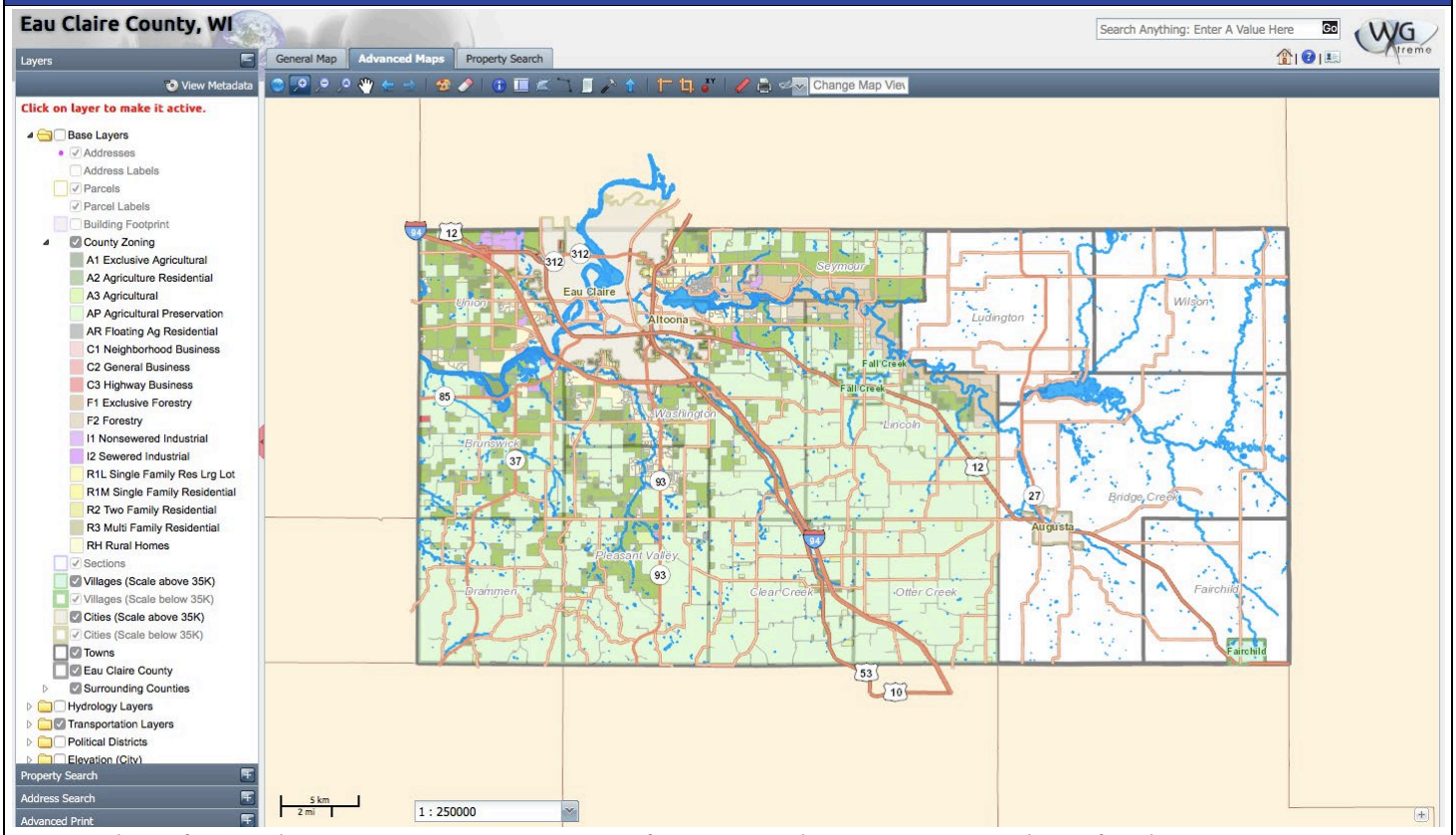
Figure ES-1 Eau Claire County Zoning Map



Screenshot of Eau Claire County zoning map. Refer to Eau Claire County's website for the zoning map.

Determining which Procedures Apply

Each section of the Procedures subtitle includes a process workflow. This starts with a section entitled "Applicability." This section describes the situations where a particular process is needed. If the section applies, the reader should then consult the following sections, which describe how an application is initiated, how an application is processed, the criteria for review, and cross-references to other parts of the zoning ordinance. In addition, the sections have a section entitled "Scope of Approval" which describes the rights granted to an applicant by the issuance of approval of the permit. Keep in mind that not all permits entitle an applicant to begin construction. In fact, most simply allow an applicant to proceed to the next step in the approval process.

SUBTITLE 1. INTRODUCTION

Chapters:

18.01	Title
18.02	Purpose
18.03	Authority
18.04	Applicability
18.05	Consistency with Comprehensive Plan
18.06	Parcel Based Zoning

18.01 Title. This title shall be cited as the "Eau Claire County Land Use and Development Ordinance," and is referred to in this title as "this title" or "this ordinance."(Ord. 167-3, Sec. 1, 2023)

18.02 Purpose. It shall be the purpose of this title, through the regulation of the use of lands and structures, through the establishment of physical standards, through the creation of separate zoning districts, and through the mechanisms provided herein for enforcement and administration to:

A. Implement the Eau Claire County Comprehensive Plan;

B. Promote the public health, safety, comfort, convenience, and general welfare of the citizens of Eau Claire County;

C. Encourage planned and orderly land use development;

D. Protect and conserve the social character and economic stability;

E. Preserve property values and the property tax base;

F. Prevent the overcrowding of land and undue congestion of population;

G. Provide adequate light, air, including access to sunlight for solar collectors and to wind for wind energy systems, and convenient access to property by regulating the use of land and buildings and the bulk of structures in relationship to surrounding properties;

H. Permit the careful planning and efficient maintenance of highway systems;

I. Facilitate adequate and economic provisions of services such as roads, water and sewer, schools, and police and fire protection;

J. Recognize the needs of agriculture, forestry, industry, and business in future growth;

K. Encourage the use of land and buildings that are compatible with nearby existing and planned land uses, and to prohibit and control existing land uses deemed incompatible with nearby land uses;

L. Encourage uses of land and other natural resources that are in accordance with their character and adaptability;

M. Encourage the protection of groundwater resources;

N. Preserve wetlands;

O. Conserve soil, water, and forest resources;

P. Protect the beauty and amenities of landscape and man-made developments;

Q. Provide healthy surroundings for family life;

R. Prevent harm to persons and property by flood, fire, explosion, toxic fumes, or other hazards;

S. Promote the efficient and economical use of public funds; and

T. Incorporate any master plan adopted under Wis. Stat. § 62.23(2) or (3) and the official map of any city or village in the county adopted under Wis. Stat. § 62.23(6). (Ord. 167-3, Sec. 1, 2023)

18.03 Authority. Pursuant to Wis. Stats. §§ 59.69, 59,692, 59.694, and 87.30, and the authority vested in the county under those provisions, the county hereby adopts the Land Use and Development Ordinance as Title 18. Subdivision regulations are adopted under the authority granted by Wis. Stats. § 59.69, 281.31, and 236.45. (Ord. 167-3, Sec. 1, 2023)

18.04 Applicability

A. The jurisdiction of this title shall generally apply to all land and water located outside the limits of incorporated cities and villages.

B. Subtitles II (Zoning Districts), III (Use Regulations), IV (Development Standards), VI (Procedures), VII Submittal Requirements), VIII (Nonconformities and Vested Rights), IX (Agencies), X (Enforcement), XI (Definitions & Rules of Interpretation), and XII (Legal Provisions) constitute the Eau Claire County Zoning Ordinance and are subject to town approval as provided in Wis. Stat. § 59.69.

C. Subtitles V. Subdivision Regulation and Subtitle XIII. Overlay Districts which include: Floodplain Overlay, Nonmetallic Mineral Mine Reclamation and Shoreland Overlay apply in all towns; town approval is not required. Chapter 18.180 Airport Overly applies within 3 statute miles of the boundaries of the Chippewa Valley Regional Airport and Chapter 18.230 Groundwater Overlay applies within the mapped recharge area of a municipal water supply; town approval is not required.

D. This title does not apply to any use, development, building or activity that is exempt from this title by state or federal law. This section supersedes any other section of this title to the extent of any inconsistency. (Ord. 167-3, Sec. 1, 2023)

18.05 Consistency with Comprehensive Plan.

A. It is the policy of the county that the enactment, amendment, and administration of this title shall be accomplished with due consideration of the purposes and goals of the Eau Claire County Comprehensive Plan adopted on April 20, 2010, as amended from time to time, and other land use plans adopted by the county, such as a farmland preservation plan.

B. The board recognizes that the comprehensive plan and its amendments is a guide for the future development of the county and is the basis for the enactment of this title. (Ord. 167-3, Sec. 1, 2023)

18.06 Parcel Based Zoning. Zoning districts are parcel based, which means a zoning district shall be defined by the parcel boundaries. There shall be no more than one zoning district per parcel. (Ord. 167-3, Sec. 1, 2023)

SUBTITLE II. ZONING DISTRICTS

Chapters:

18.10	Generally
18.11	Districts Established
18.12	Zoning Map
18.13	Agricultural Preservation (A-P)
18.14	Agriculture-Residential (A-1)
18.15	Agriculture-Residential (A-2)
18.16	Agricultural (A-3)
18.17	Floating Agricultural-Residential (A-R)
18.18	Agriculture Conservation-Residential (AC-R)
18.19	Rural Homes (RH)
18.20	Residential Large Lot (R-L)
18.21	Residential Single-Family (R-1)
18.22	Residential Two-Family (R-2)
18.23	Residential Multi-Family (R-3)
18.24	Commercial Neighborhood (C-1)
18.25	Commercial General (C-2)
18.26	Commercial Highway (C-3)
18.27	Light Industrial (I-L)
18.28	Industrial-Heavy (I-H)
18.29	Forestry Exclusive (F-1)
18.30	Forestry Limited (F-2)
18.31	Planned Unit Development (PUD)
18.32	Nonmetallic Mining Overlay
18.33	Use Table

Chapter 18.10

GENERALLY

Sections:

18.10.010 Nature of the zoning ordinance.
18.10.020 Applicability.
18.10.030 Purpose.
18.10.040 Uses.

18.10.010 Nature of the zoning ordinance. The zoning ordinance consists of the official zoning maps and this title, the combination of which controls the uses of land, the height and bulk of structures, dimensions of lots or building sites and yards, the location and size of signs, the number and location of off-street parking and loading facilities, and other aspects of land development. (Ord. 167-3, Sec. 1, 2023)

18.10.020 Applicability. This subtitle is part of the Eau Claire County Zoning Ordinance and is subject to town approval as provided in Wis. Stat. § 59.69. (Ord. 167-3, Sec. 1, 2023)

18.10.030 Purpose. This subtitle divides Eau Claire County into agricultural, residential, commercial, industrial, and forestry districts, and establishes the kind, character, and use of structures and improvements within each district. (Ord. 167-3, Sec. 1, 2023)

18.10.040 Uses. Allowable uses within each zoning district are identified in Chapter 18.33. As specified in the use table, some uses require compliance with supplemental use regulations. (Ord. 167-3, Sec. 1, 2023)

Chapter 18.11

DISTRICT ESTABLISHED

Sections:

18.11.010 Zoning districts.

18.11.010 Zoning districts. Eau Claire County is divided into the following families of zoning districts(Ord. 167-3, Sec. 1, 2023):

District Category	Description	District (Symbol)
Base	Districts that establish uniform use, dimensional, and design standards.	Agricultural Preservation (A-P)
		Agriculture-Residential 1 (A-1)
		Agriculture-Residential 2 (A-2)
		Agricultural (A-3)
		Floating Agricultural-Residential (A-R)
		Agricultural-Conservation Residential (A-CR)
		Rural Homes (RH)
		Residential Large Lot (R-L)
		Residential Single-Family (R-1)
		Residential Two-Family (R-2)
		Residential Multi-Family (R-3)
		Commercial Neighborhood (C-1)
		Commercial General (C-2)
		Commercial Highway (C-3)
		Industrial Light (I-L)
		Industrial Heavy (I-H)
		Forestry Exclusive (F-1)
		Forestry Limited (F-2)
Overlay	A land regulation district that is applied to protect or restore specific resources. Overlay districts are superimposed on zoning districts, where in effect, and are applied and enforced in towns that have not adopted county zoning.	Airport Overlay (A-O)
		Floodplain Overlay (F-O)
		Groundwater Overlay (G-O)
		Nonmetallic Mineral Mine Reclamation (M-O)
		Shoreland Overlay (S-O)
Planned	Development in planned districts is subject to a general development plan approved as part of a rezoning application.	Planned Unit Development (PUD)

Chapter 18.12

ZONING MAP

Sections:

18.12.010 Zoning map adopted.
18.12.020 Town zoning maps.
18.12.030 Zoning map amendments.

18.12.010 Zoning map adopted. The zoning districts are shown on the "Official Eau Claire County Zoning Map." This map is adopted and made a part of this title. (Ord. 167-3, Sec. 1, 2023)

18.12.020 Town zoning maps.

A. Original Official Zoning Maps.

1. Each of the initial town zoning district maps shall be:

a. entitled the "Town of _____, Original Official Zoning Map,"

b. dated,

c. signed and dated by the town chair and the chair of the committee, and

d. kept on file in the department.

2. Original official zoning maps shall not be changed.

3. Such maps shall be used for reference purposes only when there is a need to determine the original applicable zoning.

B. Current Official Zoning Maps.

1. The current official zoning maps are available for public reference in the department.

2. The department will promptly place on the map all amendments to the district boundaries after adoption of each amendment by the board. (Ord. 167-3, Sec. 1, 2023)

18.12.030 Zoning map amendments. The procedure for amending the zoning map is established in Subtitle VI, Procedures. (Ord. 167-3, Sec. 1, 2023)

Chapter 18.13

AGRICULTURAL PRESERVATION (A-P)

Sections:

18.13.010	Purpose.
18.13.020	Permitted & conditional uses.
18.13.030	Dimensional standards.
18.13.040	Rezoning land out of the A-P district.

18.13.010 The A-P district is established to:

A. Preserve and protect those areas best suited for agricultural, forestry, or open-space uses by minimizing fragmentation of contiguous agricultural or forest lands for the benefit and use of current and future generations;

B. Provide for a wide range of agricultural uses typically associated with the continued production of food and fiber while recognizing that such uses may involve noise, dust, odor, or operation of heavy equipment for long periods of time;

C. Strengthen and diversify a predominately agricultural and forestry-based economy by providing for a range of economic opportunities for property owners which are generally compatible with and supportive of agriculture or forestry operations as either permitted or conditional uses;

D. Comply with standards contained in Wis. Stat. ch. 91 to permit eligible landowners to receive tax credits under Wis. Stat. § 71.09, in conjunction with their agricultural operations;

E. Preserve rural character and promote the efficient use of public infrastructure and utilities by minimizing the adverse effects of urban sprawl along with its associated expense;

F. Promote environmental quality through the use of conservation practices designed to minimize erosion of productive soils and deter the delivery of sediment and nutrients to the waters of our state;

G. Minimize land use conflicts which occur when agricultural and non-agricultural uses are intermixed or not adequately separated; and

H. Provide for carefully regulated extraction of nonmetallic mineral resources through Eau Claire County's permitting processes to ensure compatibility with adjacent land uses, minimize impacts to natural resources, and to restore lands to productive agricultural use consistent with locally approved reclamation plans. (Ord. 167-3, Sec. 1, 2023)

18.13.020 Permitted & conditional uses.

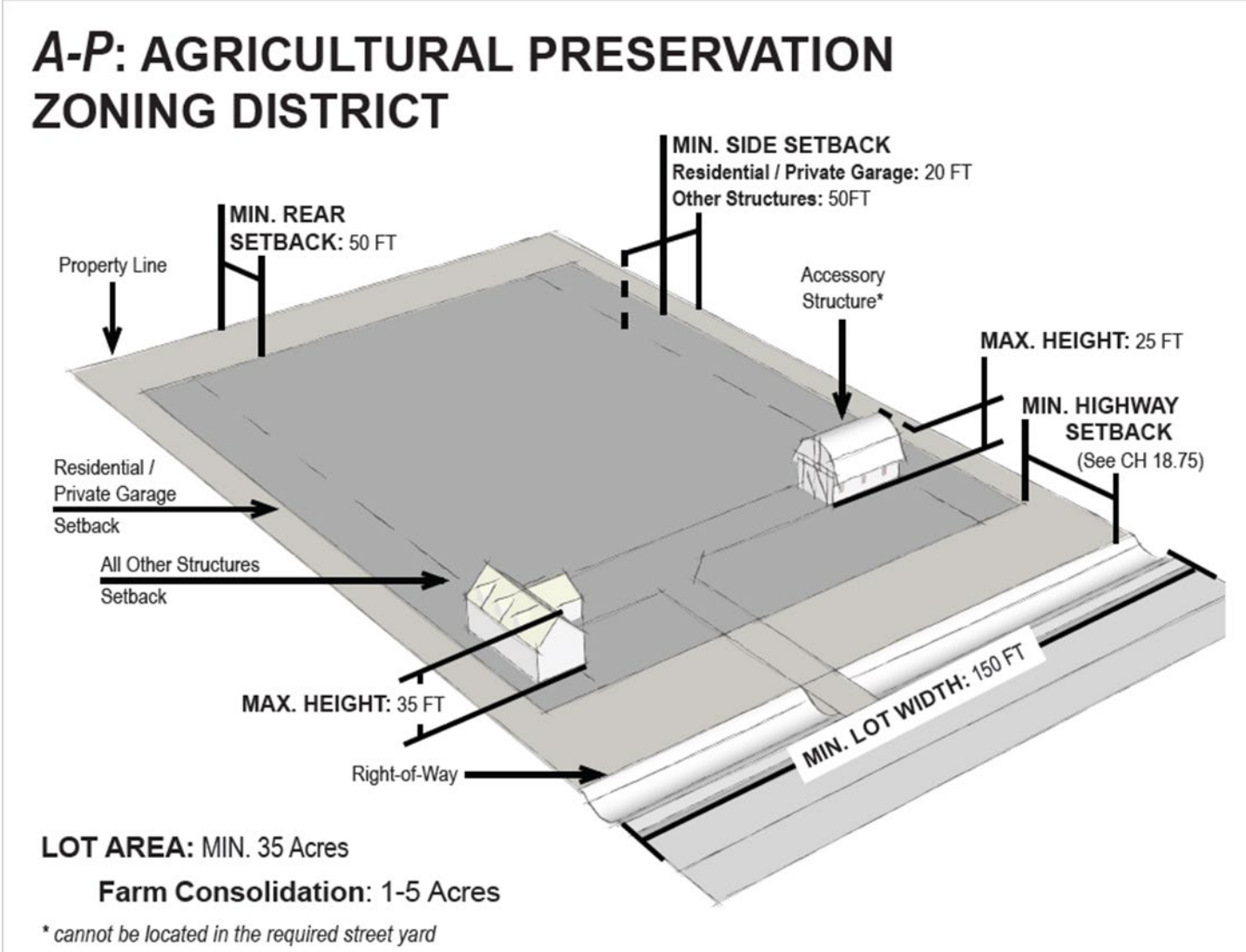
See Chapter 18.33, Use Table. (Ord. 167-3, Sec. 1, 2023)

18.13.030 Dimensional standards. (Ord. 167-3, Sec. 1, 2023; Ord. 168-53, Sec. 1, 2025)

Lot Area (min)	35 ac
	The lot size for a farm residence or structure, which existed prior to the adoption of the ordinance codified in this subtitle, or which is situated upon a parcel or lot separated and distinct from a principal parcel acquired through farm consolidation or acquisition, shall be a minimum of 1 acre with a maximum lot size of 5 acres.
Lot Width (min)	150 ft
Height (max):	
Agricultural Structures	No max
Residential Structures	35 ft
Accessory Structures	25 ft
Street Yard:	
Highway Setback (min)	See Section 18.71, Access Management & Driveways
Accessory Structures	Cannot be located within the required street yard
Side Setback (min):	
Residential Structures	20 ft
Private Garages	20 ft
All Other Structures	50 ft
Rear Setback (min)	50 ft

Notes: “min" = minimum required | “max” = maximum allowed | “ac” = gross acres | “ft” = feet

Figure 18.13.030 A-P Dimensional Standards



18.13.040 Rezoning land out of the A-P district.

A. Standards for rezoning. Rezoning from the A-P district shall be based on findings which consider the following factors:

1. The land is better suited for a use not allowed in the A-P Agricultural Preservation zoning district based on a review of soil types, historical productivity, location, and adjacent land uses;

2. The rezoning is consistent with any applicable comprehensive plans;

3. The rezoning is substantially consistent with the certified Eau Claire County Farmland Preservation Plan; and

4. The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

B. *Annual report to DATCP*. Eau Claire County shall by March 1 of each year provide a report to the Department of Agriculture, Trade and Consumer Protection (DATCP) that indicates:

5. the number of acres that were rezoned out of the A-P zoning district during the previous calendar year, and

6. a map that clearly shows the location of those acres.

C. Previous affidavits nullified. Some A-P parcels may still have affidavits restricting development that were recorded during the creation of a parcel zoned A-R, from a parent parcel originally zoned A-1. Any such affidavits on A-P parcels will not be enforced. (Ord. 167-3, Sec. 1, 2023)

Chapter 18.14

AGRICULTURE-RESIDENTIAL (A-1)

Sections:

18.14.010 **Purpose.**
18.14.020 **Permitted & conditional uses.**
18.14.030 **Dimensional standards.**

18.14.010 Purpose. The A-1 Agricultural district is established to:

A. Preserve those areas best suited for farming or agricultural use;

B. Protect the agricultural economic base of the county;

C. Minimize urban sprawl and its associated public expense; and

D. Minimize land use conflicts between farms and non-farms. (Ord. 167-3, Sec. 1, 2023)

18.14.020 Permitted & conditional uses.

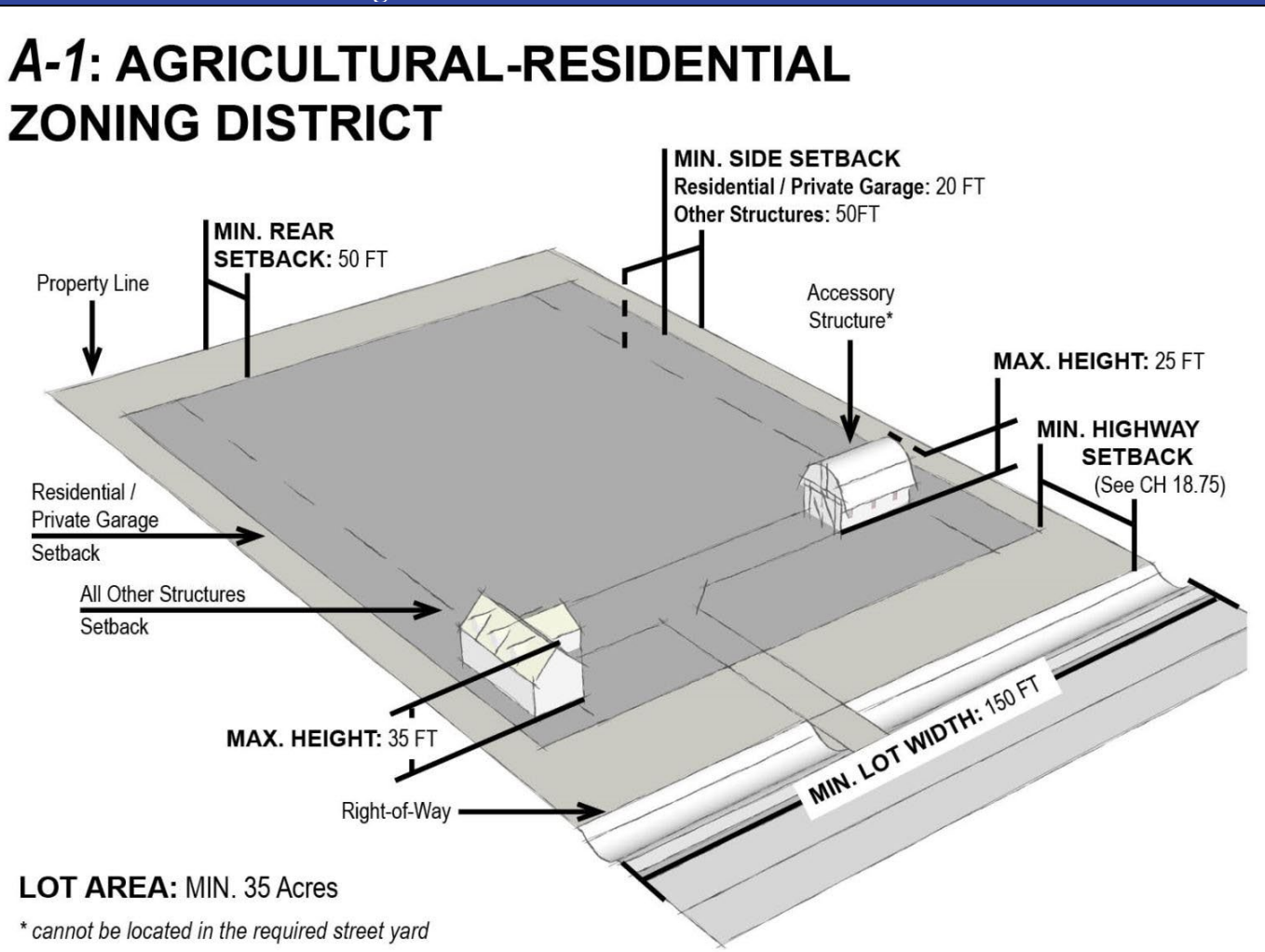
See Chapter 18.33, Use Table. (Ord. 167-3, Sec. 1, 2023)

18.14.030 Dimensional standards. (Ord. 167-3, Sec. 1, 2023)

Lot Area (min)	35 ac
Lot Width (min)	150 ft
Height (max):	
Agricultural Structures	No max
Residential Structures	35 ft
Accessory Structures	25 ft
Street Yard:	
Highway Setback (min)	See Section 18.71, Access Management & Driveways
Accessory Structures	Cannot be located within the required street yard
Side Setback (min):	
Residential Structures	20 ft
Private Garages	20 ft
All Other Structures	50 ft
Rear Setback (min)	50 ft

Notes: “min" = minimum required | “max” = maximum allowed | “ac” = gross acres | “ft” = feet

Figure 18.14.030 A-1 Dimensional Standards



Chapter 18.15

AGRICULTURE-RESIDENTIAL (A-2)

Sections:

18.15.010 **Purpose.**
18.15.020 **Permitted & conditional uses**
18.15.030 **Dimensional standards.**

18.15.010 Purpose. The A-2 Agriculture-Residential district is established to:

A. Provide an area for limited residential and hobby farm development in a rural atmosphere; and

B. Preserve the county's natural resources and open space. (Ord. 168-53, Sec. 2, 2023; Ord. 167-3, Sec. 1, 2023)

18.15.020 Permitted & conditional uses.

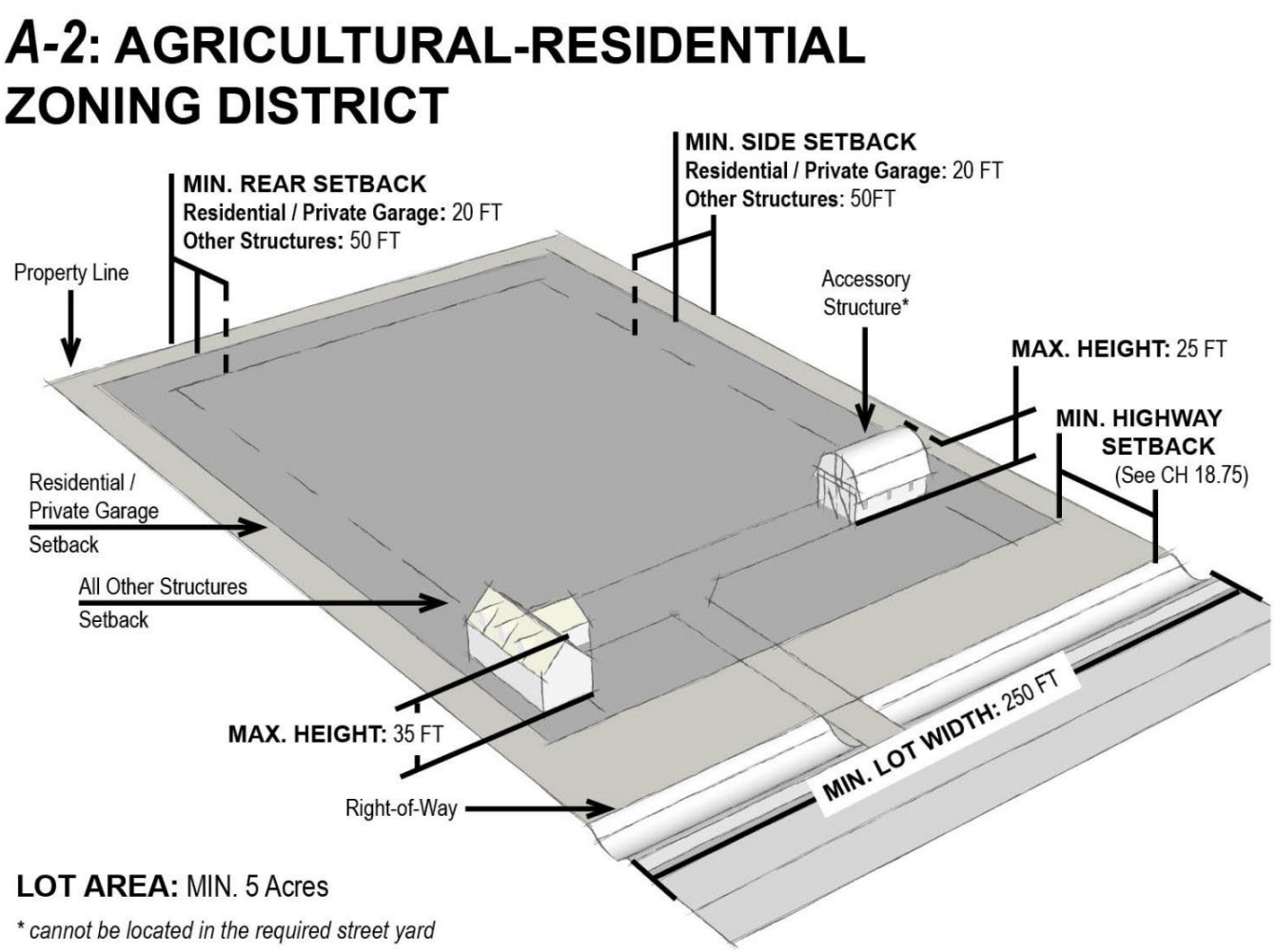
See Chapter 18.33, Use Table. (Ord. 167-3, Sec. 1, 2023)

18.15.030 Dimensional standards. (Ord. 167-3, Sec. 1, 2023)

Lot Area (min)	5 ac
Lot Width (min)	250 ft
Height (max):	
Agricultural Structures	No max
Residential Structures	35 ft
Accessory Structures	25 ft
Street Yard:	
Highway Setback (min)	See Chapter 18.71, Access Management & Driveways
Accessory Structures	Cannot be located within the required street yard
Side Setback (min):	
Residential Structures	20 ft
Private Garages	20 ft
All Other Structures	50 ft
Rear Setback (min):	
Residential Structures	20 ft
Private Garages	20 ft
All Other Structures	50 ft

Notes: “min" = minimum required | “max” = maximum allowed | “ac” = gross acres | “ft” = feet

Figure 18.15.030 A-2 Dimensional Standards



Chapter 18.16

AGRICULTURAL (A-3)

Sections:

18.16.010 Purpose.
18.16.020 Permitted & conditional uses.
18.16.030 Dimensional standards.

18.16.010 Purpose. The A-3 Agricultural district is established to:

A. Protect the agricultural base of the county;

B. Preserve the county's natural resources and open space;

C. Provide an area for limited residential and hobby farm development in a rural atmosphere; and

D. Minimize urban sprawl and its associated public costs. (Ord. 167-3, Sec. 1, 2023)

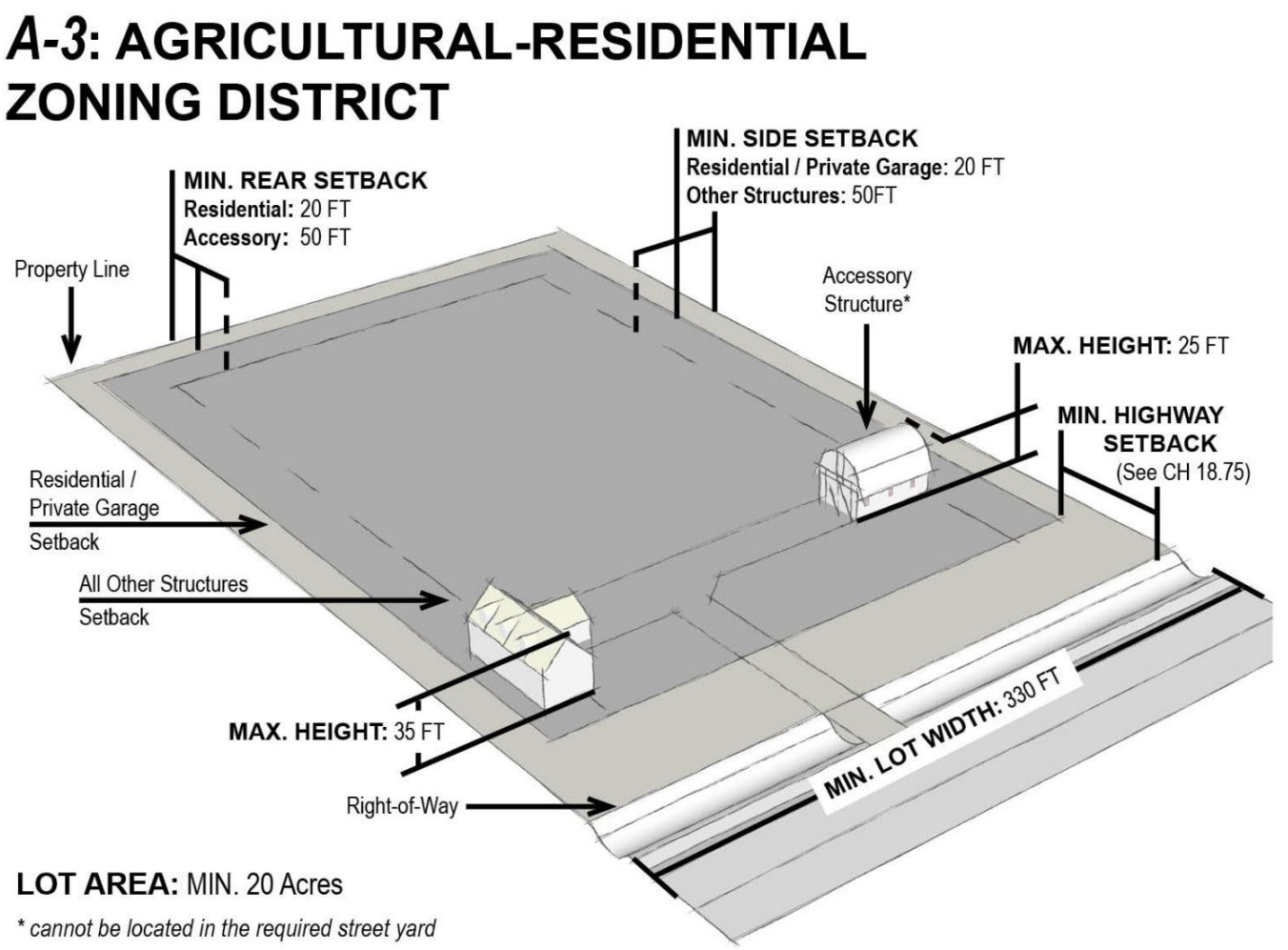
18.16.020 Permitted & conditional uses. See Chapter 18.33, (Ord. 167-3, Sec. 1, 2023) Use Table.

18.16.030 Dimensional standards. (Ord. 167-3, Sec. 1, 2023)

Lot Area (min)	20 ac
Lot Width (min)	330 ft
Height (max):	
Agricultural Structures	No max
Residential Structures	35 ft
Accessory Structures	25 ft
Street Yard:	
Highway Setback (min)	See Chapter 18.71, Access Management & Driveways
Accessory Structures	Cannot be located within the required street yard
Side Setback (min):	
Residential Structures	20 ft
Private Garages	20 ft
All Other Structures	50 ft
Rear Setback (min):	
Residential Structures	20 ft
Accessory Structures	50 ft

Notes: "min" = minimum required | "max" = maximum allowed | "ac" = gross acres | "ft" = feet

Figure 18.16.030 A-3 Dimensional Standards



Chapter 18.17

FLOATING AGRICULTURAL-RESIDENTIAL (A-R)

Sections:

18.17.010 Purpose.
18.17.020 Permitted & conditional uses.
18.17.030 Dimensional standards.

18.17.010 Purpose. The A-R Floating Agricultural-Residential district was established to allow for limited residential development within the former Exclusive Agricultural (A-1) district. This district was retired as part of the code update. The dimensional requirements and use standards indicated in Title 18 still apply to existing A-R parcels, but the district may not be used for rezoning purposes. (Ord. 167-3, Sec. 1, 2023)

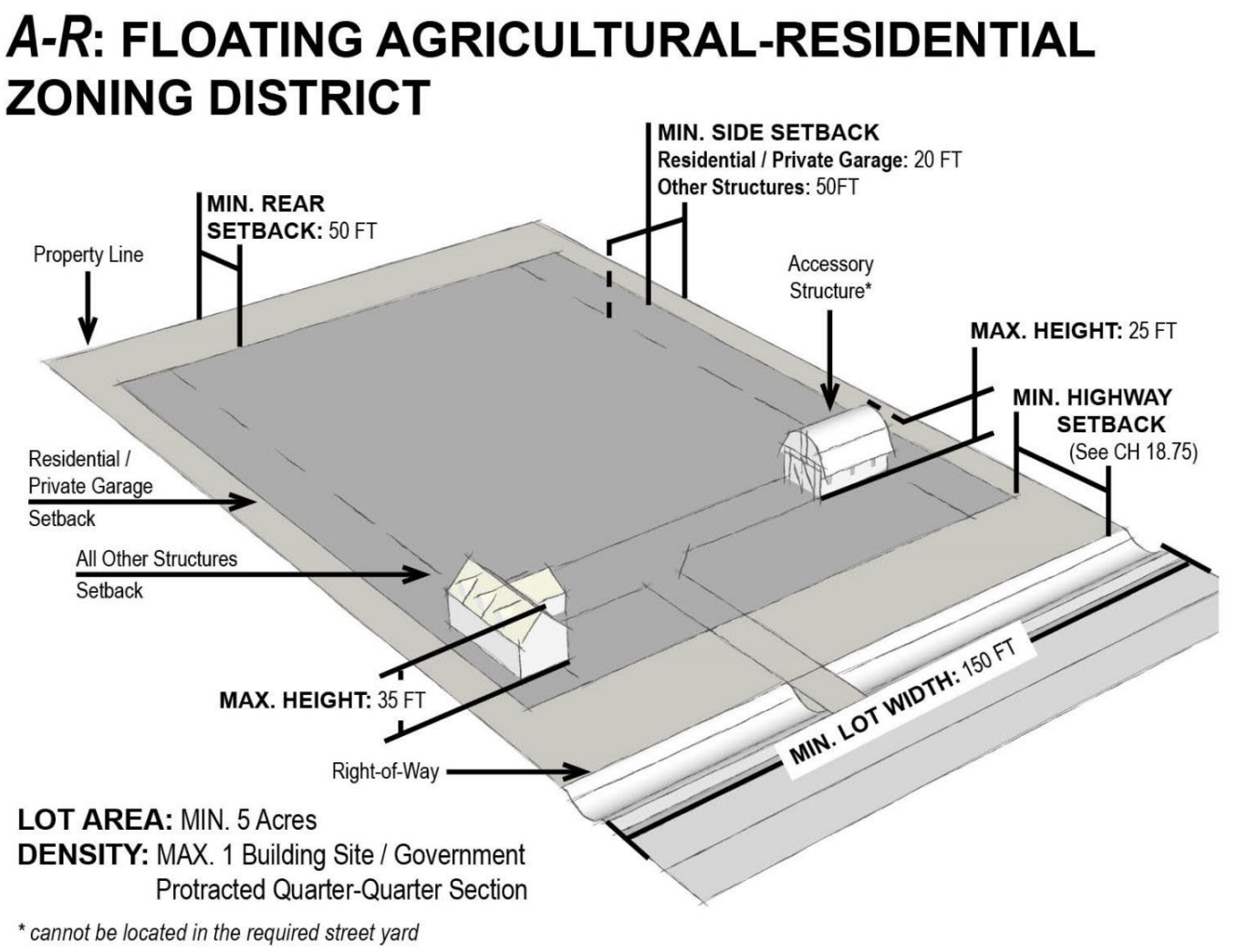
18.17.020 Permitted & conditional uses.
See Chapter 18.33, Use Table. (Ord. 167-3, Sec. 1, 2023)

18.17.030 Dimensional standards. (Ord. 167-3, Sec. 1, 2023)

Lot Area (min)	5 ac
Lot Width (min)	150 ft
Density (max)	1 building site per government protracted quarter-quarter section
Height (max):	
Agricultural Structures	No max
Residential Structures	35 ft
Accessory Structures	25 ft
Street Yard:	
Highway Setback (min)	See Section 18.71, Access Management & Driveways
Accessory Structures	Cannot be located within the required street yard
Side Setback (min):	
Residential Structures	20 ft
Private Garages	20 ft
All Other Structures	50 ft
Rear Setback (min)	50 ft

Notes: “min" = minimum required | “max” = maximum allowed | “ac” = gross acres | “ft” = feet

Figure 18.17.030 A-R Dimensional Standards



Chapter 18.18

AGRICULTURE CONSERVATION-RESIDENTIAL (AC-R)

Sections:

18.18.010 Purpose.
18.18.020 Permitted & conditional uses.
18.18.030 Standards of rezoning.

18.18.010 Purpose. The AC-R Agriculture Conservation-Residential district is established to allow for limited residential development in agricultural areas that is not intended to be part of a farming operation, while limiting the amount of land converted to residential use and protecting the rights of farmers to continue farming adjacent land. (Ord. 167-3, Sec. 1, 2023)

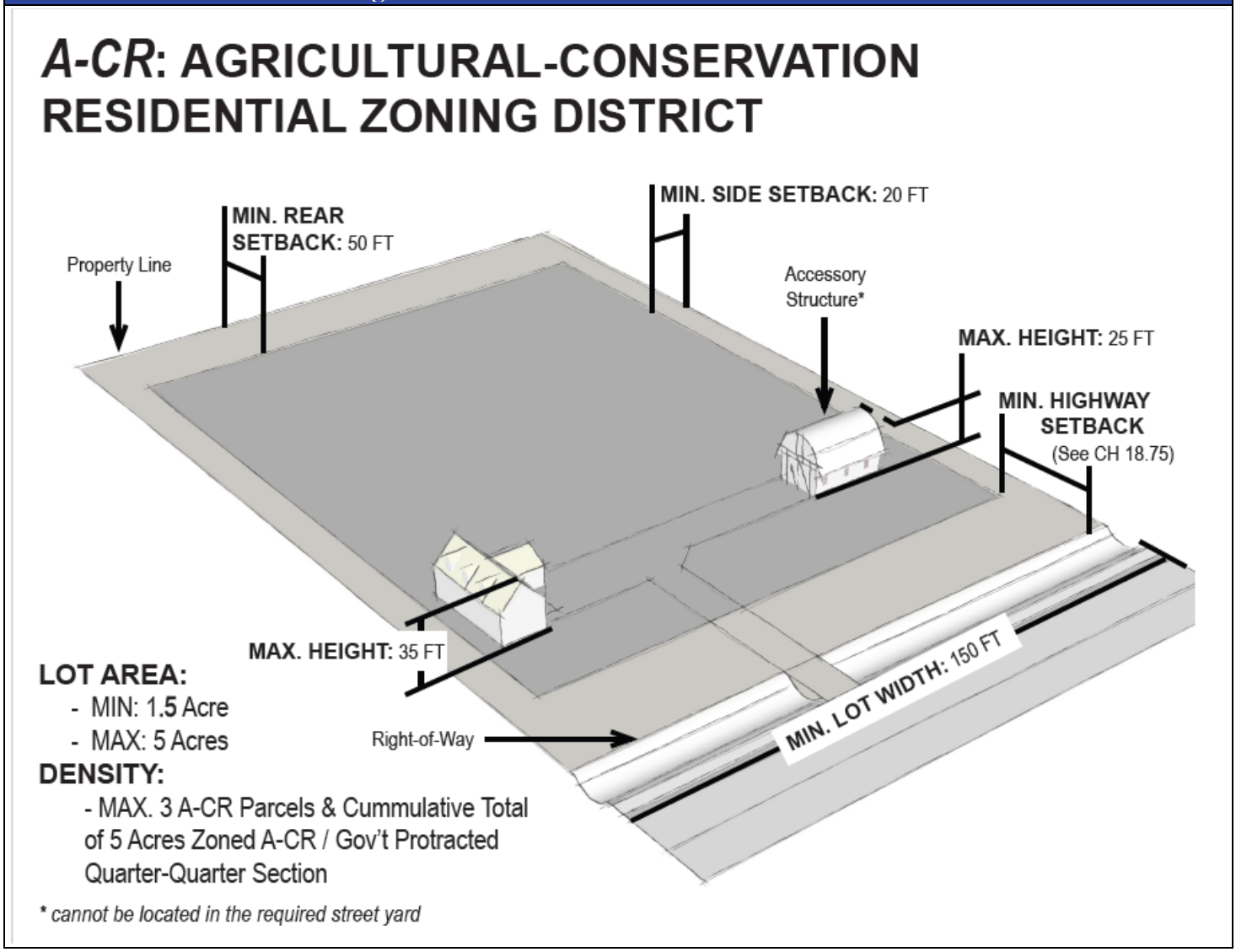
18.18.020 Permitted & conditional uses.

See Chapter 18.33, Use Table. (Ord. 168-53, Sec. 3, 2025; Ord. 167-3, Sec. 1, 2023)

Lot Area (min)	1.5 ac
Lot Area (max)	5 ac
Lot Width (min)	150 ft
Density (max)	3 AC-R parcels and a cumulative total of 5 acres zoned AC-R per government protracted quarter-quarter section
Height (max):	
Agricultural Structures	No max
Residential Structures	35 ft
Accessory Structures	25 ft
Street Yard:	
Highway Setback (min)	See Chapter 18.71, Access Management & Driveways
Accessory Structures	Cannot be located within the required street yard
Side Setback (min):	
Residential Structures	50 ft
Accessory Structures	20 ft
Rear Setback (min)	50 ft

Notes: “min" = minimum required | “max” = maximum allowed | “ac” = gross acres | “ft” = feet

Figure 18.18.030 AC-R Dimensional Standards



18.18.030 Standards for rezoning. The following factors will be considered when a property is proposed to be zoned to AC-R:

A. The AC-R district may only be used if the land was previously zoned A-P or A-1.

B. The parent parcel may not be smaller than 35 acres after any AC-R lots are created.

C. Conversion of productive farmland to residential use should be avoided. No more than 20% of the proposed lot may contain class I, II or III soils unless it can be demonstrated that areas so classified are for some reason not suitable for farming.

D. A "right to farm" disclosure shall be recorded with the property deed stating that the lot is located in an area where agriculture is the dominant use and residents must abide by the State of Wisconsin "Right to Farm" statute Wis. Stat. §823.08.

E. The proposed lot is designed to limit conflicts with existing agricultural uses.

F. The proposed use will not degrade the quality of local water resources, including:

1. Ground water: the proposed lot has adequate space and appropriate soils to accommodate an on-site wastewater treatment system, including space for a replacement drain field.

2. Surface waters: the proposed lot can be improved for residential use without increasing runoff rates or erosion to any nearby waterway.

G. The property must be located on an existing public road with electric service immediately available. (Ord. 167-3, Sec. 1, 2023)

Chapter 18.19

RURAL HOMES (RH)

Sections:

18.19.010 Purpose.
18.19.020 Permitted & conditional uses.
18.19.030 Dimensional standards.

18.19.010 Purpose. The RH Rural Homes district is established to provide for low density, large lot development with individual or shared, private on-site water and sewage disposal facilities. (Ord. 167-3, Sec. 1, 2023)

18.19.020 Permitted & conditional uses. See Chapter 18.33, Use Table. (Ord. 167-3, Sec. 1, 2023)

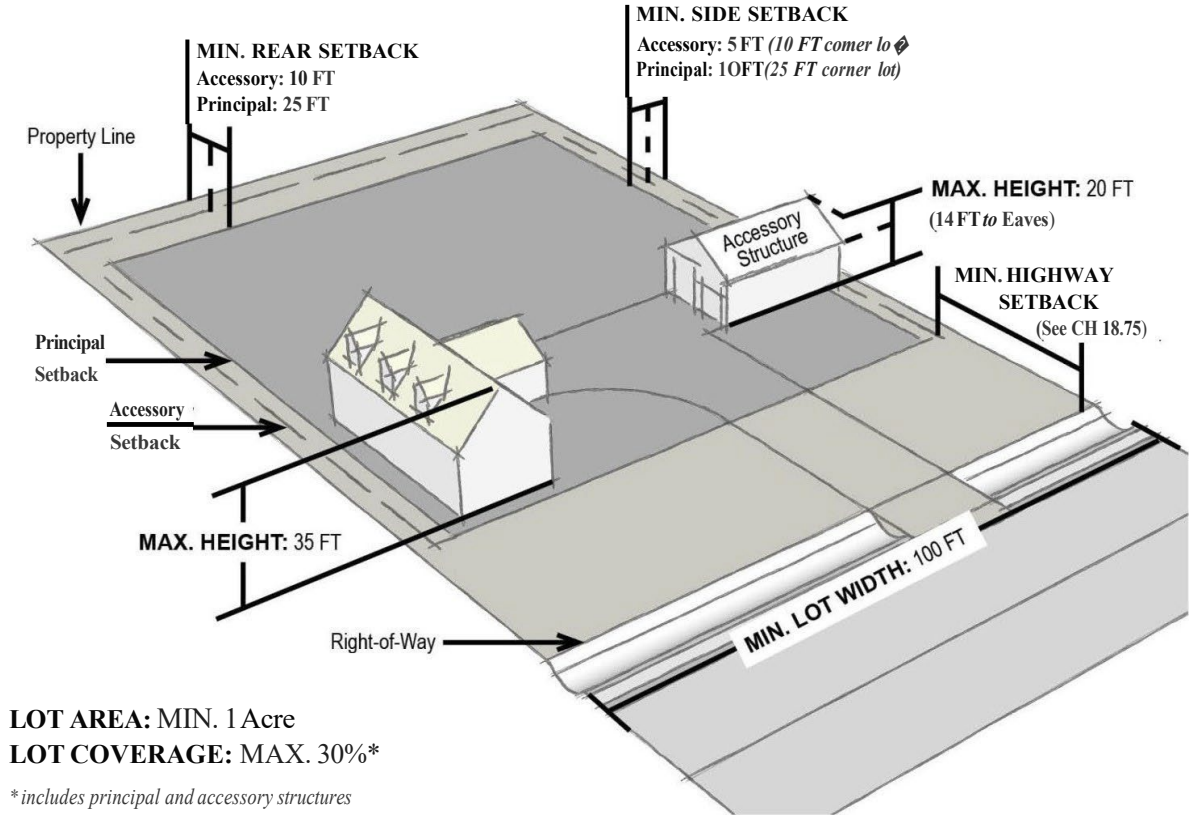
18.19.030 Dimensional standards. See Section 18.41.010 for maximum accessory structure footprint(Ord. 167-3, Sec. 1, 2023).

Lot Area (min)	
Typical	1 ac*
Conservation Subdivision	20,000 SF*
Lot Width (min)	
Typical	100 ft
Conservation Subdivision	70 ft
Height (max):	
Principal Structures	35 ft
Accessory Structures	20 ft, with a max of 14 ft to the eaves
Street Yard:	
Highway Setback (min)	See Chapter 18.71, Access Management & Driveways
Accessory Structures	Cannot be located within the required street yard
Side Setback (min):	
Principal Structures	10 ft
Accessory Structures	5 ft
Side Setback, Corner Lot (min):	
Principal Structures	25 ft
Accessory Structures	10 ft
Rear Setback (min):	
Principal Structures	25 ft
Accessory Structures	10 ft
Lot Coverage (max)**	
Typical	30%, including principal and accessory structures
Conservation Subdivision	40%, including principal and accessory structures

*Lots under 1.5 acres are subject to the requirements of Section 18.89.020.
**Lot coverage limits may be waived by the department if there is an approved stormwater management plan.
Notes: “min" = minimum required | “max” = maximum allowed | “du" = dwelling unit | "ac” = gross acres | “ft” = feet

Figure 18.19.030-1 RH Typical Dimensional Standards

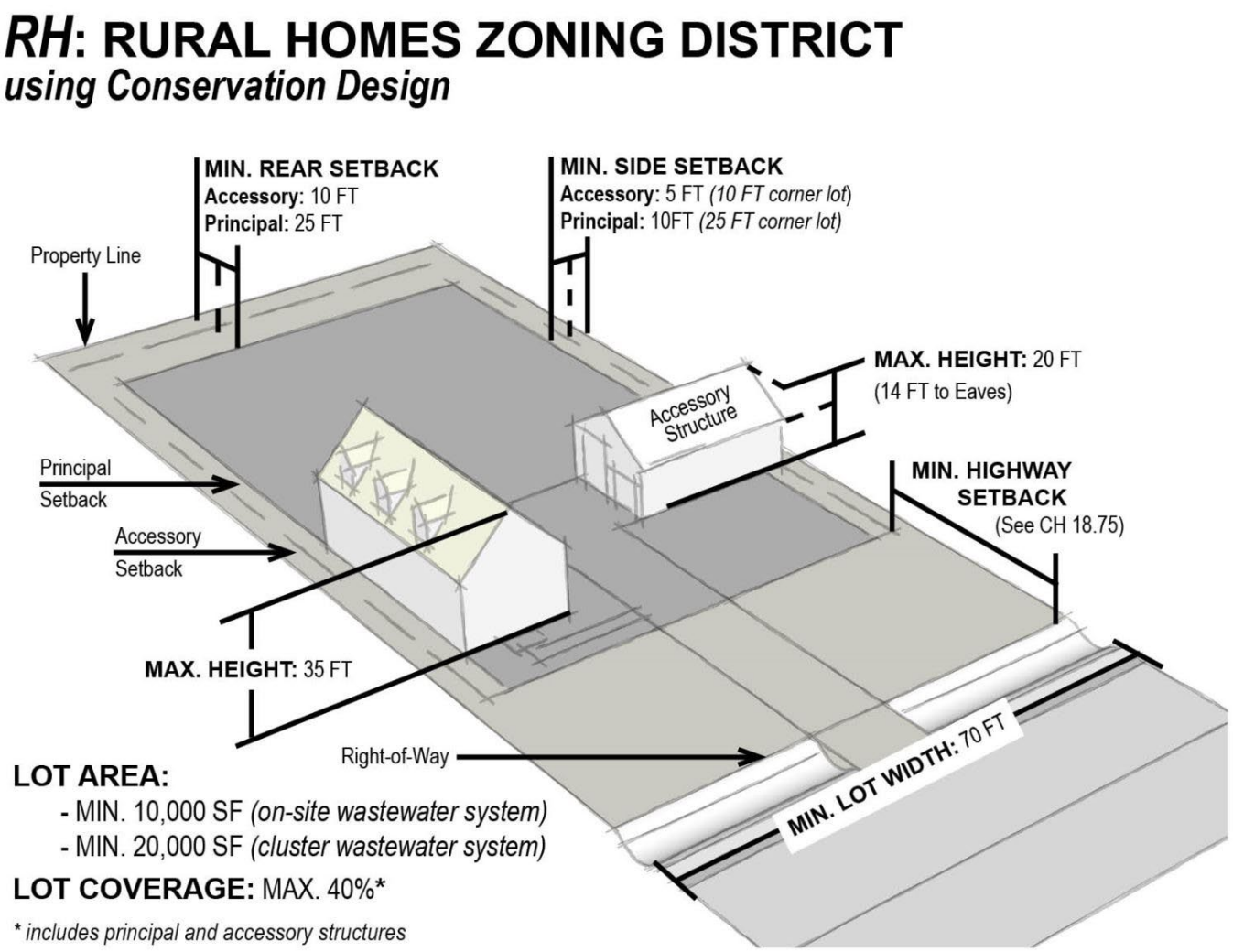
RH: RURAL HOMES ZONING DISTRICT
using Typical Design



LOT AREA: MIN. 1 Acre
LOT COVERAGE: MAX. 30%*

** includes principal and accessory structures*

Figure 18.19.030-2 RH Conservation Dimensional Standards



Chapter 18.20

RESIDENTIAL LARGE LOT

Sections:

18.20.010 Purpose.
18.20.020 Permitted & conditional uses.
18.20.030 Dimensional standards.

18.20.010 Purpose. The R-L Residential-Large Lot district is established to provide an area for suburban, large lot development on public sewer and water systems or where public facilities may be feasibly extended. (Ord. 167-3, Sec. 1, 2023)

18.20.020 Permitted & conditional uses. See Chapter 18.33, Use Table. (Ord. 167-3, Sec. 1, 2023)

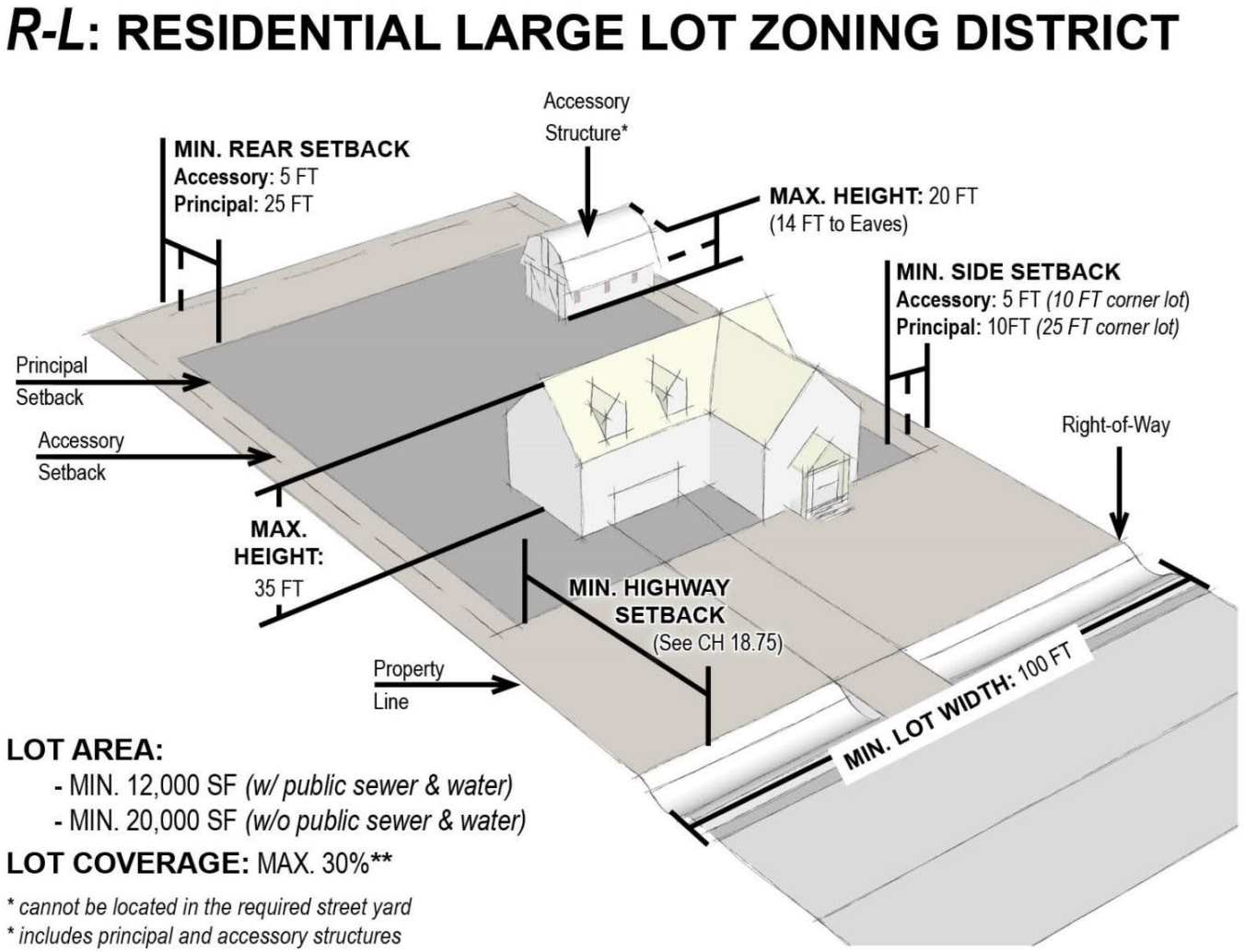
18.20.030 Dimensional standards. See Section 18.41.010 for maximum accessory structure footprint. (Ord. 167-3, Sec. 1, 2023)

Lot Area (min):	
Without Public Sewer and Water	20,000 sf
With Public Sewer and Water	12,000 sf
Lot Width (min)	100 ft
Height (max):	
Principal Structures	35 ft
Accessory Structures	20 ft, with a max of 14 ft to the eaves
Street Yard:	
Highway Setback (min)	See Chapter 18.71, Access Management & Driveways
Accessory Structures	Cannot be located within the required street yard
Side Setback:	
Principal Structures	10 ft
Accessory Structures	5 ft
Side Setback, Corner Lot (min):	
Principal Structures	25 ft
Accessory Structures	10 ft
Rear Setback (min):	
Principal Structures	25 ft
Accessory Structures	5 ft
Lot Coverage (max)*	30%, including principal and accessory structures

*Lot coverage limits may be waived by the department if there is an approved stormwater management plan.

Notes: “min" = minimum required | “max” = maximum allowed | “ft” = feet | “sf” = square feet

Figure 18.20.030 R-L Dimensional Standards



Chapter 18.21

RESIDENTIAL SINGLE-FAMILY (R-1)

Sections:

18.21.010 Purpose.
18.21.020 Permitted & conditional uses.
18.21.030 Dimensional standards.

18.21.010 Purpose. The R-1 Residential-Single-Family district is established to provide an area for single-family residences at moderate densities and is served by public water and sewage disposal facilities. (Ord. 167-3, Sec. 1, 2023)

18.21.020 Permitted & conditional uses. See Chapter 18.33, Use Table. (Ord. 167-3, Sec. 1, 2023)

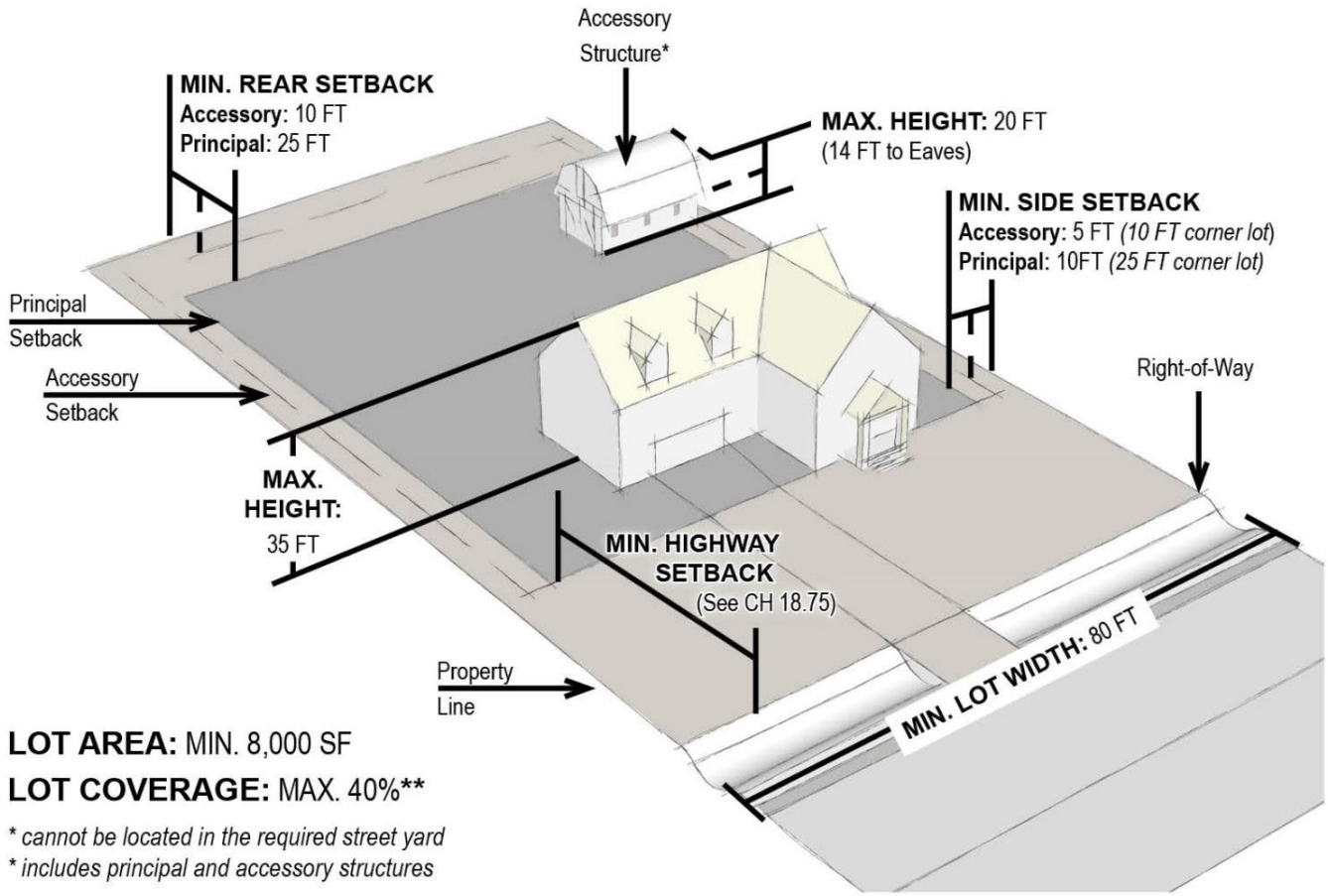
18.21.030 Dimensional standards. See Section 18.41.010 for maximum accessory structure footprint. (Ord. 167-3, Sec. 1, 2023)

Lot Area (min)	8,000 sf
Lot Width (min)	80 ft
Height (max):	
Principal Structures	35 ft
Accessory Structures	20 ft, with a max of 14 ft to the eaves
Street Yard:	
Highway Setback (min)	See Chapter 18.71, Access Management & Driveways
Accessory Structures	Cannot be located within the required street yard
Side Setback (min):	
Principal Structures	10 ft
Accessory Structures	5 ft
Side Setback, Corner Lot (min):	
Principal Structures	25 ft
Accessory Structures	10 ft
Rear Setback (min):	
Principal Structures	25 ft
Accessory Structures	10 ft
Lot Coverage (max)*	40%, including principal and accessory structures

*Lot coverage limits may be waived by the department if there is an approved stormwater management plan.

Notes: “min” = minimum required | “max” = maximum allowed | “ft” = feet | “sf” = square feet

Figure 18.21.030 R-1 Dimensional Standards



Chapter 18.22

RESIDENTIAL TWO FAMILY (R-2)

Sections:

18.22.010 Purpose.
18.22.020 Permitted & conditional uses.
18.22.030 Dimensional standards.

18.22.010 Purpose. The R-2 Residential-Two-Family district is established to provide an area for duplex development and relatively high-density single-family development served by public water and sewage disposal facilities. (Ord. 167-3, Sec. 1, 2023)

18.22.020 Permitted & conditional uses. See Chapter 18.33, Use Table. (Ord. 167-3, Sec. 1, 2023)

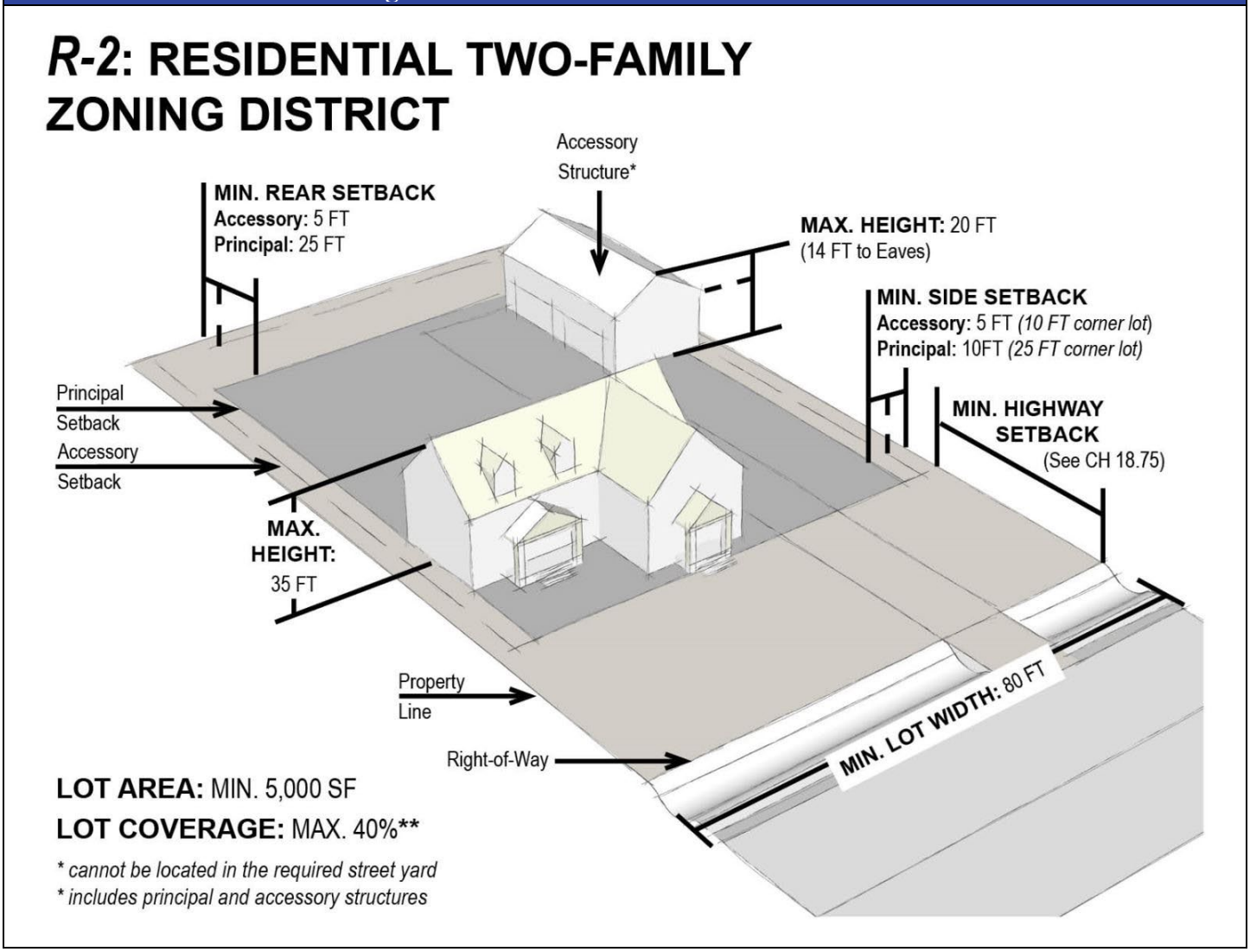
18.22.030 Dimensional standards. See Section 18.41.010 for maximum accessory structure footprint. (Ord. 167-3, Sec. 1, 2023)

Lot Area (min)	8,000 sf
Lot Width (min)	80 ft
Height (max):	
Principal Structures	35 ft
Accessory Structures	20 ft, with a max of 14 ft to the eaves
Street Yard:	
Highway Setback (min)	See Chapter 18.71, Access Management & Driveways
Accessory Structures	Cannot be located within the required street yard
Side Setback (min):	
Principal Structures	10 ft
Accessory Structures	5 ft
Side Setback, Corner Lot (min):	
Principal Structures	25 ft
Accessory Structures	10 ft
Rear Setback (min):	
Principal Structures	25 ft
Accessory Structures	5 ft
Lot Coverage (max)*	40%, including principal and accessory structures

*Lot coverage limits may be waived by the department if there is an approved stormwater management plan.

Notes: “min" = minimum required | “max” = maximum allowed | “ft” = feet | “sf” = square feet

Figure 18.22.030 R-2 Dimensional Standards



Chapter 18.23

RESIDENTIAL MULTI-FAMILY (R-3)

Sections:

18.23.010 Purpose.
18.23.020 Permitted & conditional uses.
18.23.030 Dimensional standards.

18.23.010 Purpose. The R-3 Residential-Multi-Family district is established to provide an area for high density residential development served by public sewer and water service. (Ord. 167-3, Sec. 1, 2023)

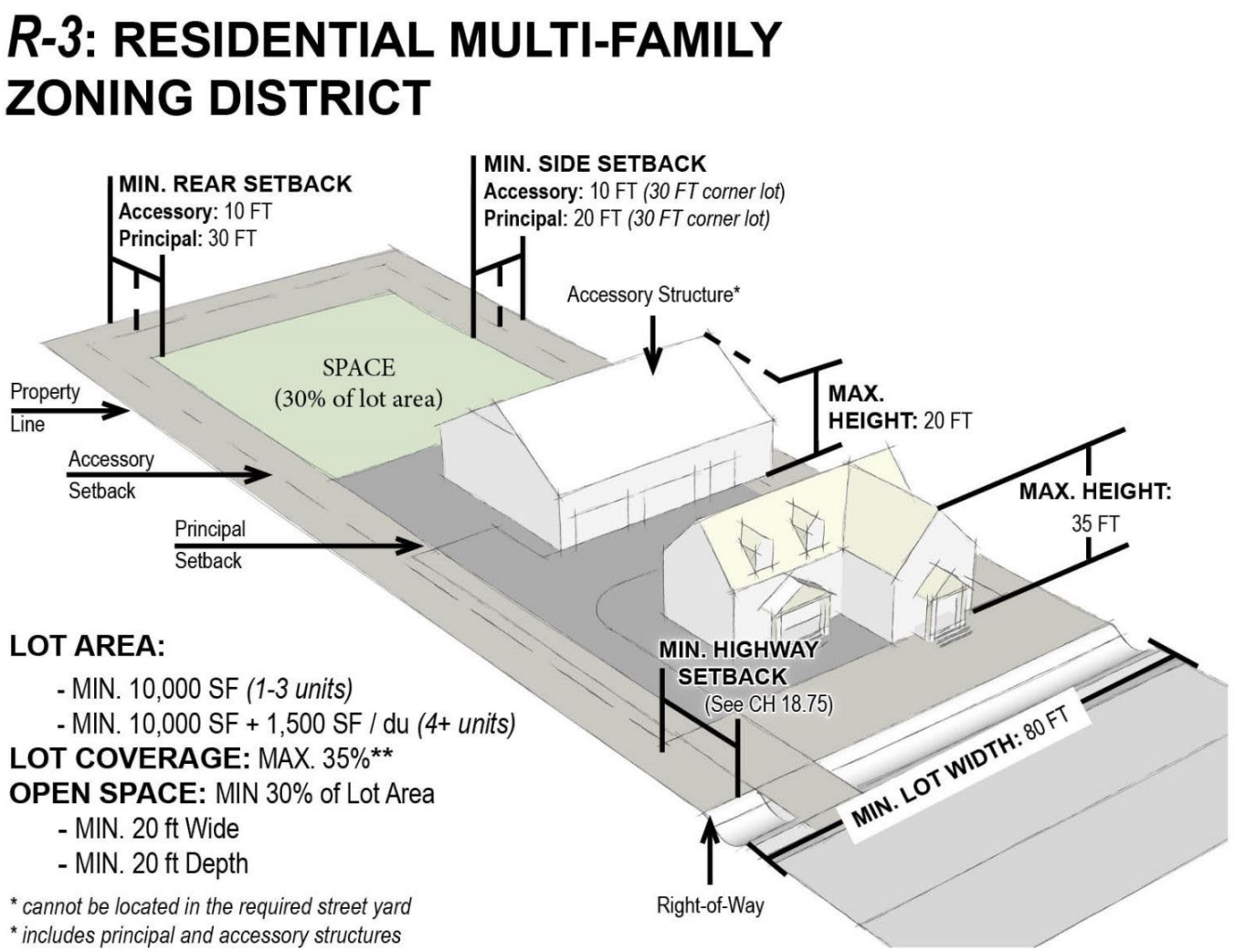
18.23.020 Permitted & conditional uses. See Chapter 18.33, Use Table. (Ord. 167-3, Sec. 1, 2023)

18.23.030 Dimensional standards. See Section 18.41.010 for maximum accessory structure footprint. (Ord. 167-3, Sec. 1, 2023)

Lot Area (min):	
1 to 3 du	10,000 sf
4 or more du	10,000 sf plus 1,500 sf per du
Lot Width (min)	80 ft
Height (max):	
Principal Structures	35 ft
Accessory Structures	20 ft
Street Yard:	
Highway Setback (min)	See Chapter 18.71, Access Management & Driveways
Accessory Structures	Cannot be located within the required street yard
Side Setback (min):	
Principal Structures	20 ft
Accessory Structures	10 ft
Side Setback, Corner Lot (min)	30 ft
Rear Setback (min):	
Principal Structures	30 ft
Accessory Structures	10 ft
Lot Coverage (max)*	35%, including principal and accessory structures
Open Space (min):	
Area	30% of Lot Area
Width	20 ft
Depth	20 ft

*Lot coverage limits may be waived by the department if there is an approved stormwater management plan.
Notes: “min" = minimum required | “max” = maximum allowed | “du" = dwelling unit | “ft” = feet | “sf” = square feet.

Figure 18.23.030 R-3 Dimensional Standards



Chapter 18.24

COMMERCIAL NEIGHBORHOOD (C-1)

Sections:

18.24.010 Purpose.
18.24.020 Permitted & conditional uses.
18.24.030 Dimensional standards.

18.24.010 Purpose. The C-1 Commercial-Neighborhood district is established to provide an area for the daily or frequent convenience shopping for nearby residential areas on public sewer and water systems or where public facilities may be feasibly extended. (Ord. 167-3, Sec. 1, 2023)

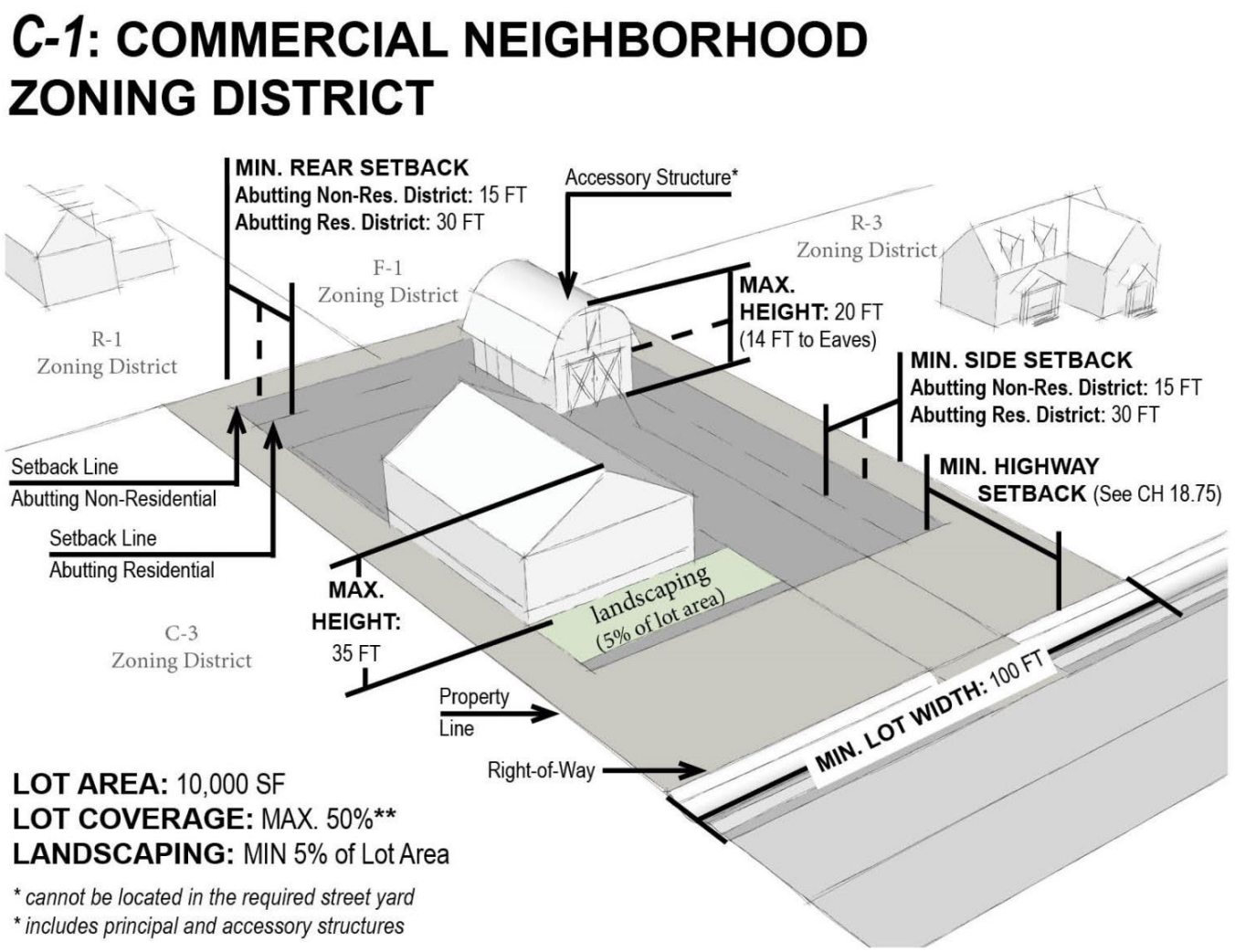
18.24.020 Permitted & conditional uses. See Section 18.33, Use Table. (Ord. 167-3, Sec. 1, 2023)

18.24.030 Dimensional standards. (Ord. 167-3, Sec. 1, 2023)

Lot Area (min)	10,000 sf
Lot Width (min)	100 ft
Height (max):	
Principal Structures	35 ft
Accessory Structures	20 ft, with a max of 14 ft to the eaves
Street Yard:	
Highway Setback (min)	See Chapter 18.71, Access Management & Driveways
Accessory Structures	Cannot be located within the required street yard
Side Setback (min):	
Abutting a Residential District	30 ft
Abutting All Other Districts	15 ft
Side Setback, Corner Lot (min):	
Abutting a Residential District	30 ft
Abutting All Other Districts	15 ft
Rear Setback (min):	
Abutting a Residential District	30 ft
Abutting All Other Districts	15 ft
Landscaping	5% of lot area
Lot Coverage (max)*	50% including principal and accessory structures

*Lot coverage limits may be waived by the department if there is an approved stormwater management plan.
Notes: “min" = minimum required | “max” = maximum allowed | “ft” = feet | “sf” = square feet

Figure 18.24.030 C-1 Dimensional Standards



Chapter 18.25

COMMERCIAL GENERAL (C-2)

Sections:

18.25.010 Purpose.
18.25.020 Permitted & conditional uses.
18.25.030 Dimensional standards.

18.25.010 Purpose. The C-2 Commercial-General district is established to provide an area for retail businesses of a community-wide range. (Ord. 167-3, Sec. 1, 2023)

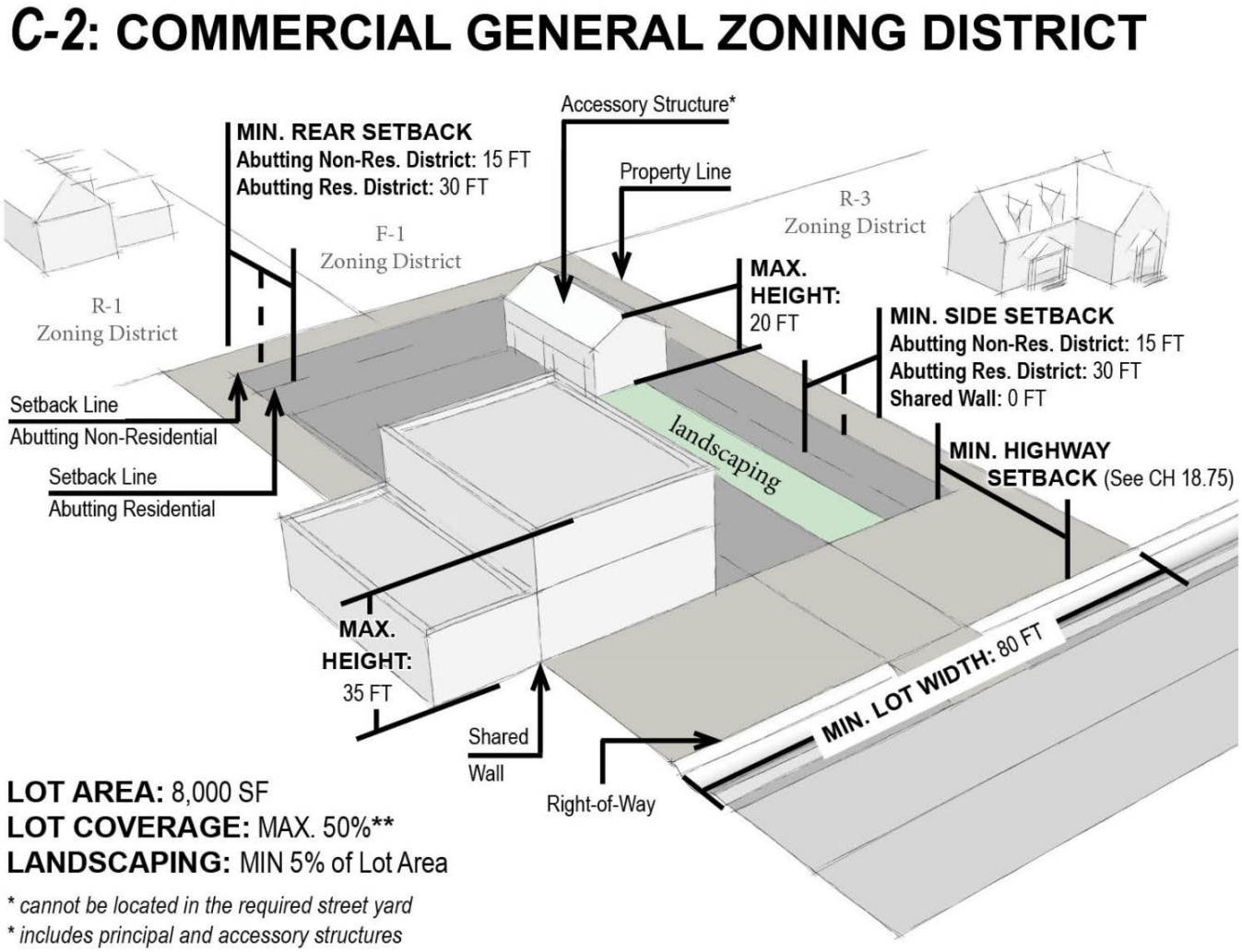
18.25.020 Permitted & conditional uses. See Chapter 18.33, Use Table. (Ord. 167-3, Sec. 1, 2023)

18.25.030 Dimensional standards. (Ord. 167-3, Sec. 1, 2023)

Lot Area (min)	8,000 sf
Lot Width (min)	80 ft
Height (max):	
Principal Structures	35 ft
Accessory Structures	20 ft
Street Yard:	
Highway Setback (min)	See Chapter 18.71, Access Management & Driveways
Accessory Structures	Cannot be located within the required street yard
Side Setback (min):	
Abutting a Residential District	30 ft
Abutting All Other Districts	15 ft
2 or More Structures with Shared Wall Construction	0 ft
Side Setback, Corner Lot (min):	
Abutting a Residential District	30 ft
Abutting All Other Districts	15 ft
2 or More Structures with Shared Wall Construction	0 ft
Rear Setback (min):	
Abutting a Residential District	30 ft
Abutting All Other Districts	15 ft
2 or More Structures with Shared Wall Construction	0 ft
Landscaping	5% of lot area
Lot Coverage (max)*	50%, including principal and accessory structures

*Lot coverage limits may be waived by the department if there is an approved stormwater management plan.
Notes: “min" = minimum required | “max” = maximum allowed | “ft” = feet | “sf” = square feet

Figure 18.25.030 C-2 Dimensional Standards



Chapter 18.26

COMMERCIAL HIGHWAY (C-3)

Sections:

18.26.010 Purpose.
18.26.020 Permitted & conditional uses.
18.26.030 Dimensional standards.

18.26.010 Purpose. The C-3 Commercial-Highway district is established to provide an area for the development of those commercial activities that require large lots or attract concentrations of automobile traffic which make the uses incompatible with the predominantly retail uses in other commercial districts. (Ord. 167-3, Sec. 1, 2023)

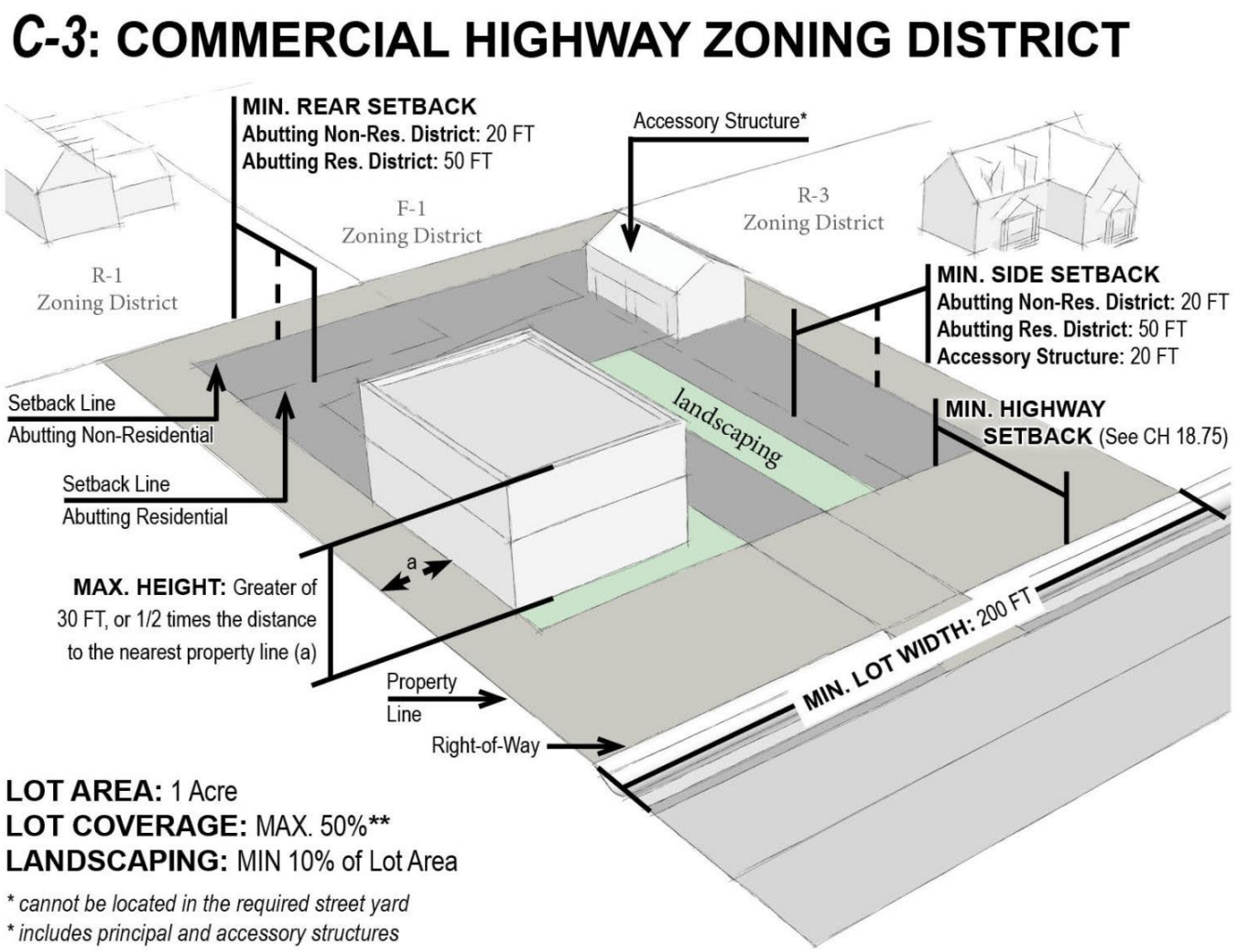
18.26.020 Permitted & conditional uses. See Chapter 18.33, Use Table. (Ord. 167-3, Sec. 1, 2023)

18.26.030 Dimensional standards. (Ord. 167-3, Sec. 1, 2023)

Lot Area (min)	1 ac
Lot Width (min)	200 ft
Height (max)	The greater of: 30 ft, or 1/2 times the distance to the nearest property line
Street Yard:	
Highway Setback (min)	See Chapter 18.71, Access Management & Driveways
Accessory Structures	Cannot be located within the required street yard
Side Setback (min):	
Principal Structures, Abutting a Residential District	50 ft
Principal Structures, Abutting All Other Districts	20 ft
Accessory Structures	20 ft
Side Setback, Corner Lot (min):	
Principal Structures, Abutting a Residential District	50 ft
Principal Structures, Abutting All Other Districts	20 ft
Accessory Structures	20 ft
Rear Setback (min):	
Abutting a Residential District	50 ft
Abutting All Other Districts	20 ft
Landscaping	10% of lot area
Lot Coverage (max)*	50%, including principal and accessory structures

*Lot coverage limits may be waived by the department if there is an approved stormwater management plan. Notes: “min" = minimum required | “max” = maximum allowed | "ac" = gross acres | “ft” = feet | “sf” = square feet

Figure 18.26.030 C-3 Dimensional Standards



Chapter 18.27

LIGHT INDUSTRIAL (I-L)

Sections:

18.27.010 Purpose.
18.27.020 Permitted & conditional uses.
18.27.030 Dimensional standards.

18.27.010 Purpose.

A. The I-L Light Industrial district is established to provide a transitional area between general commercial districts and the more intensive I-H Industrial district.

B. The I-L district is intended to support low impact and technology-based light industrial uses such as light manufacturing, processing, and assembly uses; research and development activities; flex space; and similar uses that produce little or no noise, odor, vibration, glare, or other objectionable influences, and have little or no adverse effect on surrounding properties. (Ord. 167-3, Sec. 1, 2023)

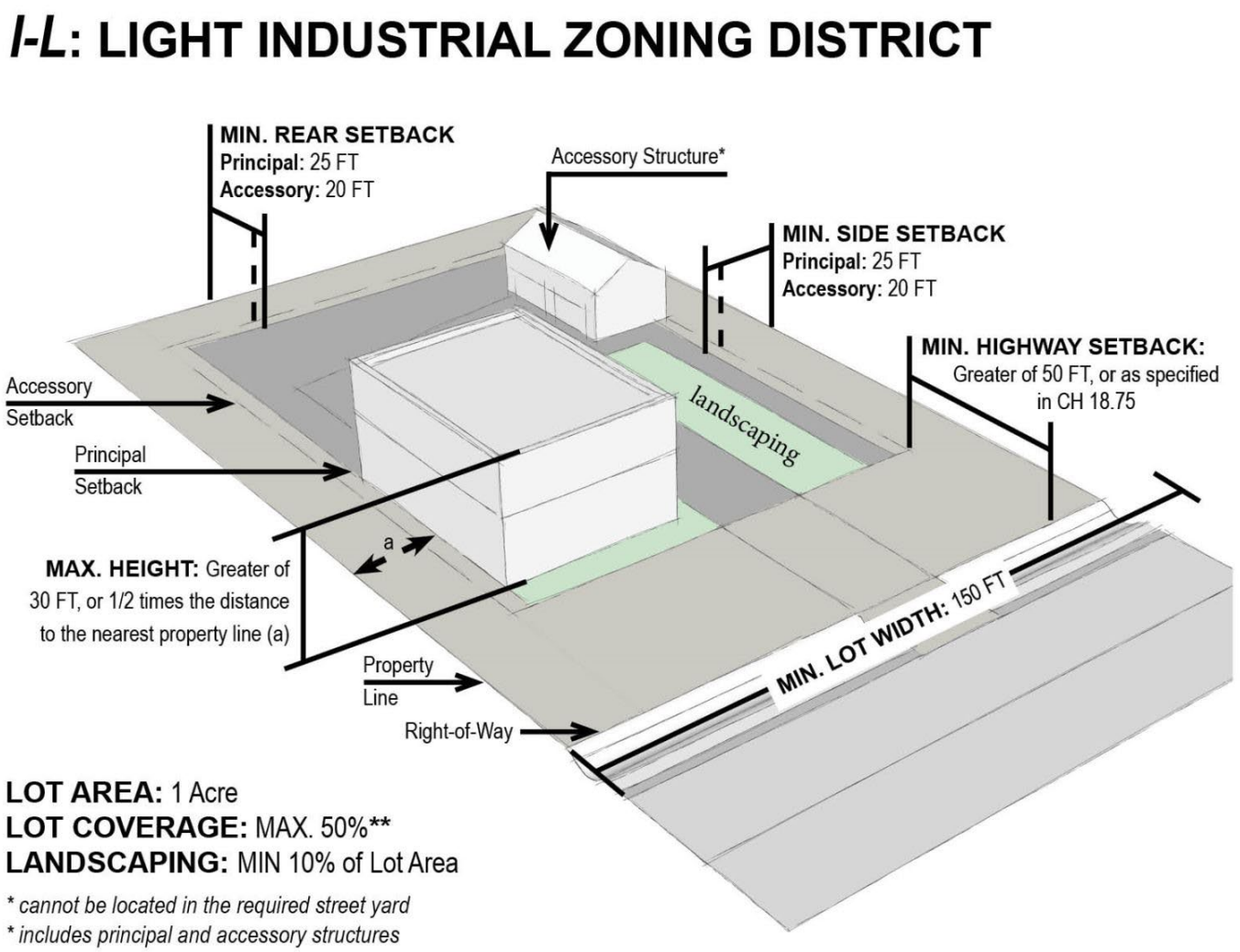
18.27.020 Permitted & conditional uses. See Chapter18.33, Use Table. (Ord. 167-3, Sec. 1, 2023)

18.27.030 Dimensional standards. (Ord. 167-3, Sec. 1, 2023)

Lot Area (min)	1 ac
Lot Width (min)	150 ft
Height (max)	The greater of: 30 ft, or 1/2 times the distance to the nearest property line
Street Yard:	
Highway Setback (min)	The greater of: 50 ft, or As specified in Chapter 18.71, Access Management & Driveways
Accessory Structures	Cannot be located within the required street yard
Side Setback (min):	
Principal Structures	25 ft
Accessory Structures	20 ft
Rear Setback (min):	
Principal Structures	25 ft
Accessory Structures	20 ft
Landscaping	10% of lot area
Lot Coverage (max)*	50%, including principal and accessory structures

*Lot coverage limits may be waived by the department if there is an approved stormwater management plan.
Notes: “min" = minimum required | “max” = maximum allowed | "ac" = gross acres | “ft” = feet

Figure 18.27.030 I-L Dimensional Standards



Chapter 18.28

INDUSTRIAL HEAVY (I-H)

Sections:

18.28.010 Purpose.
18.28.020 Permitted & conditional uses.
18.28.030 Dimensional standards.

18.28.010 Purpose.

A. The I-H Industrial district is established to provide areas for industrial uses that are likely to produce noise, odor, vibration, glare, or other objectionable influences, or otherwise have adverse effects on surrounding properties.

B. The I-H district should be located on transportation networks suitable to serve industrial activity. (Ord. 167-3, Sec. 1, 2023)

18.28.020 Permitted & conditional uses. Chapter 18.33, Use Table. (Ord. 167-3, Sec. 1, 2023)

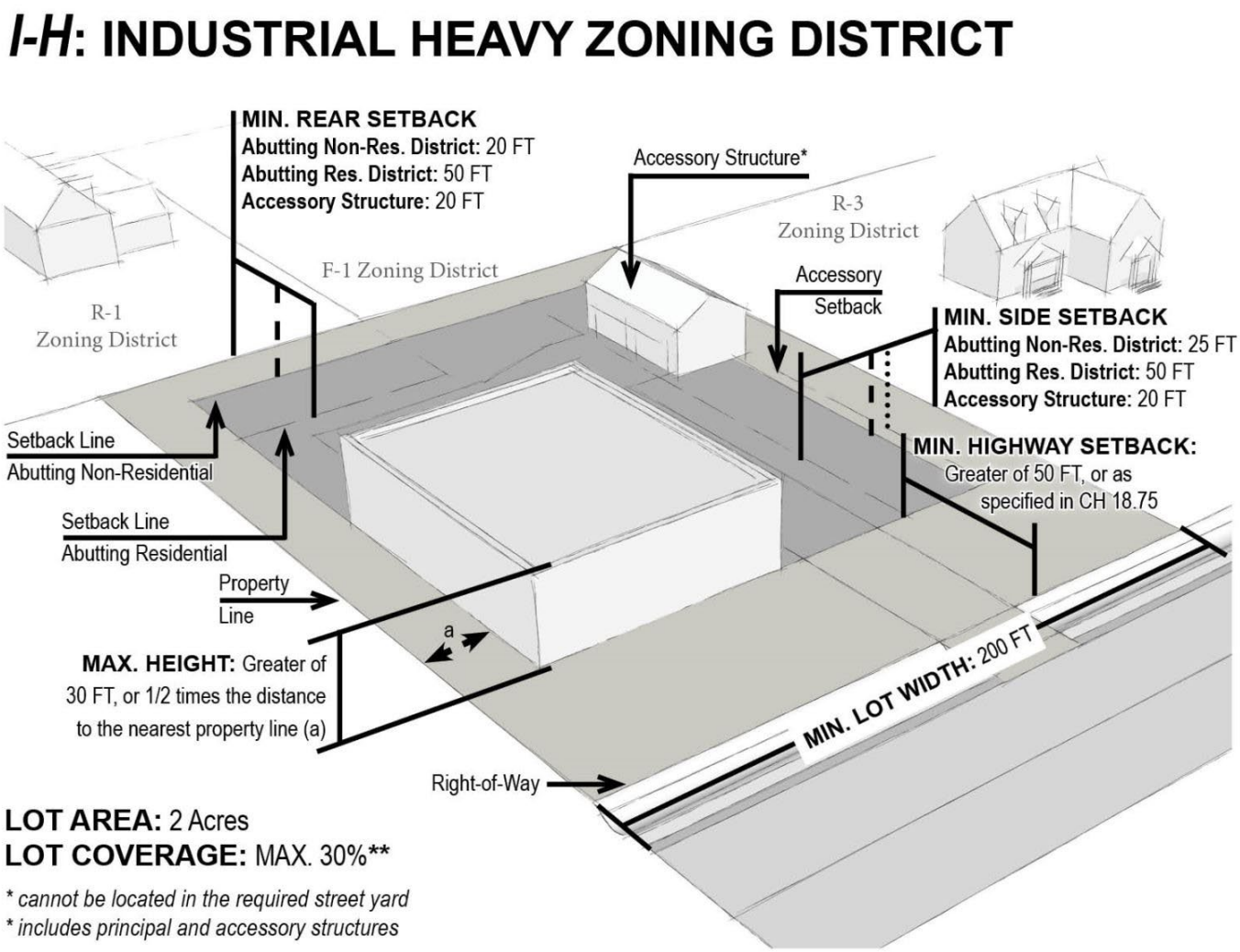
18.28.030 Dimensional standards. (Ord. 167-3, Sec. 1, 2023)

Lot Area (min)	2 ac
Lot Width (min)	200 ft
Height (max)	The greater of: 30 ft, or 1/2 times the distance to the nearest property line
Street Yard:	
Highway Setback (min)	The greater of: 50 ft, or As specified in Chapter 18.71, Access Management & Driveways
Accessory Structures	Cannot be located within the required street yard
Side Setback (min):	
Principal Structures, Abutting a Residential District	50 ft
Principal Structures, Abutting All Other Districts	25 ft
Accessory Structures	20 ft
Rear Setback (min):	
Principal Structures, Abutting a Residential District	50 ft
Principal Structures, Abutting All Other Districts	20 ft
Accessory Structures	20 ft
Lot Coverage (max)*	30%, including principal and accessory structures

*Lot coverage limits may be waived by the department if there is an approved stormwater management plan.

Notes: “min" = minimum required | “max” = maximum allowed | "ac" = gross acres | “ft” = feet

Figure 18.28.030 I-H Dimensional Standards



Chapter 18.29

FORESTRY EXCLUSIVE (F-1)

Sections:

18.29.010 Purpose.
18.29.020 Permitted & conditional uses.
18.29.030 Dimensional standards.

18.29.010 Purpose. The F-1 Forestry-Exclusive district is established to preserve and protect the forestry resource of the county and to limit those uses that are incompatible with or have a detrimental effect upon good forestry practices. (Ord. 167-3, Sec. 1, 2023)

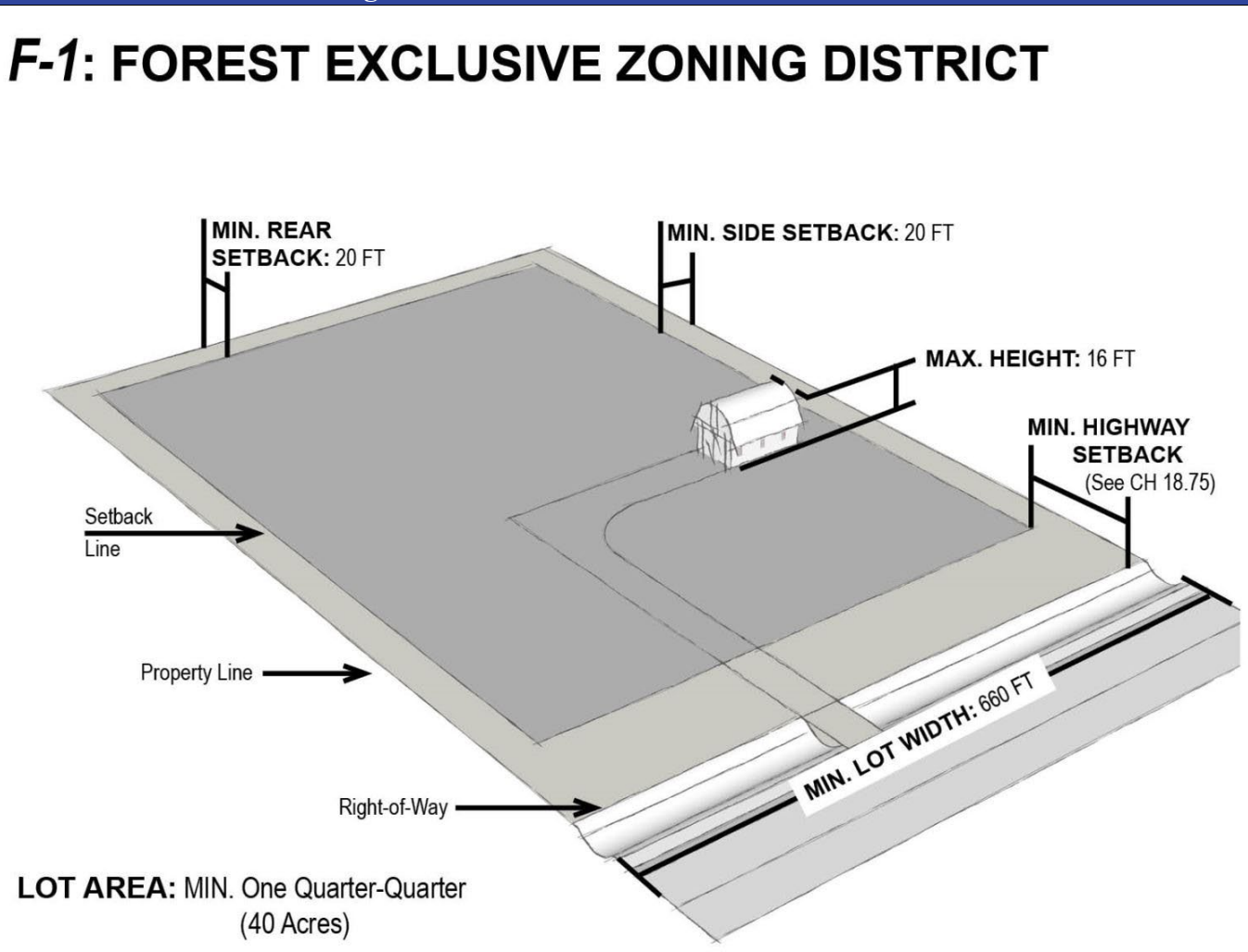
18.29.020 Permitted & conditional uses. See Chapter 18.33, Use Table. (Ord. 167-3, Sec. 1, 2023)

18.29.030 Dimensional standards. (Ord. 167-3, Sec. 1, 2023)

Lot Area (min)	One quarter-quarter (40 ac)
Lot Width (min)	660 ft
Height (max)	16 ft
Highway Setback (min)	See Chapter 18.71, Access Management & Driveways
Side Setback (min)	20 ft
Side Setback, Corner Lot (min)	20 ft
Rear Setback (min)	20 ft

Notes: “min" = minimum required | “max” = maximum allowed | "ac" = gross acres | “ft” = feet

Figure 18.29.030 F-1 Dimensional Standards



Chapter 18.30

FORESTRY LIMITED (F-2)

Sections:

18.30.010 Purpose.
18.30.020 Permitted & conditional uses.
18.30.030 Dimensional standards.

18.30.010 Purpose. The F-2 Forestry-Limited district is established to protect the integrity of the county forest by preserving land adjacent to its borders in a relatively natural state, and to preserve the natural character of the land along the Eau Claire and Chippewa Rivers. (Ord. 167-3, Sec. 1, 2023)

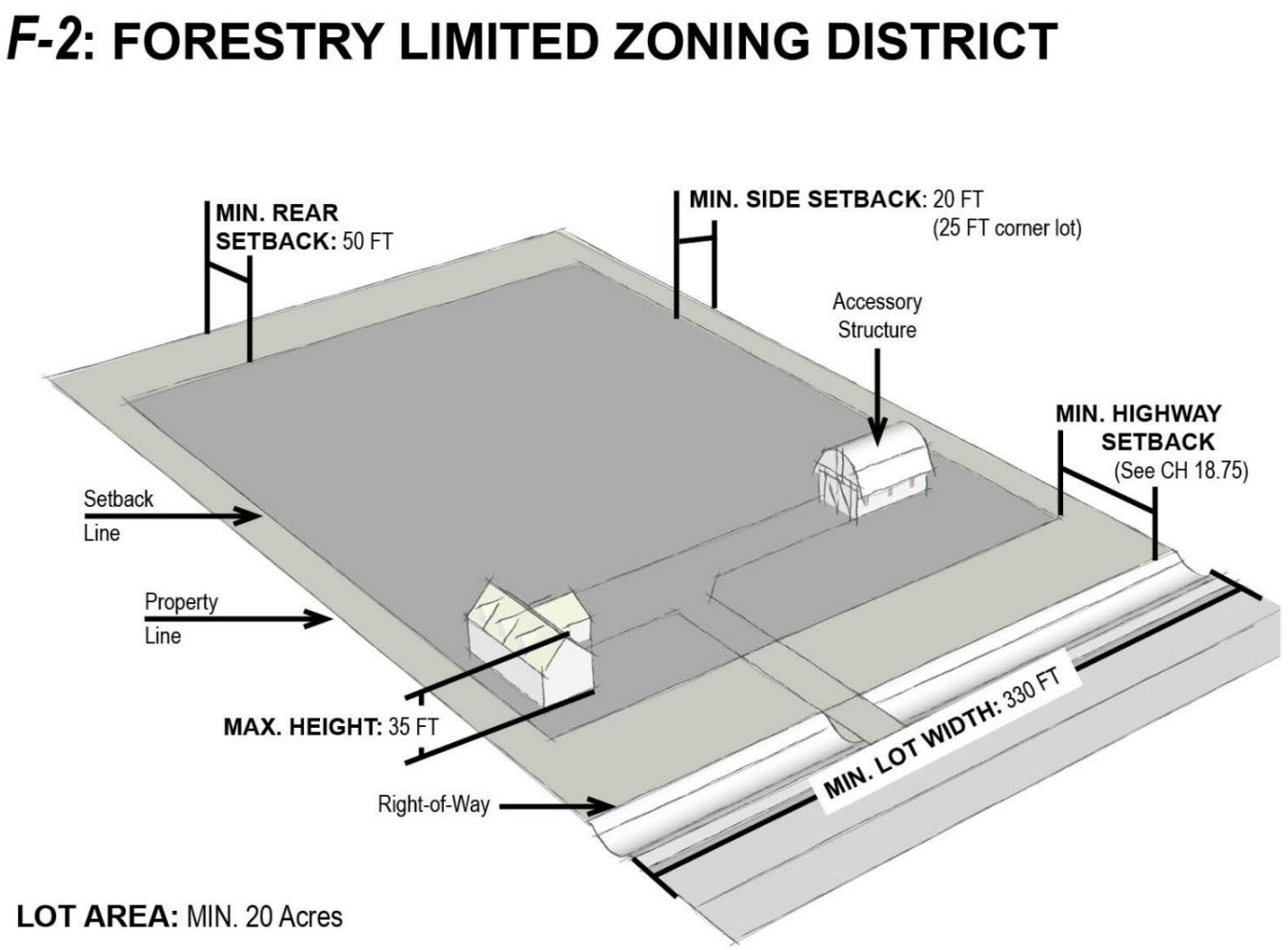
18.30.020 Permitted & conditional uses. See Chapter 18.33, Use Table. (Ord. 167-3, Sec. 1, 2023)

18.30.030 Dimensional standards. (Ord. 167-3, Sec. 1, 2023)

Lot Area (min)	20 ac
Lot Width (min)	330 ft
Height (max)	35 ft
Highway Setback (min)	See Chapter 18.71, Access Management & Driveways
Side Setback (min)	20 ft
Side Setback, Corner Lot (min)	25 ft
Rear Setback (min)	50 ft

Notes: “min" = minimum required | “max” = maximum allowed | "ac" = gross acres | “ft” = feet

Figure 18.30.030 F-2 Dimensional Standards



Chapter 18.31

PLANNED UNIT DEVELOPMENT (PUD)

Sections:

18.31.010 Purpose.
18.31.020 Permitted & conditional uses.
18.31.030 Dimensional standards.

18.31.010 Purpose. The PUD Planned Unit Development district accommodates master planned development that cannot be approved within one of the other zoning districts, and that demonstrates a high degree of design quality or accomplishes an important public purpose. (Ord. 167-3, Sec. 1, 2023)

18.31.020 Permitted & conditional uses.

A. The PUD district may not be used primarily for the purpose of providing a variance from or exceeding the standards established in the county's conventional zoning districts.

B. The PUD district is available in any future land use category designated in the Eau Claire County Comprehensive Plan and provides a discretionary review process for projects that are consistent with the policies of that plan.

C. There is no minimum land area required to establish a PUD district.

D. Any permitted, conditional, or accessory uses in a PUD district shall be identified in the general development plan.

E. The discretionary review process for the creation of a PUD district, including approval of a general development plan and a specific implementation plan, are described in Subtitle VI, Procedures. (Ord. 167-3, Sec. 1, 2023)

18.31.030 Dimensional standards.

A. Development and performance standards for the PUD zoning district shall be established in an approved general development plan.

B. When approved by the committee, a general development plan and specific implementation plan establish, together, the standards and expectations for development on the lands to which they apply. Any aspect of development that is not explicitly addressed in those documents is still governed by applicable standards within title 18. (Ord. 167-3, Sec. 1, 2023)

Chapter 18.32

NONMETALLIC MINING OVERLAY DISTRICT

Sections:

18.32.010 Purpose.
18.32.020 Applicability.
18.32.030 Exempted activities.
18.32.040 Definitions.
18.32.050 Permitted principal uses.
18.32.060 Permitted principal structures.
18.32.070 Permitted accessory uses.
18.32.080 Permitted accessory structures
18.32.090 Condition uses.
18.32.100 Structures subject to conditional use permits.
18.32.110 Lot, height and yard requirements.
18.32.120 Standards for zoning.

18.32.010 Purpose. It is the purpose of this overlay district to establish through impartial standards governing the extraction, processing, utilization and transport of nonmetallic resources and products to ensure maximum protection to surrounding properties and the physical environment, protection for the public health, safety and general welfare, and to promote aesthetic values. This district is also created to protect mineral extraction operations against problems caused by intrusion of incompatible land uses, and to allow for protection of deposits of minerals. (Ord. 167-3, Sec. 1, 2023)

18.32.020 Applicability.

A. Overlay district boundaries will follow platted lot lines, quarter-quarter section lines, or municipal boundaries, centerlines of streets, highways, railroads, or lakes, streams, and other water bodies.

B. The overlay district does not remove land use restrictions from the underlying zoning district.

C. The overlay district will remain in effect until the applicant receives a certificate of compliance in accord with the nonmetallic mining reclamation standards of Chapter 18.250 from the department on planning and development. (Ord. 167-3, Sec. 1, 2023)

18.32.030 Exempted Activities. The following are exempt from this chapter:

A. As exempted under 18.250.040.

B. Borrow sites as regulated under Wis. Stat. § 85.193. (Ord. 167-3, Sec. 1, 2023)

18.32.040 Definitions. The definitions found in 18.250.130 shall apply unless the context dictates otherwise. (Ord. 167-3, Sec. 1, 2023)

18.32.050 Permitted Principal Uses.

A. Uses allowed by the underlying zoning district.

B. Conservancy uses allowed under Title 20 and Chapter 18.200.

C. Nonmetallic mining operations operated by a unit of government conforming to Chapter 18.28 and Chapter 18.250 Nonmetallic Mining Reclamation Code.

D. Nonmetallic mining operations owned and operated privately and less than 10 acres in size based on the life of the mine conforming to Chapter 18.28 and Chapter 18.250 Nonmetallic Mining Reclamation Code.

E. Pre-existing nonmetallic mining sites. Pre-existing nonmetallic mining operations that have been previously permitted with a conditional use permit and/or by a nonmetallic mining reclamation permit to operate shall be allowed to continue to operate under the terms and conditions of those permits on file prior to the effective date of this ordinance. (Ord. 167-3, Sec. 1, 2023)

18.32.060 Permitted Principal Structures.

A. Structures allowed by the underlying zoning district.

B. Nonmetallic mining structures and related equipment. (Ord. 167-3, Sec. 1, 2023)

18.32.070 Permitted Accessory Uses. Uses allowed by the underlying zoning district. (Ord. 167-3, Sec. 1, 2023)

18.32.080 Permitted Accessory Structures.

A. Accessory structures allowed by the underlying zoning district.

B. Accessory structures associated with nonmetallic mining operations. (Ord. 167-3, Sec. 1, 2023)

18.32.090 Condition uses. In the nonmetallic mining overlay district, the following are conditional and are subject to the provisions of Chapter 18.103:

A. Nonmetallic mining operations, as per Chapter 18.28.

B. Temporary hot mix and concrete batch plants. (Ord. 167-3, Sec. 1, 2023)

18.32.100 Structures subject to conditional use permits.

A. Structures associated with nonmetallic mining operations and its accessory uses.

B. Structures for temporary hot mix and concrete batch plant operations. (Ord. 167-3, Sec. 1, 2023)

18.32.110 Lot, height and yard requirements. The following lot, height and yard requirements are established for the nonmetallic mining overlay district:

A. Lot size and access.

The minimum lot size of the district shall conform to the underlying zoning district lot size.

1. The overlay district shall directly about a public highway and shall have direct access to that highway.

B. Height.

1. Structures shall conform to the underlying zoning district provisions.

2. Nonmetallic mining structures are exempt from the height requirements per 18.72.030 A.11.

C. Setbacks.

1. The minimum highway setback shall be regulated under Chapter 18.71.

2. The minimum side-yard setback for nonmetallic mining structures shall be 75 feet.

3. The minimum rear-yard setback for nonmetallic mining structures shall be 75 feet.

D. Lot, height and yard regulations for conditional uses. Lot, height and yard requirements shall be established at the time of conditional use permit approval.

E. The committee may consider allowing lesser property line setbacks for nonmetallic mining conveyors or pipes during the conditional use permit approval process consistent with a signed agreement between property owners. The committee may allow a lesser setback to the highway setbacks and yard setbacks provided the applicant has obtained approval from the unit of government having jurisdiction over the road. (Ord. 167-3, Sec. 1, 2023)

18.32.120 Standards for overlay zoning. Zoning to the nonmetallic mining overlay district shall be based on the findings that consider the following factors:

A. The land is suitable for nonmetallic mineral extraction based on a review of the mineral deposits found onsite.

B. Compliance with Wis. Stat. § 91.46(6).

C. Adequate public facilities to serve the development are present or will be provided, without placing an unreasonable burden on local government. The land use is consistent with local comprehensive plans (Ord. 167-3, Sec. 1, 2023)

CHAPTER 18.33

USE TABLE

Sections:

18.33.010 Use categories.
18.33.020 Additional regulations apply.
18.33.030 Uses not listed.

18.33.010 Use categories. The use table establishes uses permitted within each zoning district, and how they are permitted. The uses permitted in each of the zoning districts established in this subtitle are defined as follows: (Ord. 167-3, Sec. 1, 2023)

Use Categories		
Any permitted, conditional, or accessory use allowed in any district must comply with the requirements of the district in which it is located unless the board of land use appeals approves a variance from those requirements.		
P	Permitted Use	Uses in the use table identified with a "P" are permitted as a principal use subject to district regulations, any conditions of rezoning, and the conditions specified in the use regulations or development standards or elsewhere in this title. Any permitted principal use, except dwelling units, in the applicable district may also be established as an accessory use.
C	Conditional Use	Conditional uses are principal uses that are allowed only after the Committee on Planning and Development reviews the proposed use, holds a public hearing, and decides whether to approve the use, based upon the application of standards found in this title. Conditional uses also are subject to any conditions and limitations specified in Subtitle III, Use Regulations, or imposed as a condition of conditional use permit approval. See Subtitle VII, Submittal Requirements for application information.
A	Accessory Use	Uses in the use table identified with an "A" are permitted only as an accessory use to another use that is allowed as a permitted use or conditional use in the applicable district. Any permitted principal use, except dwelling units, in the applicable district may also be established as an accessory use. All accessory uses are subject to the applicable provisions of Chapter 18.41.
*	Use Regulations	Permission, standards, and location determined by Subtitle III, Use Regulations. Use regulations may apply whether the use is permitted, conditional, or accessory.
	Not Permitted	Uses in the use table identified by a blank cell are not permitted in that particular district.
	Not Listed	Not permitted unless the use is approved as provided in paragraph C below.

18.33.020 Additional regulations apply.

A. The fact that a use is shown as a permitted use does not always mean that the project may proceed. Chapter 18.200 Floodplain Overlay District, Chapter 18.260 Shoreland Overlay District, or other sections of this code may result in a permitted use not being allowed to proceed, depending upon the manner in which those provisions apply.

B. All uses in the A-P district shall adhere to WI Stat. § 91.01. (Ord. 167-3, Sec. 1, 2023)

18.33.030 Uses not listed.

A. Determination. The land use manager may determine that an unlisted use is allowed as a permitted use or as a conditional use if sufficiently similar in nature and impact to a permitted use or a conditional use listed in the use table.

1. If the land use manager determines that the proposed use is deemed sufficiently similar in nature and impact to a permitted use or a conditional use, the land use manager shall identify the similar use and document this decision in writing to the applicant. The applicant may proceed as if the use is listed in the ordinance, following whichever procedures apply for the similar use.

2. If the land use manager determines that the proposed use does not meet the standards listed in subsection B. below, the proposed use shall be denied, and the applicant notified in writing. The land use manager shall also indicate whether the proposed use could be approved in another zoning district, and if a map amendment to change the zoning district or a text amendment to add the desired use to the existing zoning district would be consistent with the Eau Claire County Comprehensive Plan. The determination may be appealed to the board of land use appeals as an appeal of an administrative decision.

3. The land use manager may refer the request to the Committee on Planning and Development for review following the standards listed in subsection B. below.

B. Standards. The land use manager may refer to any of the following standards as guidance in making this determination:

1. Whether the use has similar visual, traffic, environmental, and similar impacts as an expressly listed use. The land use manager may refer to empirical studies or generally accepted planning or engineering sources in making this determination.

2. Whether the use is within the same industry classification as another permitted use. In making this determination, the land use manager may refer to the most recent edition of the North American Industry Classification Manual (Executive Office of the President, Office of Management and Budget, 2017) ("NAICS"). If the use is not defined in the NAICS, the land use manager may refer to the American Planning Association, Land-Based Classification Standards LBCS Tables (April 1, 2001).

3. Whether the use is consistent with the purpose statement of the district in which it would be permitted.

C. Burden. The burden is on the applicant to make the case, with supporting material, that the proposed use is similar to another permitted or conditional use and could be allowed.

D. Preemption. Uses regulated by the State of Wisconsin and exempt from local control are permitted subject to state regulations. (Ord. 168-53, Sec. 4, 2025; Ord. 167-3, Sec. 1, 2023)

USE TABLE																		
P = Permitted Principal Use | C = Conditional Principal Use A = Permitted Accessory Use | blank cell = Prohibited																		
	A-P	**A-1**	**A-2**	**A-3**	**A-R**	**AC-R**	**RH**	**R-L**	**R-1**	**R-2**	**R-3**	**C-1**	**C-2**	**C-3**	**I-L**	**I-H**	**F-1**	**F-2**
Use Category																		
AGRICULTURE, FORESTRY, & NATURAL RESOURCES																		
Agricultural & Horticultural:																		
Agricultural Accessory Uses*	A	A	A	A												A	A	A
Agricultural Processing	C[4]	C														P		
Agri-Tourism	P[3]	P	P	P													P	P
Apiculture (Beekeeping)	P	P	P	P	P	P	A	A	A	A	A							
Aquaculture	P	P	P	P											P	P		P
Community Garden	P[2]	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Crop Production	P	P	P	P												C		
Equine Facilities, including Barns & Stables	P[3]	P	P	P			A	A										
Farmers' Markets	P	P	P	P								P	P	P				
Horticulture & Floriculture, including Greenhouses	P	P	P	P			C	A	A	A	A	A			P	P		P
Keeping of Farm Animals	P	P	P	P														
Keeping of Poultry*	P	P	P	P	P	P	A	A	A	A	A							P
Livestock Facilities (no size limit)	P	P																
Livestock Facilities (not to exceed 150 animal units)	P	P	P	P														
Livestock Sales		C	C													P		
Non-Commercial Raising of Animals & Birds, Hobby Farm	P	P	P	P	C	C	C											
Forestry:																		
Forest Management	P	P	P	P													P	P
Game Management	P	P	P	P													P	P
Conservation & Natural Resources:																		
Fire-Control Functions	P	P	P	P													P	P
Flowage Areas																	C	C
Open Space	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
RESIDENTIAL																		
	A-P	**A-1**	**A-2**	**A-3**	**A-R**	**AC-R**	**RH**	**R-L**	**R-1**	**R-2**	**R-3**	**C-1**	**C-2**	**C-3**	**I-L**	**I-H**	**F-1**	**F-2**
Residences:																		
Caretaker Residence*													A	A	A	A		
Accessory Dwelling Units, as Specified under 18.47.010*	A[1]	A	A	A	A	A	A	A	A									A

Dwelling, Multiple-Family											P	C	C					
Dwelling, Single-Family*		P	P	P	P	P	P	P	P	P	C	P		C				P
Dwelling, Two-Family			C		P	C	C	C	C	P	C		C					
Farm Residences, up to 2 Dwelling Units	P[1]	P																
Farm Residences, more than 2 Dwelling Units	P[1]	C																
Modular Home*			P	P	P	P	P	P	P	P	C	P		C				P
Manufactured Home Community											C							
Manufactured Home	P[1]	P	P	P	P	P					C					P		P
Tiny House*			P	P	P	P	P	P	P	P								
Group Living:																		
Community-Based Residential Facility									P	P	P							
Community Living Arrangement (8 or fewer persons)			P	P	P	P	P	P	P	P	P							
Community Living Arrangement (9-15 persons)									C	C	P							
Community Living Arrangement (> 15 persons)									C	C	C							
Continuing Care Retirement Community											P	P	C					
Residential Care Apartment Complex											P	C	C					
Residential Care Facility										C	P	P	P	P				
Rooming & Boarding House											P	P	P					
Single-Family, Two-Family and Multifamily Housing Without Public Water and Sewer Service											C							
ACCOMMODATIONS & LODGING																		
	A-P	**A-1**	**A-2**	**A-3**	**A-R**	**AC-R**	**RH**	**R-L**	**R-1**	**R-2**	**R-3**	**C-1**	**C-2**	**C-3**	**I-L**	**I-H**	**F-1**	**F-2**
Bed & Breakfast Establishment	C[3]		C	C	C	C	C	C	C	C	C	P						
Hotels & Motels													P	P				
Short-Term Rentals*	P[3]	P	P	P	P	P	P	P	P	P	P	P	P	P				
PUBLIC, CIVIC, & INSTITUTIONAL																		
	A-P	**A-1**	**A-2**	**A-3**	**A-R**	**AC-R**	**RH**	**R-L**	**R-1**	**R-2**	**R-3**	**C-1**	**C-2**	**C-3**	**I-L**	**I-H**	**F-1**	**F-2**
Assembly:																		
Cemeteries & Mausoleums (consistent with Wis. Stats. §§ 157)			C		C	C	C	C	C	C								

Clubs & Fraternal Organizations											C	C	C					
Convention, Conference, or Exhibition Center													C	P				
Event Center													C	C				
Religious Institutions	C[2]	C	C	C	C	C	C	C	C	C	C	P	P	P				
Education:																		
Libraries												P	P	P				
Schools (K-12, Public or Private)	C[2]		C		C	C	C	C	C				C	C				
Universities, Colleges, Technical, & Trade Schools													C	C	P			
Medical:																		
Hospitals									C	C			C	P				
Medical Offices & Clinics													P	P				
Government & Nonprofit Uses:																		
Community Centers & Nonprofit Community Uses	C[2]		C									P	P	P	P			
Government Facilities	C[2]	C	C	C	C	C	C	C	C	C	C	P	P	P	P	C	C	C
ARTS/CULTURE, ENTERTAINMENT, & RECREATION																		
	A-P	**A-1**	**A-2**	**A-3**	**A-R**	**AC-R**	**RH**	**R-L**	**R-1**	**R-2**	**R-3**	**C-1**	**C-2**	**C-3**	**I-L**	**I-H**	**F-1**	**F-2**
Adult Establishment*													P	P				
Art Galleries, Artist Studios												P	P	P	P			
Commercial Recreation/Entertainment Facilities, Indoor													C	P				
Commercial Recreation/Entertainment Facilities, Outdoor			C										C	C				
Health & Fitness Club, Gym												P	P	P				
Museums, Historical Sites, & Similar Institutions													P	P				
Neighborhood Recreational Uses (e.g., golf, tennis, swim, trails)							C	C	C	C								
Playgrounds	C[2]	P	P	P			P	P	P	P	P	P						
Private Race Tracks*		C	C	C	C		C	C	C	C	C	C	C	C	C	C	C	C
Private Recreational Uses & Structures*	A[3]	A	A	A	A		A	A	A	A	A	A	A	A	A	A	A	A
Spectator Sports, including Racetracks														C				
Recreational & Vacation Camps	C[2]	C		C														C
RV Parks & Campgrounds*	C[2]	C		C														C

Theatres & Movie Theatres												C	P	P				
COMMERCIAL																		
	A-P	**A-1**	**A-2**	**A-3**	**A-R**	**AC-R**	**RH**	**R-L**	**R-1**	**R-2**	**R-3**	**C-1**	**C-2**	**C-3**	**I-L**	**I-H**	**F-1**	**F-2**
Animal Services:																		
Animal Sales																P		
Kennels, Daycare & Boarding Facilities		C	C	C	C									C				C
Veterinarian Clinics, without outside runs												P	P	P				
Veterinarian Clinics			C		C							C	P	P				
Automotive:																		
Car Washes													C	P				
Gas Stations													C	P				
Automobile, Light Truck, RV, Personal Watercraft, or Motorcycle Sales & Service													C	P		P		
Day Care:																		
Adult Day Care			C				C	C	C	C	P	P	P					C
Day Care Centers & Nursery Schools			C				C	C	C	C	P	P	P					C
Family Day Care Homes	A[3]	A	A	A	A		A	A										
Financial Services:																		
ATM, standalone												P	P	P				
Banks, Banking Services												P	P	P				
Food & Beverage Sales/Service:																		
Breweries & Wineries															P	P		
Brew Pubs & Wine Pubs												P	P	C				
Micro-breweries & Micro-wineries													C	P	P	P		
Nano-breweries & Nano-wineries												P	P	P	P	P		
Drinking Places												C	C	C				
Grocery Stores, Markets, & Delis (3,000 sf or less)												P	P					
Grocery Stores, Markets, & Delis (any size)													P	P				
Limited-Service Restaurants												P	P	P	P	P		
Full-Service Restaurants													P	P	P	P		
Mobile Food Services															P	P		
Restaurants, with drive-thrus/drive-ins													C	C				
Home-Based Businesses:																		
Cottage Industry*	C	C	C	C	C												C	C

Home Business*	A	A	A	A	A	A	A	A										
Home Occupation*	A	A	A	A	A	A	A	A	A	A	A							
Information & Media:																		
Data Processing, Hosting, & Related Services															P	P		
Media & Information Production												P	P	P	P	P		
Offices:																		
Contact Centers and Call Centers														P	P			
Leasing & Management Offices										A	A							
Professional Offices												P	P	P	P			
Retail Sales:																		
Agriculture-Related Retail	C[3]	C										P	P	P				
Commercial Auctions, Flea Markets		C	C	C										C				
Drug Stores												P	P	P				
Lumberyards														P		P		
Mobile Home or RV Sales														P		P		
Open Sales Lots														C		P		
Retail, Non-Store															P	P		
Retail, General												P	P	P				
Services:																		
Personal & Household Goods Repair & Maintenance														P	P	P		
Personal Instructional Services												P	P	P	P			
Services, General												P	P	P				
WAREHOUSING, STORAGE, & DISTRIBUTION																		
	A-P	**A-1**	**A-2**	**A-3**	**A-R**	**AC-R**	**RH**	**R-L**	**R-1**	**R-2**	**R-3**	**C-1**	**C-2**	**C-3**	**I-L**	**I-H**	**F-1**	**F-2**
Building & Landscaping Materials Suppliers														P		P		
Contractor's Office and Storage Yards														C				
Distribution Facilities & Fulfillment Centers															P	P		
Flex Space														P	P	P		
Fuel Storage														C		P		
Fulfillment Center for Consumer Packages												A	A	A	A			
Non-Farm Bulk Storage, Processing, and/or Distribution of Local Agricultural Products			C											P		P		

Non-Farm Storage and Sale of Seed, Feed, Fertilizer, Herbicides, and/or Pesticides			C											P		P		
Outside Storage of Equipment & Vehicles	A	A	A	A										A	A	A		
Parking of trucks or delivery vehicles used in conjunction with Principal Use												A	A	A	A	A		
Private, Non-Commercial Storage Buildings	A[3]	A	A	A			A	A	A	A	A	A	A	A	A	A		A
Self-Storage Facilities													P	P				
Vehicle Towing & Storage Facilities																P		
Warehousing														P	P	P		
Wholesaling														P	P	P		
INDUSTRIAL & PRODUCTION																		
	A-P	**A-1**	**A-2**	**A-3**	**A-R**	**AC-R**	**RH**	**R-L**	**R-1**	**R-2**	**R-3**	**C-1**	**C-2**	**C-3**	**I-L**	**I-H**	**F-1**	**F-2**
Asphalt & Concrete Batching, Ready-Mix Operations, or Concrete Crushing																C		
Gas & Oil Pipelines																C	C	
Hazardous Waste Handling, Storage, & Disposal Facilities*														C		C		
Industrial Services														P		P		
Machinery, Heavy Equipment, Heavy Truck, Agricultural Equipment, or Construction Equipment Sales & Service														C		P		
Manufacturing, Light															P	P		
Manufacturing, General															P	P		
Manufacturing, Intensive																P		
Nonmetallic Mineral Extraction Operations*	C[2]	C		C												C	C	C
Nonmetallic Mineral Mine Reclamation*	C[2]	C		C												C	C	C
Planned Industrial Parks															C	C		
Research & Development Facilities															P	P		
Resource Recovery Facilities*													C	C	P	P		
Salvage Yards, Resource Recovery Processing Facilities*, & Junkyards																C		
Sawmills	p[4]	C	C													P	C	C

TRANSPORTATION & INFRASTRUCTURE																		
	A-P	**A-1**	**A-2**	**A-3**	**A-R**	**AC-R**	**RH**	**R-L**	**R-1**	**R-2**	**R-3**	**C-1**	**C-2**	**C-3**	**I-L**	**I-H**	**F-1**	**F-2**
Transportation, communications, pipeline, electric transmission, utility, or drainage uses not covered by Section 18.44	C[2]																	
Communications Facilities:																		
Wireless Communication Services & Other Telecommunications Facilities*	C[2]	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Transportation & Parking:																		
Airports & Related Facilities			C													C		
Freight Terminals																C		
Ground Passenger Transportation Facilities														C		C		
Highway Maintenance Shops & Yards																P		
Parking Facilities (Public or Private)											P	P	P	P	P	P		
Railroad Facilities																C		
Utilities:																		
Essential Services and Ancillary Uses*	C[2]	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Power Generation Facilities																C		
Utility Buildings & Structures	C[2]	C	C	C	C		C	C	C	C	C	C	C	C	C	C	C	C
Waste-Related:																		
Commercial Composting Facility		C														C		
Hazardous Waste Disposal														C		C		
Landfills, Private																C		
Landfills, Public	C[2]	C														C		
Recycling Drop-Off Stations & Municipal Waste Drop-Off Stations*			C	C			C				A	C	P	P	P	P		

TEMPORARY & SEASONAL																		
	A-P	**A-1**	**A-2**	**A-3**	**A-R**	**AC-R**	**RH**	**R-L**	**R-1**	**R-2**	**R-3**	**C-1**	**C-2**	**C-3**	**I-L**	**I-H**	**F-1**	**F-2**
Model Homes & Real Estate Sales Offices*							P	P	P	P	P							
Seasonal Sale of Agricultural Products Primarily Produced on Premises	P	P																
Seasonal Structures	P	C	C														C	
Special Events, Major*	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C	C	C
Special Events, Minor*	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

Temporary Asphalt & Concrete Batching, Ready-Mix Operations, or Concrete Crushing	C	C													P			
Temporary Construction Offices & Structures							P	P	P	P	P	P	P	P	P	P		
Temporary Farmers Markets	P	P	P	P	P	P	P	P	P	P	P	P	P					
Temporary Housing for Seasonal Farm Help	C	C																
Temporary Seasonal Roadside Sales	P	P	P		P	P												
ACCESSORY USES*																		
	A-P	**A-1**	**A-2**	**A-3**	**A-R**	**AC-R**	**RH**	**R-L**	**R-1**	**R-2**	**R-3**	**C-1**	**C-2**	**C-3**	**I-L**	**I-H**	**F-1**	**F-2**
Accessory activities and uses not expressly listed here, but customarily associated with permitted or conditional principal uses												P	P	P	P	P	P	P
Other:																		
Mail Kiosks							P	P	P	P	P	P	P	P	P	P		
Non-commercial alternative energy facilities: solar or wind energy	P[3]	P	P	P	P	P	P	P	P	P	P	p	p	P	p	p	p	P
Non-commercial alternative energy facilities such as biofuels & methane digesters	P[3]														P	P		
Residential:																		
Rental of principal or secondary residences in existence on a farm as of January 1, 2014 and no longer utilized in the operation of a farm	P																	
Sales:																		
Sale of Crafts or Related Products that are incidental to the primary agricultural use of the property	P	P	P	P														
Storage:																		
Storage of recreational or motor vehicles and agriculture equipment in accessory structures that were in existence as of January 1, 2014 as specified under 18.46.050	P																	
Truck bodies, semi trailers and shipping containers used for storage*	C	C	C	C										P	P	P		C

*Permission, standards, and location determined by Subtitle III, Use Regulations. Use regulations may apply whether the use is permitted, conditional, or accessory.

[1] All residential uses in the A-P District shall meet the definition of a farm residence in . Chapter 18.162.

[2] Conditional uses in the A-P District shall meet the applicable siting criteria of Wis. Stat. §§ 91.46.

[3] Accessory uses in the A-P District shall also comply with Wis. Stat. §§ 91.44 or Wis. Stat. §§ 91.46 and shall meet the use definition in Wis. Stat. §§ 91.01 (1).

[4] Agricultural uses in the A-P District shall also comply with Wis. Stat. §§ 91.44 or Wis. Stat. §§ 91.46 and shall meet the use definition in Wis. Stat. §§ 91.01 (3).

SUBTITLE III. USE REGULATIONS

Chapters:

18.40	Generally
18.41	Accessory Uses & Structures
18.42	Adult Establishments
18.43	Camping Units
18.44	Essential Services
18.45	Hazardous Waste Handling, Storage, & Disposal Facilities
18.46	Home Occupations, Home Businesses, & Cottage Industries
18.47	Housing
18.48	Manufactured Home Communities
18.49	Nonmetallic Mineral Extraction Operations
18.50	Non-Commercial Raising of Animals & Birds
18.51	Recycling & Municipal Waste Drop-Off Stations, Resource Recovery Facilities, & Resource Recovery Processing Facilities
18.52	Short-Term Rentals
18.53	Telecommunications Facilities
18.54	Temporary Structures and Uses
18.55	Wind Energy Systems
18.56	Solar Energy Systems
18.70	General Provisions
18.71	Access Management & Driveways
18.72	Building Height
18.73	Fences & Screening
18.74	Landscaping & Tree Preservation
18.75	Lot Development
18.76	Outdoor Lighting
18.77	Parking & Loading
18.78	Signs
18.79	Sound

Chapter 18.40

GENERALLY

Sections:

18.40.010 **Applicability.**
18.40.020 **Relationship to use table.**

18.40.010 Applicability. This subtitle is part of the Eau Claire County Zoning Ordinance and is subject to town approval as provided in Wis. Stat. § 59.69. This Section establishes standards for the uses listed in each section. These standards:

A. Supplement the standards in Subtitle II Zoning Districts or Subtitle IV Development Standards, or

B. Where indicated, supersede the standards in Subtitle II Zoning Districts or Subtitle IV Development Standards. (Ord. 167-3, Sec. 1, 2023)

18.40.020 Relationship to use table. Relationship to Use Table. This Section applies regardless of the Zoning District where the use is located or whether the use is permitted by right or as a Conditional Use, unless otherwise indicated in this Section. (Ord. 167-3, Sec. 1, 2023)

Chapter 18.41

ACCESSORY USES & STRUCTURES

Sections:

18.41.010 **Generally.**
18.41.020 **Agricultural accessory uses.**
18.41.030 **Private race tracks.**
18.41.040 **Private recreational facilities.**
18.41.050 **Raising of poultry and bees.**

18.41.010 Generally.

A. Accessory Uses.

1. Accessory uses are permitted uses requiring no additional approval unless the use table in Chapter 18.33 or a specific use regulation in this subtitle describes the need for a conditional use permit (see Chapter 18.103).

2. Any principal use permitted in a district may also be established as an accessory use.

B. Accessory Structures.

1. Maximum Footprint of Accessory Structures in Residential Districts.

a. In the RH, R-L, R-1, and R-2 districts, the maximum cumulative footprint of all accessory structures located on a lot is based on the total lot area, in accordance with Table 18.41.010-1.

b. In the R-3 district, the maximum cumulative footprint of all accessory structures located on a lot is the greater of: the maximum footprint specified in Table 18.41.010-1 or400 square feet per dwelling unit.

c. Construction of one or more accessory structures that exceed the maximum cumulative footprint specified in Table 18.41.010-1 requires a conditional use permit (see Section 18.103).

d. Swimming pools, solar energy structures and any structure 150 square feet or less in area are exempt from the footprint calculation.

Table 18.41.010-1 Maximum Footprint of Accessory Structures in Residential Districts

Lot Area	Maximum Cumulative Footprint of Accessory Structures
Less than 1 ac	1,600 sf
1.00 to 2.99 ac	1,800 sf
3.00 to 4.99 ac	2,100 sf
5.00 ac and greater	2,400 sf
ac = acre | sf = square feet	

2. Uses Permitted. Unless approved as an Accessory Dwelling Unit, accessory structures shall not contain any living area, including but not limited to bedrooms, living rooms, bathrooms, or kitchens.

3. Appearance. Accessory structures shall be compatible with the design, style and appearance of the principal structure on the property.

4. Residential Accessory Structures Constructed Prior to Principal Dwellings. An accessory structure may be constructed on a property prior to construction of a principal dwelling if:

a. A principal dwelling is constructed on the property within 2 years,

b. The use of the structure is a permitted accessory use in the district, and

c. Sanitary and building permits have been issued, if applicable.

5. Land Use Permit Required. A land use permit is required prior to construction of any accessory structure, except as provided below.

a. Accessory structures are exempt from the requirement to obtain a land use permit, if the accessory structure:

i. is 100 square feet or less in size;

ii. is 6 feet or less in height;

iii. does not have a foundation;

iv. meets accessory structure setbacks for the district in which it is located;

v. contains a use that is permitted in the district; and

vi. has no telephone, water, or sewer service.

(Ord. 167-3, Sec. 1, 2023)

18.41.020 Agricultural accessory uses.

A. Agricultural Accessory Uses shall be subordinate to a Principal Agricultural Use in the A-P, A-1, A-2, and A-3 Districts and cannot be engaged in unless a Principal Agricultural Use is actively maintained on the same parcel of land.

B. Determination of the existence of a Principal Agricultural Use shall be made upon review of the most recent tax assessment records for the parcel, demonstrating that more than 50% of a contiguous farm is assessed as agricultural under Wis. Stat. § 70.32(2)(a). (Ord. 167-3, Sec. 1, 2023)

18.41.030 Private race tracks.

A Private Race Track is a Conditional Use.

B. All Private Race Tracks shall meet the following criteria:

1. The property must be owner-occupied.

2. The track cannot be closer than 500 feet from an adjoining residence or barn, within 200 feet of a property line, or within 300 feet of a stream, river, lake, pond, or flowage.

3. A storm water management plan and erosion control plan in compliance with Chapter 17.05 shall be submitted to and approved by the land conservation division.

4. The track cannot be lighted and can only be operated between 9 a.m. and 8 p.m. and not on Sundays.

5. The track shall be restored to the land's original landscape or contours and condition if the track is not operated for one year. A surety bond or line of credit shall be acquired to insure restoration. The bond or line of credit shall name the town in which the track is located as a holder of the bond or line of credit.

6. At the property line, there shall be no excessive noise or dust. (Ord. 167-3, Sec. 1, 2023)

18.41.040 Private recreational facilities.

A. Applicability. This Section applies to Private Recreational Facilities allowed as accessory uses and structures in the A-P, A-1, A-2, A-3, A-CR, RH, R-L, R-1, R-2, and R-3 districts.

B. Swimming pools with a depth capacity of 2 feet or more, provided that:

1. The pool, pump, and filter are not located closer than 10 feet to any property line or 50 feet from a street right-of-way;

2. The pool is located per 8.12.150 A. 1. (setbacks from private onsite sanitary systems) and no electrical power lines are located over the pump, pool, or filter.

C. Tennis courts, provided that:

1. No part of the tennis court is located closer than 20 feet to a property line;

2. If lights are installed for night play, they must be turned inward to minimize glare on the road or adjacent property;

3. The playing area shall be properly fenced to prevent misguided balls from going out onto roads or adjacent property.

D. Ice Rinks, provided that:

1. No part of the ice rink/structure is located closer than 20 feet to a property line;

2. If lights are installed for night play, they must be turned inward to minimize glare on the road or adjacent property;

3. The playing area shall be properly walled or fenced to prevent misguided pucks/balls from going out onto roads or adjacent property;

4. The rink shall not be permanent. Rinks must be set up and removed on an annual basis and follow the guidelines below:

a. The ice rink shall not be erected prior to November 1.

b. The ice rink shall be taken down by April 30. (Ord. 167-3, Sec. 1, 2023)

18.41.050 Raising poultry and bees. The raising of poultry or bees is a permitted use in some districts and a permitted accessory use in the residential districts (see the Use Table, Chapter 18.33). When permitted as an accessory use in a residential district, both uses are subject to the requirements of Title 8. (Ord. 167-3, Sec. 1, 2023)

Chapter 18.42

ADULT ESTABLISHMENTS

Sections:

18.42.010 Purpose.
18.42.020 Applicability.
18.42.030 Permitting.
18.42.040 Standards for adult establishment uses.

18.42.010 Purpose. It is the intent of these regulations to protect the health, safety, general welfare and morals of the residents of Eau Claire County, to preserve the quality of family life, to preserve the rural and urban characteristics of its neighborhoods in Eau Claire County and to prevent adverse and deleterious effects contributing to the blight and downgrading of neighborhoods. Being mindful of the effects of adult entertainment upon minors and the criminal activity and disruption of public peace associated with adult establishments, while also giving due consideration to civil rights of persons partaking in adult entertainment, it is the intent of this section to regulate the location of establishments of adult entertainment. By the enacting this ordinance, the Eau Claire County Board of Supervisors does not intend to give any explicit, implicit or tacit approval or condone any activity relating to adult establishments. (Ord. 167-3, Sec. 1, 2023)

18.42.020 Applicability. This section applies to any Adult Establishment. For purposes of this section, an "Adult Establishment" includes any of the following uses as defined in Chapter 18.162:

A. Adult Bath House,
B. Adult Body Painting Studio,
C. Adult Bookstore,
D. Adult Cabaret,
E. Adult Massage Parlor,
F. Adult Mini Motion Picture Theater,
G. Adult Modeling Studio,
H. Adult Motion Picture Theater,
I. Adult Motion Picture Theater (Outdoor),
J. Adult Novelty Store, and
K. Adult Video Store. (Ord. 167-3, Sec. 1, 2023)

18.42.030 Permitting.

A. Adult Establishment Land Use Permit Process. All Adult Establishments are considered permitted uses and shall be approved or denied within 30 days after a complete Land Use Permit application is submitted. If a final decision on the Land Use Permit is not rendered within 30 calendar days, the use is deemed approved unless the applicant consents to an additional time period as stated in writing.

B. Judicial Review.

1. Filing. A denial or revocation of a Land Use Permit under this section is appealable to a court of competent jurisdiction as provided in Wis. Stat. § 59.694(10). The appeal of a denial or revocation under this section is subject to the same rules and procedures, and shall be conducted in the same manner, as prescribed for judicial review under Wis. Stat. § 59.694(10). However, subsections b. through d. below apply to a petition for judicial review filed under this section.

2. Transmittal of Record. Within 10 days from the date the County is served with the petition, the Planning and Development Department Director shall prepare the County's record for the petitioner to transmit to the court.

3. Temporary Land Use Permit. Upon the filing of any court action to appeal, challenge, restrain, or otherwise enjoin the County's enforcement of the denial, suspension, or revocation, the Planning and Development Department Director shall immediately issue the applicant a provisional Land Use Permit. The provisional Land Use Permit shall allow the applicant to operate the sexually oriented business or to continue employment as a sexually oriented business employee and will expire upon the court's entry of a judgment on the applicant's appeal or other action to restrain or otherwise enjoin the County's enforcement.

4. Application of this Section during Provisional Land Use Permit periods. Adult Establishments operating under provisional Land Use Permits are subject to subsection D.3, D.4, D.5, D.6, D.7, and D.8. (Ord. 167-3, Sec. 1, 2023)

18.40.040 Standards for adult establishment uses. In addition to all other applicable requirements of this Ordinance, all Adult Establishments shall meet the following standards:

A. No Adult Establishment shall be permitted within 1,320 feet of the center of any public entrance to a school, library, church, park, playground or daycare facility. The distance shall be measured along the shortest route along the street or highway between the points where lines perpendicular to the centers of the public entrances intersect with the street or highway.

B. No Adult Establishment shall be permitted within 500 feet of property zoned A-P, A-1, A-2, A-3, A-CR, RH, R-L, R-1, R-2 or R-3. The distance shall be measured from the center of any public entrance of the Adult Establishment in a straight line to the closest point of the other property.

C. Such use shall not be located within 1,000 feet of another Adult Establishment.

D. Parking shall comply with Chapter 18.77, and all parking shall be provided in a lighted area.

E. There shall be no pornographic displays or signs depicting Specified Sexual Activities or Specified Anatomical Areas in display windows on the premises.

F. The hours of operation for Adult Establishments shall be from 8:00 a.m. to 2:00 a.m.

G. Outdoor Adult Motion Picture Theaters shall also have the viewing screen located in such a fashion as to not be visible from any road, street or highway or residence and the premises shall be surrounded by solid fencing at least eight feet in height. All theaters shall comply with Wis. Stat. § 134.46.

H. The Owner and/or operator of the Adult Establishment shall comply with all federal, state and local laws and ordinances, including obscenity, liquor and cabaret laws, and shall further ensure that minors are not permitted on the premises. Solicitation for purposes of prostitution shall be strictly prohibited.

I. Violation of these provisions is declared to be a public nuisance per se.

J. Nothing in this subsection is intended to authorize, legalize or permit the establishment, operation or maintenance of any business, building or use which violates any county ordinance or statute of the state of Wisconsin regarding public nuisances, noise, sexual conduct, lewdness or obscene or harmful matter or the exhibition or public display thereof. (Ord. 167-3, Sec. 1, 2023)

Chapter 18.43

CAMPING UNITS

Sections:

18.43.010 **Generally.**
18.43.020 **Permitting and requirements.**

18.43.010 Generally.

A. A camping unit shall not be used as a permanent residence or as an accessory structure.

B. If a camping unit is located in the Floodplain Overlay District or Shoreland Overlay District, the camping unit shall be sited in accordance with the provisions of Chapter 18.200 or Chapter 18.260, as applicable. (Ord. 167-3, Sec. 1, 2023)

18.43.020 Permitting and requirements.

A. Any camping unit located outside of an approved campground shall meet the following requirements:

1. Duration & Permitting Requirements.

a. A camping unit placed on an undeveloped or developed parcel for up to 15 cumulative days in a calendar year is not required to obtain a land use permit. Placement of camping units on a developed parcel for more than 15 days for any other purpose, other than storage under sub. 8 below, shall not be permitted.

b. A camping unit placed on an undeveloped parcel for temporary or intermittent dwelling purposes for more than 15 days in a calendar year, with a maximum consecutive time period of 90 days in a calendar year, is required to obtain a land use permit prior to placement of the camping unit.

2. Number of Camping Units. No more than one camping unit shall be located on any parcel.

3. Dimensional Requirements. The camping unit shall meet all dimensional requirements of the district in which it is located.

4. Sanitary Waste Disposal. If placed for more than 15 days in a calendar year, the camping unit shall be provided with a pit privy or other waste disposal system meeting the requirements of the Eau Claire County Sanitary Code Section 8.12 and the State of Wisconsin.

5. Property Address. If placed for more than 15 days in a calendar year, the camping unit shall obtain a property address from the department.

6. Camping Unit to Remain Mobile. At all times, the camping unit shall remain mobile, meaning the unit is not dismantled or wheels removed in any way to render the unit immobile.

7. Removal Affidavit. The owner of the camping unit shall sign a removal affidavit which stipulates the prompt removal of the camping unit from the undeveloped property following the conclusion of the 90-day period.

8. Temporary or Seasonal Storage of Camping Units. An unoccupied camping unit may be temporarily or seasonally stored on a developed parcel with a principal building, if the camping unit:

a. is stored within a principal structure or accessory structure, or in the rear yard or side yard of the parcel provided setback standards are met,

b. is not connected to any utility including: electric, water, sewer, LP or natural gas, and

c. is owned by the owner of the developed parcel. (Ord. 167-3, Sec. 1, 2023)

Chapter 18.44

ESSENTIAL SERVICES

Sections:

18.44.010 Purpose.
18.44.020 Permitting.
18.44.030 Ancillary uses.
18.44.040 Additional requirements.

18.44.010 Purpose. Since essential services may affect urbanizing areas of the county, the location of all such essential services in any zoning district shall be filed with the department prior to actual construction or condemnation action. (Ord. 167-3, Sec. 1, 2023)

18.44.020 Permitting. Applications for essential services shall require a conditional use permit as regulated in Chapter 18.103 and shall be governed by the following procedures, unless located within highway or street right-of-ways or preempted by Wis. Stat. ch. § 196, where a certificate of convenience and necessity has been granted by the Wisconsin Public Service Commission:

A. The applicant shall file with the department such maps indicating location, alignment, and type of service proposed, together with the status of any applications made or required to be made to any state or federal agency.

B. The maps and accompanying data shall be submitted to the department for review and recommendation regarding their relationship to urban growth, land use, highways, and recreation area policies and plans.

C. Upon receipt of the above report, the committee shall consider the maps and accompanying data and shall indicate to the owner its approval or recommend modifications considered desirable to carry out the policy of this title. (Ord. 167-3, Sec. 1, 2023)

18.44.030 Ancillary uses. Ancillary uses associated with the essential service shall be subject to the conditional use permit process described in B. above unless explicitly described in the Chapter 196 certificate of convenience and necessity. (Ord. 167-3, Sec. 1, 2023)

18.44.040 Additional requirements. In the case of pipelines, the department may require modifications to protect existing agricultural drainage systems, tiles, or ditches, whether public or private. The department may also require the applicant to modify the depth or routing of the pipeline to accommodate future agricultural drainage systems, tiles, or ditches, whether public or private, if such information is provided by the landowner to the applicant within 60 days of the start of construction. (Ord. 167-3, Sec. 1, 2023)

Chapter 18.45

HAZARDOUS WASTE HANDLING, STORAGE, & DISPOSAL FACILITIES

Sections:

18.45.010 Applicability.
18.45.020 Definition.
18.45.030 Compliance with state & federal law.
18.45.040 Hazardous waste transfer.
18.45.050 Fencing.
18.45.060 Lighting.
18.45.070 Conditional use permit.

18.45.010 Applicability. A Hazardous Waste Handling, Storage, & Disposal Facility is a Conditional Use in the I-H and C-3 Districts. (Ord. 167-3, Sec. 1, 2023)

18.45.020 Definition. Hazardous waste covered by this section includes all those materials listed as hazardous wastes by the state and federal codes or regulations as they are written or exist now or as amended in the future. (Ord. 167-3, Sec. 1, 2023)

18.45.030 Compliance with state & federal law. A prerequisite and continuing requirement for these facilities shall be complete and continuous compliance with state and federal codes and regulations as well as continuous permit or licensing currency. Violations of the terms and conditions of this permit, federal or state laws, codes or regulations may be considered cause for revocation of the Conditional Use permit. (Ord. 167-3, Sec. 1, 2023)

18.45.040 Hazardous waste transfer. All transfer of hazardous wastes shall be carried out within an enclosed and secured dock used exclusively for that purpose.

18.45.050 Fencing. The entire facility shall be fenced with a security fence. (Ord. 167-3, Sec. 1, 2023)

18.45.060 Lighting. Low intensity shielded security lighting shall be provided. (Ord. 167-3, Sec. 1, 2023)

18.45.070 Conditional use permit. Conditions may be placed upon these uses regarding hours of operation, setbacks, screening, emissions of odor, noise, or any other reasonable restriction that promotes the public health, safety and general welfare. (Ord. 167-3, Sec. 1, 2023)

Chapter 18.46

HOME OCCUPATIONS, HOME BUSINESSES, & COTTAGE INDUSTRIES

Sections:

18.46.010 **Purpose.**
18.46.020 **Applicability & definitions.**
18.46.030 **Home occupations.**
18.46.040 **Home business.**
18.46.050 **Cottage industries.**

18.46.010 Purpose. The purpose of this section is to set standards under which home occupations, home businesses, and cottage industries may be conducted so that such occupations, businesses, and industries do not undermine the purpose and intent of this title or the purposes of all agricultural and residential districts. (Ord. 167-3, Sec. 1, 2023)

18.46.020 Applicability & definitions. This section applies to any business conducted on the same lot as a residential dwelling. Home-based businesses are divided into home occupations, home businesses, and cottage industries, defined as follows:

A. A home occupation is defined in 18.46.030 and is authorized by this section without a hearing or permit.

B. A home business is defined in 18.46.040 and requires issuance of a land use permit.

C. A cottage industry is defined in 18.46.050 and requires issuance of a conditional use permit. (Ord. 167-3, Sec. 1, 2023)

18.46.030 Home occupations.

A. A home occupation is allowed without a land use permit in all zoning districts specified in Chapter18.33, if the home occupation conforms to the following performance standards:

1. The home occupation is conducted entirely within the principal dwelling unit;
2. 25% or less of the floor area of the principal dwelling unit is devoted to the home occupation;
3. No person, other than a resident of the dwelling, is employed by the home occupation;
4. No inventory of a commodity is sold on a regular basis from the dwelling;
5. No nuisances are produced by the home business including, but not limited to, smoke, glare, vibrations, noises, or odors that may be discernible by neighbors proximate to the dwelling unit.

6. Signage is allowed in accordance with Chapter 18.78;

7. All lighting related to the home occupation is directed on-site and shielded to reduce glare to adjacent areas;

8. There is no outside storage or display of products, materials, or equipment related to the home occupation;

9. Traffic and delivery or pickup of goods shall not exceed that normally created by residential uses;

B. In compliance with Wis. Stat. § 91.01 (1) (d), a home occupation in the certified agricultural preservation districts:

1. is limited to operation by the owner or operator of the farm;

2. shall not impair or limit the current or future agricultural use of the farm or of other protected farmland; and

3. requires no buildings, structures, or improvements other than those that are an integral part of, or are incidental to, an agricultural use or the farm residence. (Ord. 167-3, Sec. 1, 2023)

18.46.040 Home businesses.

A. Where Permitted. Home businesses are permitted accessory uses in the zoning districts specified in Chapter 18.33, Use Table.

B. Land Use Permit Required. Home businesses require a land use permit in accordance with Chapter 18.102.

C. Performance Standards. All home businesses shall conform to the following performance standards:

1. Number of Home Businesses. A maximum of 2 home businesses are permitted per lot or building site. In no instance shall there be more than 2 home businesses on a lot or building site, whether those enterprises are a home occupation and/or a home business;

2. Size. The home business shall occupy no more than 1,000 square feet or 50% of the floor area of the dwelling unit, whichever is less, including the aggregate of all area used for business purposes in the dwelling unit and in accessory buildings. Note: use of more than 25% of the floor area of the dwelling unit for commercial use requires compliance with the Wisconsin Commercial Building Code.

3. Operator & Employees.

a. The home business is conducted by a resident of the dwelling unit.

b. No more than 1 full time equivalent employee that is not a resident of the premises is employed by each home business on the lot.

4. Patrons or Participants. Patrons or participants are limited to 5 or fewer on-site at any one time.

5. Parking. Off street parking is provided in accordance with the requirements of Chapter 18.77.

6. Sanitation. Sanitary facilities are provided per county and state sanitary code requirements.

7. Signage. Signage is allowed in accordance with Chapter 18.78.

8. Lighting. All lights related to the home business are directed on-site and shielded to reduce glare to adjacent areas.

9. Access. The business site has direct access to only state, county, or town roads. Direct access to private roads or easements is not allowed.

10. Sales. Sales in connection with the business activity are limited to merchandise manufactured by the home business, items accessory to a service (such as haircare products for a beauty salon), catalog or e-commerce sales, or other products related to or incidental to the business.

11. Products. Traffic and delivery or pickup of goods /products does not exceed that normally created by residential uses.

12. Nuisance. No nuisances are produced by the home business including, but not limited to, smoke, glare, vibrations, noises, or odors that may be discernible by neighbors proximate to the dwelling unit.

13. Vehicles. Any vehicles used in conjunction with the business, and that advertise the business, are stored inside a building between the hours 7 p.m. and 6 a.m.

D. Certified Agricultural Preservation Districts. In compliance with Wis. Stat. § 91.01 (1) (d), a home business in the certified districts:

1. is limited to operation by the owner or operator of the farm;

2. shall not impair or limit the current or future agricultural use of the farm or of other protected farmland; and

3. requires no buildings, structures, or improvements other than those that are an integral part of, or are incidental to, an agricultural use, or the farm residence.

E. Types of Home Businesses. The following types of businesses are allowed as a home business but are not necessarily limited to:

1. Barber or beauty shops;
2. Massage therapy;
3. Art or photography studios;
4. Professional offices, including, but not limited to, physicians, chiropractors, dentists, lawyers, real estate brokers, insurance agents and contractors, nurse-practitioners, clergyman, architects, engineers, and professional land surveyors;
5. Teachers;
6. Authors;
7. Musicians;
8. Pet groomers;
9. E-commerce businesses;
10. Taxidermists; and
11. Seasonal related businesses. (Ord. 167-3, Sec. 1, 2023)

18.46.050 Cottage industries.

A. Where Permitted. Cottage industries are a conditional accessory use in the zoning districts specified in Chapter 18.33, Use Table.

B. Conditional Use Permit Required. Cottage industries require a conditional use permit in accordance with Chapter 18.103.

C. Development & Performance Standards. All cottage industries shall conform to the development standards in the applicable zoning district and the following performance standards:

1. Operator. The owner and operator of the cottage industry resides on the lot.

2. Lot Area. The total land area occupied by the cottage industry and the principal residential use, including portions of the lot occupied by buildings, storage areas, and workplaces devoted to the cottage industry is a minimum of 3 acres.

3. Employees. No more than 5 employees who are not residents are employed with the cottage industry.

4. Building Size.

a. The appurtenant and accessory structure used as a cottage industry does not occupy a total area greater than 2,400 square feet.

b. If located within a dwelling unit, the total area of the cottage industry does not occupy more than 50% of the floor area of the dwelling unit.

5. Storage.

a. Any outdoor storage of materials, including building or construction materials, unregistered or registered vehicles, junk vehicle parts, trailers, boats, small engine equipment or heavy equipment, firewood or lumber, storage of earthen materials not to exceed 100 cubic yards or other items related to the industry, except for activities related to the growing and storing of plants, is completely screened year-round from the road and from neighboring properties.

b. Customer vehicles that require service or are being repaired are repaired immediately and in no event remain on the premises for longer than 2 weeks.

c. The storage of vehicles and equipment is related to the cottage industry business.

6. Screening.

a. The cottage industry business and associated use areas are visually compatible with neighboring lots and uses and should not be visible from the street.

b. Landscaping and screening may be required by the committee if it is determined that the use needs to be sufficiently screened from view of adjacent residences. Screening may be accomplished through the use of site location, topography, landscaping buffer, earth berm, fencing (tight-board wood or plastic fence), the retention of native vegetation, or a combination thereof.

7. Operation.

a. All activity related to the conduct of the business or industry, except for activities related to the growing and storing of plants, is conducted or stored within an enclosed structure.

b. No business operations, activities, or transactions are conducted on any portion of the lot not approved for cottage industry use by the county.

8. Setbacks. Activities associated with a cottage industry, including materials or equipment storage, are located or conducted at least 50 feet from any adjoining property line.

9. Hours of Operation. The committee shall establish business hours during the conditional use permit review and approval process.

10. Traffic.

a. Traffic generated by the cottage industry does not:

ii. exceed the level of service adopted for the public roadway that accesses the use or

ii. generate significant pedestrian or vehicular traffic in excess of that normally generated by typical uses found within the particular district.

b. The cottage industry does not provide drive-through service.

11. Parking.

a. Off-street parking is provided in accordance with the requirements of Chapter 18.77.

b. The committee may establish conditions related to the maximum number of vehicles, equipment, and trailers that may be parked at any given time during business operations during the conditional use permit review and approval process.

12. Nuisance. No nuisances are produced by the cottage industry including, but not limited to, smoke, glare, vibrations, or odors that may be discernible by neighbors proximate to the dwelling unit.

13. Sales. Sales in connection with the activity are limited to merchandise manufactured or repaired on the premises, items accessory to a service, catalog or e-commerce sales, or other products related to or incidental to the primary business.

14. Display. The committee may allow the outdoor display of merchandise or seasonal products on the premises on a case-by-case basis.

15. Noise. The occupation does not exceed the maximum sound levels specified in 18.79.040 for the C-1 and C-2 districts;

16. Sanitation. Sanitary facilities are provided per county and state sanitary code requirements.

17. Lighting. All lights related to the cottage industry are directed on-site and shielded to reduce glare to adjacent areas.

18. Interference. There is no visual or audible interference of radio or television reception by cottage industry operations.

19. Signage. Signage is allowed in accordance with Chapter 18.78.

D. Certified Agricultural Preservation Districts. In compliance with Wis. Stat. § 91.01 (1) (d), a cottage industry in the certified districts:

1. is limited to operation by the owner or operator of the farm;

2. shall not impair or limit the current or future agricultural use of the farm or of other protected farmland; and

3. requires no buildings, structures, or improvements other than those that are an integral part of, or are incidental to, an agricultural use, or the farm residence.

E. Additional Performance Standards and/or Conditions. The committee on planning and development may establish additional performance standards and/or conditions during the conditional use permit review and approval process as deemed necessary (see Chapter 18.103).

F. Types of Cottage Industries. The following types of industries may be allowed as a cottage industry:

1. Repair of motor vehicles and small engine and boat repair, including the construction and operation of racing machines such as stock cars, snowmobiles, and tractors;

2. Storage of motor vehicles and recreational vehicles in accessory structures that existed at the time of adoption of the zoning code;

3. Contractor businesses, including but not limited to landscapers, excavating contractors, building trade contractors, lawn maintenance businesses, snow plowing, well drillers, and septic tank haulers;

4. Wood related businesses (e.g., woodworking shops, firewood sales);

5. Pet care business;

6. Home bakery;

7. Furniture and repair and refinishing;

8. Pottery shop;

9. Electric repair businesses;

10. Sales of antiques and collectibles;
11. Ironworking, welding, or blacksmith shop;
12. Seasonal related businesses;
13. Home businesses that exceed 5 patrons or participants on-site at any one time;
14. Other uses determined by the land use manager that meet the standards for a cottage industry. (Ord. 167-3, Sec. 1, 2023)

Chapter 18.47

HOUSING

Sections:

18.47.010 Purpose.
18.47.020 Applicability.
18.47.030 Accessory dwelling units.
18.47.040 Caretaker residences.
18.47.050 Manufactured homes.
18.47.060 Multiple-Family housing.
18.47.070 Single family dwellings.
18.47.080 Tiny homes.

18.47.010 Purpose. This section:

A. Accommodates housing types that diversify Eau Claire housing stock, provide a broad choice of housing types, and affordable housing options, and

B. Promotes the efficient use of land as a result of housing sizes and configurations that provide living arrangements in compact land areas, and

C. Ensures that accessory dwelling units, caretaker residences, manufactured homes, single-family dwellings, and tiny houses do not change the character of the districts in which they are located and are compatible with other uses in their neighborhood. (Ord. 167-3, Sec. 1, 2023)

18.47.020 Applicability. This section applies to accessory dwelling units, caretaker residences, manufactured homes, single-family dwellings, and tiny houses. (Ord. 167-3, Sec. 1, 2023)

18.47.030 Accessory dwelling units.

A. Where allowed. See the use table, Chapter 18.33.

B. Number allowed. Only one ADU is allowed on a lot.

C. Owner-Occupancy.

1. The Owner shall occupy either the principal dwelling unit or the accessory dwelling unit as his/her primary residence.

2. If neither unit is owner-occupied, the ADU may not be rented separately from the principal dwelling unit.

3. No subleases of the ADU are permitted.

D. Maximum number of occupants. The maximum number of occupants in an ADU is 1 family.

E. Mobile Homes and Manufactured Homes. Mobile homes and manufactured homes are allowed as accessory dwelling units if they are a permitted principal use in the district.

F. Height. The height of an ADU is limited to the lesser of:

1. The height limit for accessory structures in the applicable zoning district or

2. The height of the principal dwelling unit.

G. Floor Area. The floor area of an ADU is limited to the lesser of:

1. Equal to the square footage of the principal dwelling unit or

2. 1,200 square feet –excludes attached garages, basements, three season rooms, decks and porches.

H. Setbacks. An accessory dwelling unit shall conform to the principal structure setback requirements of the district.

I. Parking.

1. An ADU shall have a maximum of 2 off-street parking spaces, both with access to a public street from the existing driveway.

2. These spaces shall be located to the side or rear of the principal dwelling unit.

J. Deed Restriction Required. Prior to the issuance of a certificate of compliance, the owner shall record a deed restriction that:

1. Prohibits the conversion of the property to a condominium, and

2. Prohibits the subdivision of the property so that the accessory dwelling unit is located on its own lot, unless all applicable requirements for principal dwelling units are met. (Ord. 168-573, Sec. 5, 2025; Ord. 167-3, Sec. 1, 2023)

18.47.040 Caretaker residences.

A. Where allowed. See the Use Table, Chapter 18.33.

B. Number allowed. Only one caretaker residence is allowed on a lot.

C. Setbacks. A caretaker residence shall conform to the principal structure setback requirements of the district.

D. Height. A caretaker residence shall not exceed 2 stories or the height of the principal structure, whichever is less.

E. Number of bedrooms. A caretaker residence shall have no more than 3 bedrooms.

F. Parking. Parking may be provided as part of the parking area for the principal use. No additional parking is required.

G. Ownership. A caretaker residence shall be owned by the same person who owns the property and shall not be sold separately from the remainder of the property. (Ord. 167-3, Sec. 1, 2023)

18.47.050 Manufactured homes.

A. Where Allowed. See the Use Table, Chapter 18.33.

B. Installation. A manufactured home shall comply with the installation standards established by the Wisconsin Department of Safety and Professional Services.

C. Foundation. A continuous permanent masonry foundation or masonry curtain wall slab, unpierced except for required ventilation and access, shall be installed under the perimeter of manufactured home.

D. Moving Equipment Removed. The moving hitch, transporting lights, wheels and axles shall be removed.

E. Dimensions and Appearance.

1. The exterior siding shall consist predominantly of vinyl or metal horizontal lap siding (the reflectivity of which does not exceed that of gloss white paint), wood or hardboard, brick, stone or stucco comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction in the County.

2. Roofs must be covered with roofing material that is residential in appearance. This includes, but is not limited to, approved wood, standing-seam metal, asphalt composition shingles or fiberglass.

3. All roof structures shall provide an eave projection of at least 6 inches, which may include a gutter. (Ord. 167-3, Sec. 1, 2023)

18.47.060 Multiple-family housing.

A. Applicability. This section applies to new construction of multiple-family structures in the R-3, C-1, and C-2 districts.

B. Landscaping. Road setback, parking perimeter, and parking interior landscaping shall be provided in accordance with the requirements of 18.74.070.

C. Screening of exterior trash & recycling containers. Screening shall follow the requirements of 18.73.060. (Ord. 167-3, Sec. 1, 2023)

18.47.070 Single-family dwellings.

A. All single-family dwellings shall be constructed on a permanent foundation.

B. When located within or adjacent to a subdivision in any district, or when located in the AC-R, RH, R-L, R-1, R-2, or R-3 Districts, single-family dwellings, including modular homes but excluding manufactured homes and tiny houses, shall:

1. Have a minimum width of 24 feet,

2. Have a roof with a minimum slope of 3:12 or an engineered flat roof with a parapet wall, and

3. Have a minimum of an 8-inch Eave attached to at least 50% of the perimeter of the structure. (Ord. 167-3, Sec. 1, 2023)

18.47.080 Tiny houses.

A. Where allowed.

1. Tiny houses are permitted as a principal use in the A-2, A-3, RH, R-L, R-1, and R-2 Districts.

2. Tiny houses are permitted as accessory dwelling units in the A-2, A-3, RH, R-L, R-1, and R-2 Districts, subject to the supplemental regulations in this section and the use regulations for accessory dwelling units.

3. A Tiny house on wheels is considered a “camping unit,” and is only permitted in a campground.

B. General Standards. All tiny houses shall comply with the following:

1. Each house shall be located on its own individual lot, except when established as an accessory dwelling unit.

2. Construction of the house shall comply with any applicable building code.

3. Each house shall be installed on a permanent foundation, with wheels and chassis removed.

4. Each house shall be connected to water and sewer utilities (public water, public sewer, private well, and/or an approved septic system).

C. Porches. A tiny house permitted as a principal use shall have a porch that:

1. has a minimum width of 4 feet or 75% of the building façade width, whichever is greater, and

2. has a minimum depth 5 feet. (Ord. 167-3, Sec. 1, 2023)

Chapter 18.48

MANUFACTURED HOME COMMUNITIES

Sections:

18.48.010 Purpose.
18.48.020 Permitting.
18.48.030 Permitted & prohibited uses.
18.48.040 Development standards for manufactured home communities.
18.48.050 Development standards for manufactured home sites.

18.48.010 Purpose. The purpose of this section is to regulate the establishment and continuation of manufactured home communities in order to provide a safe and healthful environment for the residents thereof, to ensure environmental protection, and to minimize possible adverse effects on neighboring properties. (Ord. 167-3, Sec. 1, 2023)

18.48.020 Permitting.

A. Manufactured home communities are a conditional use in the R-3 district.

B. When reviewing an application for a manufactured home community, the committee shall consider the site and engineering plans, proximity to major traffic routes and shopping areas, and the impact on schools, public utility systems and neighboring land uses.

C. New construction of and additions to existing manufactured homes, and accessory structures first requires issuance of a land use permit and, if applicable, a building permit. (Ord. 167-3, Sec. 1, 2023)

18.48.030 Permitted & prohibited uses.

A. Permitted Uses. The following uses are permitted within manufactured home communities:

1. Manufactured homes used for single-family residential uses;
2. One single-family dwelling per manufactured home community for the owner, operator, or caretaker thereof;
3. Accessory structures, such as storage sheds, porches and carports, as approved by the community management;
4. Service buildings, such as community offices, laundromats, convenience stores, and recreational buildings, provided that such uses are subordinate to the residential character of the community and are intended for use primarily by community residents. Convenience establishments of a commercial nature shall not occupy more than 5% of the gross community area;
5. Home-based businesses, as permitted in Chapter 18.46.

B. Prohibited Uses. The following uses are expressly prohibited within manufactured home communities:

1. Commercial sales of manufactured homes, except the current existing manufactured homes located on the site may be sold; and

2. Travel trailers that do not meet the standards established under 18.49.030 A.6. shall not be permanently occupied for residential purposes. (Ord. 167-3, Sec. 1, 2023)

18.48.040 Development standards for manufactured home communities.

A. Floodplain Requirements. No new manufactured home communities or additions to existing manufactured home communities shall be located within a floodplain.

B. Community Size. The minimum size of a manufactured home community shall be 5 acres.

C. Density. The maximum density for a manufactured home community shall be 6 lots per gross acre.

D. Drainage. The ground surface in all parts of a manufactured home community shall be graded and equipped to drain all surface water in a safe, efficient manner away from individual home sites.

E. Landscaping. The manufactured home community shall be landscaped in accordance with the site plan submitted at the time of application and approved by the committee. Such plan shall include screening along the manufactured home community's exterior boundary line, established with a combination of fence, berm and/or plantings that achieve and maintain year-round opacity of 80%.

F. Open Space.

A minimum of 435 square feet of open space per home site shall be provided.

In manufactured home communities not served by public sewer, required open space areas shall not include any part of the on-site sanitary sewer system.

G. Access, Street, & Parking Requirements.

1. General Requirements. All manufactured home sites shall be provided with safe, convenient access to public streets and roads. Such access shall be provided by private streets located within the community boundaries.

2. Manufactured Home Community Entrances. Entrances to communities shall be designed to minimize congestion and hazards and allow free movement of traffic on adjacent streets. No entrance shall be from a local road through a residential subdivision.

3. Interior Streets.

a. Interior streets shall meet the paving requirements of Chapter 18.77.

b. Interior streets shall meet the following width standards:

2-Way Street	
On-street parking, both sides	32 feet
On-street parking, one side	25 feet
On-street parking prohibited	24 feet
1-Way Street	
On-street parking, one side	22 feet
On-street parking prohibited	18 feet

4. Parking.

a. A minimum of 2 improved off-street parking spaces shall be provided for each home site, at least one of which shall be located within 50 feet of the manufactured home it is intended to serve.

b. The number of parking spaces for other uses within the community shall be computed according to the requirements of Chapter 18.77.

H. Utilities.

1. Water.

a. Each manufactured home community shall be served by either a community or public water supply system capable of delivering 250 gallons per day to each home.

b. All elements of the water supply system shall meet the requirements of local ordinances and state law.

2. Sewer System.

a. Whenever possible, manufactured home communities shall be serviced by public sewer systems. In such cases, plans for construction shall be approved by the governing body of the municipality having jurisdiction over the system.

b. If public sewer is not available, on-site sewage disposal systems shall be required to meet Wis. Admin. Code ch. SPS 383 and Chapter 8.12 of the Eau Claire County Code.

3. Electricity & Telephone. Electric and telephone service shall be provided to each home site, with the service lines being located underground whenever possible. (Ord. 167-3, Sec. 1, 2023)

18.48.050 Development standards for manufactured home sites. Each site for the placement of a manufactured home shall be clearly staked or otherwise delineated, and shall meet the following standards:

A. Floodplain Requirements. When an existing manufactured home located in a floodplain is replaced, the new home shall be protected as required by Wis. Admin. Code ch. NR 116.

B. Minimum Home Site Dimensions. Individual home sites within a manufactured home community shall contain a minimum of 6,000 sq. feet and have a minimum width of 50 feet at the narrowest point.

C. Improved Areas for Home Sites.

1. All home sites shall have a minimum improved site area of 17 feet by 70 feet intended for the placement of a home.

2. The home site shall be constructed to provide for adequate drainage, support against settling and frost heaves, and rodent control.

D. Home Site Coverage. The maximum coverage on an individual home site shall be 40%, which includes the manufactured home, additions, and accessory structures.

E. Setbacks.

1. Homes shall be separated from each other by a minimum of 20 feet on the sides and 50 feet on the rear.

2. No home shall be placed closer than 5 feet from an individual home side lot line or 10 feet from an individual home rear lot line.

3. No manufactured home shall be located closer than 50 feet to the exterior boundary of a community.

4. Additions and accessory structures such as cabanas, awnings, carports, sheds, decks, and porches can be constructed in the required yards but cannot be closer than 15 feet on the sides or 30 feet on the rear from adjoining homes, additions, or storage structures.

5. All structures including a home shall maintain a 25-foot setback from any interior or public road right-of-way.

6. For manufactured homes located in a manufactured home community that existed on March 1, 1983, the following standards shall apply:

a. Homes, additions, parking stalls, and accessory structures shall maintain a minimum of 10 feet on the sides and 16 feet on the rear from adjoining homes, additions, parking stalls, and accessory structures.

b. There shall be a minimum street yard setback of 10 feet from the edge of the community road right-of-way. No parking in front of a home is allowed where the street yard setback is less than 10 feet.

c. A home may maintain, at a minimum, the setback from the outside boundary of the community that the existing home has on the date of adoption of this amendment or the 50-foot requirement whichever is the lesser, except that no home shall be less than 10 feet from any community boundary.

d. Any existing reduced setbacks can be continued to be used if registered by July 1, 1999.

F. Anchoring & Skirting Requirements. All homes shall be tied down with anchors meeting the manufacturer's specifications for type, number and spacing. The home shall be skirted around the base with weather and rodent-proof materials. (Ord. 167-3, Sec. 1, 2023)

Chapter 18.49

NONMETALLIC MINERAL EXTRACTION

Sections:

18.49.010 Purpose.
18.49.020 Applicability.
18.49.030 Permitting.
18.49.040 Dimensional standards.
18.49.050 Development standards & general operating requirements.
18.49.060 Penalties.

18.49.010 Purpose. The purpose of this section is to:

A. Protect public health, safety, and general welfare;

B. Promote aesthetic values; and

C. Provide for environmentally sound reclamation of land disturbed by mining activities through an impartial series of standards and regulations governing the extraction of minerals. (Ord. 167-3, Sec. 1, 2023)

18.49.020 Applicability.

A. This section applies to all Nonmetallic Mineral Extraction Operations.

B. This section does not apply to any of the following activities:

1. Excavations or grading by a person solely for domestic use at their residence or farm operation.

2. Excavation or grading conducted for highway construction purposes within the highway or railroad right-of-way, excavating or grading done within the boundary of an airport or other transportation facility or for highway safety in or adjacent to a vision clearance triangle and where a reclamation plan is in place meeting the requirements of the Wisconsin Department of Transportation.

3. Preparing a construction site for a project which has been issued a building or zoning permit or is consistent with applicable zoning ordinances or restoring land following a flood or natural disaster.

4. Excavations for building construction purposes on the construction site for a project which has been issued a building or zoning permit.

5. Nonmetallic mining at nonmetallic mining sites where less than one acre of total affected acreage occurs on a parcel over the life of the mine.

6. Any mining operation, the reclamation of which is required in a permit obtained under Wis. Stat. ch. 293.

7. Any activities conducted at a solid or hazardous waste disposal site required to prepare, operate or close a solid waste disposal facility under Wis. Stat. chs. 289 or 291. This section applies to activities related to solid or hazardous waste disposal which are conducted at a nonmetallic mining site separate from the solid or hazardous waste disposal facility, such as activities to obtain nonmetallic minerals to be used for lining, capping, covering, or constructing berms, dikes, or roads.

8. Any nonmetallic mining site or portion of a site which is subject to permit and reclamation requirements of the DNR under Wis. Stat. § § 30.19, 30.195 and 30.20 and complies with Wis. Admin. Code ch. NR 340.

9. Nonmetallic mining conducted to obtain stone, soil, sand or gravel for construction, reconstruction, maintenance or repair of a highway, railroad, airport, or any other transportation facility or part thereof, if the nonmetallic mining is subject to the requirements of the Wisconsin Department of Transportation concerning the restoration of the nonmetallic mining site.

a. This exemption only applies to a nonmetallic mining operation with limited purpose and duration where the Wisconsin Department of Transportation actively imposes reclamation requirements and the operator reclaims the nonmetallic mining site in accordance with these requirements.

b. The duration of the exemption shall be specific to the length of the Wisconsin Department of Transportation contract for construction of a specific transportation project.

c. If a nonmetallic mining site covered under these provisions is used to concurrently supply materials for projects unrelated to the Wisconsin Department of Transportation project, the exemption in this paragraph still applies, provided that the site is fully reclaimed under Wisconsin Department of Transportation contract and supervision.

10. Dredging for navigational purposes, to construct or maintain farm drainage ditches and for the remediation of environmental contamination and the disposal of spoils from these activities.

11. Excavations subject to the permit and reclamation requirements of Wis. Stats. §§ 30.30 or 30.31. (Ord. 167-3, Sec. 1, 2023)

18.49.030 Permitting.

A. All Nonmetallic Mineral Extraction Operations are Conditional Uses.

B. Application Requirements. All operators seeking a conditional use permit for a nonmetallic mining site shall apply with the department. The application for a permit shall be submitted to the department on forms provided by the department. The application shall be signed and dated by the applicant. The applicant shall submit 12 complete hard copies, along with 1 digital copy in PDF searchable form, of the application and required documents required by this section.

1. Content of Application. The application for a conditional use permit shall include the following information:

a. The information required by 18.124.010.

b. A conditional use application fee required by Chapter 4.35 and the plan review fees required by 18.250.100.

c. Required information and plans conforming to this section.

d. An operational plan conforming to this section.

e. A reclamation plan conforming to 18.250.050 D. 1.

f. Proof of application for local, state and federal permits required to operate the nonmetallic mining operation.

g. To avoid duplication, the permit application and submittals required under this subsection may, by reference, incorporate existing plans or materials that meet the requirements of Title 18.

2. Required Information. The application submitted for a conditional use nonmetallic mining permit shall be accompanied by the following information:

a. A property survey completed by a Wisconsin professional land surveyor at a scale of not less than 200 feet to the inch showing the location of the tract or tracts of land with parcel identification numbers, to be affected by the proposed operation, including the proposed mine boundary.

b. The aerial extent of 1-inch equals 660 feet, with the mine boundary shown.

c. A topographic map of the property to be affected by the mine operation at contour intervals no greater than 5 feet and extending one half-mile beyond the mine boundary.

d. A map of all residential, agricultural, and municipal wells within 1/2 mile of the proposed mine site boundaries.

e. A map showing the location of the exploratory soil (removal soil) borings, including the GPS location of the soil (removal soil) borings, diameter of soil (removal soil) borings, depth to groundwater observed, the geologic composition and depth and width of the nonmetallic mineral deposit.

f. A vicinity map showing the location of the site within the town and county, including the following:

i. Names of owners of the tract or tracts of land to be affected by the mine and the adjacent property owners of the land within one half mile of the mine site.

ii. Locate and label all existing buildings within 1,000 feet of the outer perimeter of the mine boundary.

iii. The location and name of all surface water, including lakes, private or public ponds, streams (including intermittent streams and headwaters), drainage ditches, wetlands, drainage patterns and other water features on the site and within 1/2 mile of the proposed mine boundaries.

iv. Such other pertinent information may be required to determine the nature of the operation and the effect on the surrounding area as deemed necessary by the Committee.

3. Operational Plan. The application submitted for a conditional use nonmetallic mining permit shall be accompanied by an Operational Plan that includes the following information:

a. A map at a scale of not less than 200 feet to the inch, showing the proposed sequence of mining, direction of mining, depth of mining, and estimated volumes of material to be removed on an annual basis for the proposed life of the operation, including:

i. Cross-sections of the proposed nonmetallic mine at intervals of not more than 200 feet.

ii. The dates of the proposed commencement and cessation of the mine operation.

b. Daily hours of operation;

c. A map at a representative scale no less than 1-inch equals 200 feet, showing the following:

i. Stockpiles and storage yards.

ii. On-site haul roads.

iii. Permanent or temporary structures with their identification.

iv. Location of road access points.

v. Parking areas.

vi. Setbacks.

d. Estimate of daily quantity of water required, water source, and water disposition.

e. A description of all hazardous materials and hazardous wastes, including fuel supplies that will be stored on site and a description of measures to be used for securing and storing all hazardous materials and hazardous wastes stored on site. The following agencies shall be notified as to the type, volume and location of any hazardous waste kept on a nonmetallic mining site: Eau Claire County Sheriff's Department, Emergency Management Coordinator, and local fire protection district.

f. A map of all proposed transportation routes, within and outside the county, to be used to transport the mineral material from the mine to off-site processing plants or markets, including the frequency of traffic, type of vehicle used in transport, and the common schedule of travel to be used for transporting.

g. A description of all chemicals used in the manufacturing or processing operations or in controlling dust.

h. A description of the distribution, thickness, type of topsoil and plans for topsoil storage.

i. A description of measures to be taken to control noise and vibrations from the operations.

j. A description of the mining methods, machinery and equipment to be used for extraction and processing of extracted material.

k. A description of measures to be taken to screen the operation from view with earth banks, vegetative or other screening devices.

l. A lighting plan for the nonmetallic mining operation; including the type and style of lighting to be used and its power source.

m. A description of measures to be taken to assure compliance with applicable air and water quality standards maintained by the Wisconsin Department of Natural Resources. (Ord. 167-3, Sec. 1, 2023)

18.49.040 Dimensional standards.

A. The following dimensional standards supersede the requirements of the district:

Height (max)	No max
Street Setback (min)	See Section 18.71, Access Management & Driveways
Side Setback (min)	75 ft
Rear Setback (min)	75 ft

Notes: “min" = minimum required | “max” = maximum allowed | “ft” = feet

B. The Committee may consider allowing lesser property line setbacks for nonmetallic mining conveyors or pipes during the conditional use permit approval process consistent with a signed agreement between property owners. The committee may allow a lesser setback to the highway setbacks and yard setbacks provided the applicant has obtained approval from the unit of government having jurisdiction over the road.

C. Nonmetallic mining operation boundaries that will exceed 10 acres over the life of the mine shall not be located within 1,000 feet of a residential district (RH, R-L, R-1, R-2, R-3). (Ord. 167-3, Sec. 1, 2023)

18.49.050 Development standards & general operating requirements. The following requirements apply to all Nonmetallic Mineral Extraction Operations:

A. Buffer Zone.

1. A buffer zone of a least 75 feet from the active mine boundary to adjoining property lines and public thoroughfares shall be provided, unless there is a written agreement between adjoining owners both of whom hold valid nonmetallic mining permits under which they both agree to mine up to their common property line. Mining up to or into the right-of-way may be authorized where it is determined by the unit of government having jurisdiction over the road that such mining would be beneficial.

2. Areas within the buffer zone may be used for earthen berms, fencing, and egress/ingress (except for internal haul roads). The Committee may require additional screening to buffer the nonmetallic mining operation from and neighboring properties and uses.

3. Parking areas, unprocessed and processed materials stockpiles, equipment storage, fueling stations, and other related accessory uses such as offices and scales, are not allowed within the buffer zone.

B. Screening.

1. Where practical, an earth berm and/or vegetative screen shall be erected and maintained to screen the mined area. When using vegetation to screen the site, the vegetation must be at least 4 feet in height at the time of planting.

2. The committee shall determine the practicality and necessity of aesthetic screening in each individual mining operation.

C. Gating. The Committee may require the nonmetallic mining operation to be gated.

D. Lighting. Lighting shall be limited, to that which is minimally necessary for mining operations and security. All lighting shall be shielded and pointed downward to avoid illuminating off-site.

E. Onsite Fuel Storage.

1. All petroleum products kept onsite and related to the mining operation shall be stored in state approved fuel storage containers and shall be in accordance with federal standards for storage and fueling areas.

2. All petroleum product storage tanks shall provide leak proof containment not less than 125% of the tank volume.

3. Where fueling trucks are used to refuel equipment onsite, all fueling must occur on a fueling absorption pad to minimize any leakage.

F. Hours of Operation.

1. Non-metallic mining operations shall only operate and remove materials from 6:00 am. to 8:00 pm. during Daylight Savings Time and 6:00 am. to 6:00 pm. during Standard Time, Monday through Friday. Saturday hours of operation are limited to 7:00 am. to 6:00 pm. with no mining or material removal allowed on Sundays or holidays unless the owner/operator of a nonmetallic mining site notifies the Land Use Manager within 48 hours of its operation on Sundays, holidays or outside of stated hours of operation when a natural disaster has occurred necessitating the need for nonmetallic mining materials for emergency repair work.

2. On the second offense or abuse of this natural disaster repair clause for operations on Sundays, holidays or outside of stated hours of operation, the Conditional Use Permit may be rescinded by the Committee on Planning and Development if the natural disasters have not occurred as stated in the notice to the County.

3. The Committee may modify or alter hours of operation, as stated above, as part of the conditional use permit approval process.

G. Noise. White noise back up beepers shall be installed on all equipment requiring beepers per OSHA and MSHA standards.

H. Dust.

1. The operator shall utilize all relevant best management practices to control fugitive dust as specified in Wis. Admin. Code § NR 415.075.

2. The fugitive dust plan may include the paving of the main interior haul roads, watering processed and unprocessed stockpiles, using sweepers to clean all paved surfaces within the mine and on the public road, minimize the size of stockpiles, increasing the distance stockpiles are located to a property line beyond the buffer zone.

I. Blasting. All blasting shall be done in conformance with state and federal guidelines and requirements. Blasting hours may be regulated by the conditions placed on the conditional use permit by the Committee on Planning and Development.

J. Groundwater Protection.

1. Nonmetallic mining operations and reclamation shall be conducted in a manner that does not cause groundwater to be unpalatable or unfit for human consumption or cause the groundwater quality standards in Wis. Admin. Code chs. NR 140 and NR 809, as well as any state or federal health advisory limits, to be exceeded.

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

3. Wash ponds and settling ponds shall have 5 feet of separation distance to bedrock and to the groundwater elevation.

4. For sites with planned excavation lower than the groundwater table, the operator shall submit a detailed hydrogeologic report. The operator shall be required to reimburse the county for the expense of professional work or opinions in review of a hydrogeologic report. The hydrogeologic report shall provide the following information, as well as a description and justification of all hydrologic methods used including existing conditions to establish baseline data, including but not limited to:

a. Analysis of groundwater quality of private wells within one-half mile of the mine site and on the mining site consistent with Wis. Admin. Code § NR 140.20.

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

c. Identification of all karst features such as sinkholes, stream sinks, springs, caves, joints, or fractures within one-half mile of the mining site.

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

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

f. Elevation of the groundwater table, groundwater flow directions, and groundwater velocities.

g. All information in b through f above shall be presented in the form of contour maps and multiple geologic cross-sections passing through the proposed excavation and all areas of concern. All horizontal and vertical measurements shall be referenced to a permanent reference point of the Eau Claire County Coordinate System.

5. Proposed operational data, including but not limited to:

a. Elevation of the lowest point of mining and dewatering activities below groundwater.

b. Description of the means planned to prevent surface water running into the excavation.

c. Where dewatering is proposed, provide pumping rates and times; elevation of the groundwater draw down level; and identification of groundwater discharge locations and quantities.

d. A groundwater monitoring program to ensure compliance with 1 and 2 above. Such program should include the installation of monitoring wells upstream and downstream of the proposed area of excavation to measure groundwater elevations, quality, flow directions, and velocities.

6. The Committee on Planning and Development may require the Applicant to provide additional relevant hydrogeologic studies such as groundwater modeling, when:

a. Dewatering is proposed at the mining site;

b. Known contaminated groundwater resources exist within one-half mile of the mining site;

c. Known karst features such as sink holes, stream sinks, springs, caves, joints, or fractures exist within one-half mile of the mining site;

d. Exceptional, outstanding, and/or 303d WDNR-listed waters exist within one-half mile of the mining site; or

e. Existing wells using the same or a shallower aquifer exist within 1200 feet of the mining site.

7. If groundwater modeling is required, the following minimum information shall be provided:

a. Description and justification of all input data to groundwater models.

b. Calibration of all groundwater models.

c. Sensitivity analysis for all groundwater models.

d. Detailed output from the hydrologic methods including the elevation of the water, elevation of the cone of depression caused by dewatering, groundwater flow directions, groundwater velocities, mounding elevations, and any potential effects on nearby surface water, springs, or users of surface and groundwater.

e. Description of the possible existence of fractures or solution cavities in the geologic material and their effect on groundwater flow and land stability.

K. Remediation Required. As a condition of approval, the operator shall accept responsibility for remediation or the permit may be revoked.

L. Financial Assurance. To assure site reclamation, the applicant shall submit a financial assurance that conforms to Chapter 18.96.

M. Permit Review, Site Modification, Transfer of Permit, Cancellation and Termination.

1. The committee will review original permits 5 years from the date of issuance at a public hearing. The applicant will be responsible for the public hearing fees.

2. Site Modification. An operator may apply in writing for a modification or cancellation of a permit or for a change in the nonmetallic mining operation plan for a mining site. The application for permit or plan modification shall be acted on using the standards and procedures of Section 18.28. The application for a site modification shall be processed in the same manner as an original conditional use application for a nonmetallic mining extraction permit.

3. Transfer of Permit. When one operator succeeds to the interest of another in an uncompleted site, the department shall release the first operator of the responsibilities imposed by the permit only if:

a. Both operators are in compliance with the requirements and standards of this section.

b. The new operator assumes the responsibility of the former operator to complete the nonmetallic mining operation of the entire project site by a written, witnessed document.

c. Site enlargement. Any proposed enlargement shall be reviewed by the Department and shall be approved only if it meets all of the standards and procedures of Section 18.28.

d. The new operator shows proof of financial responsibility.

4. An operator at any time may apply for a cancellation of a nonmetallic mining extraction permit he or she owns or leases. The request for the cancellation shall be submitted by the operator to the department. The department shall notify the committee at their next available meeting of the request.

5. Failure to comply with this section automatically terminates the permit.

N. Inspections.

1. Upon issuance of a conditional use permit for the purpose of mining, the operator is deemed to have consented to allow inspections by the department or its approved agents. Such inspections shall be at reasonable times and with notice, if possible, their purpose being to determine compliance with the provisions of this subtitle.

2. Approved agents of the department may inspect any required records of a mining operation to determine compliance with the provisions of this subtitle. All required records shall be made available to an approved agent within a reasonable time. Any public or private complaint against an operator may result in an inspection of the mining operation to determine the validity of the complaint.

O. Other Approvals.

1. Mine operators shall comply with town, county, state, and federal regulations and amendments thereof, including air and water quality standards.

2. Where other county approvals are necessary for the nonmetallic mining operation/activity those approvals will be part of the conditional use permit.

a. An erosion control and storm water management plan meeting the requirements of Chapter 17.05.

b. Road agreements from the town or the county highway department for the transportation haul route in conformance with standards and requirements set forth by the approving authority. (Ord. 167-3, Sec. 1, 2023)

18.49.060 Penalties.

A. Whenever the Department finds a violation of this subtitle at a mining operation within the county, including unapproved deviation from the mining or reclamation plan, it shall be recorded, and the Department shall send the operator, by certified mail, an order specifying the nature of the violation, time of violation, and corrective steps necessary to achieve compliance with this section.

B. The Department shall cancel the permit held by a mining operator who fails to comply with the order within 30 days after the order is served, unless the operator named therein, within ten days after notice, requests in writing a hearing before the committee. Failure to show just cause for the continued violation and lack of compliance with the order shall result in permit cancellation and immediate cessation of all mining activities on the affected property.

C. Any Person convicted in a court of law of engaging in a mining operation without a valid permit or with a cancelled permit shall be required to forfeit not less than $100 nor more than $10,000 per day for each and every day the operation is found to be in violation of this section.

D. Compliance herewith may also be enforced by injunctional order at the discretion of the County. Nothing in this section shall be construed to infringe upon the Committee's authority to withhold permits for cause or to order cessation of all mining activity for cause. (Ord. 167-3, Sec. 1, 2023)

Chapter 18.50

NON-COMMERCIAL RAISING OF ANIMALS & BIRDS

Sections:

18.50.010 **Applicability.**
18.50.020 **Standards.**
18.50.030 **Exempt activities.**

18.50.010 Applicability. These regulations apply to the non-commercial raising of animals and birds. see the Use Table, Chapter 18.33. Regulation of poultry in residential districts is superseded by the Eau Claire County Health Department code. (Ord. 167-3, Sec. 1, 2023)

18.50.020 Standards.

A. The minimum lot size is 2 acres.

B. One acre of pasture or open space is required per animal unit, as defined by NR 243.

C. A Conditional Use Permit shall be required.

D. If occurring in a residential district, this use may be permitted only as an accessory use, requiring the presence of residential structure.

E. A nutrient management plan shall be submitted with the permit application and approved by the department. (Ord. 167-3, Sec. 1, 2023)

18.50.030 Exempt activities. The non-commercial raising of household pets is exempt from this section. (Ord. 167-3, Sec. 1, 2023)

Chapter 18.51

RECYCLING & MUNICIPAL WASTE DROP-OFF STATIONS, RESOURCE RECOVERY FACILITIES, AND RESOURCE RECOVERY PROCESSING FACILITIES

Sections:

18.51.010 Recycling & municipal waste drop-off stations.
18.51.020 Resource recovery facilities.
18.51.030 Resource recovery processing facilities.

18.51.010 Recycling & municipal waste drop-off stations.

A. A Recycling & Municipal Waste Drop-Off Station is a Permitted Use in the C-2, C-3, and I-H Districts; a Conditional Use in the A-2, A-3, RH and C-1 Districts; and an Accessory Use in the A-2, A-3, RH, R-3, C-1, C-2, C-3, I-H Districts.

B. A Recycling & Municipal Waste Drop-Off Station shall meet the following requirements:

1. The area for the station shall not exceed 1500 sq. feet.
2. The site shall be screened from residential uses by either a fence of 6 feet in height or by natural vegetation.
3. site cannot be closer than 100 feet to a residential use.
4. There shall be parking for at least two vehicles and adequate space for the vehicles to turn around for exiting.
5. All driveways and traveled portions on the site shall be constructed of dust-free material.
6. Sorting, shredding, crushing, baling, or other separation, other than that required by residents using a recycling drop-off station to separate recyclable materials for placement in appropriate containers, is prohibited.
7. There shall be no outside storage of materials on the site and the station must be attended on a minimum of a weekly basis. (Ord. 167-3, Sec. 1, 2023)

18.51.020 Resource recovery facilities.

A. A Resource Recovery Facility is a permitted use in the I-L and I-H Districts and a Conditional Use in the C-2 and C-3 Districts.

B. A Resource Recovery Facility shall meet the following requirements:

1. The facility shall not be sited within 150 feet of a residential district or use.
2. All collection, processing, and storage shall take place within a building. No power-driven equipment in the excess of 15 horsepower is allowed for the processing of recyclables.
3. Noise levels do not exceed the maximum sound levels specified in Section 18.79.040 for the zoning district in which the facility is located.

4. All driveways and traveled areas must be made of dust free materials. All vehicles waiting to unload must be located on the property.

5. No dust, fumes, smoke, or vibration above ambient levels at the property line in the C-3 district.

6. Within 250 feet of a residential district, hours of operation are limited to 7:00 a.m. to 7:00 p.m., Monday through Saturday.

7. Access must be from a collector or arterial street and must be gated after business hours.

8. The facility must meet all state, federal, and local laws and regulations. (Ord. 167-3, Sec. 1, 2023)

18.51.030 Resource recovery processing facilities.

A. A Resource Recovery Processing Facility is a conditional use in the I-H District.

B. A Resource Recovery Processing Facility shall meet the following criteria:

1. The facility shall not be sited within 250 feet of a residential district or 150 feet of a residential use.

2. All outside storage and processing or recyclables must be behind a site obscuring fenced area equal to the height of the machinery or 8 feet whichever is greater. All wind born materials shall be collected daily.

3. All driveways and traveled areas shall be of dust free materials. All vehicles waiting to unload must be located on the property.

4. Within 500 feet of a residential district, hours of operation shall be limited to 7:00 a.m. to 7:00 p.m.

5. Noise levels do not exceed the maximum sound levels specified in Section 18.79.040 for the zoning district in which the facility is located.

6. Access must be from a collector or arterial street and must be gated after business hours.

7.The facility must meet all state, federal, and local laws and regulations. (Ord. 167-3, Sec. 1, 2023)

Chapter 18.52

SHORT-TERM RENTALS

Sections:

18.52.010 Purpose.
18.52.020 Applicable regulations.
18.52.030 Permits and licensing.
18.52.040 Land use permit.
18.52.050 Restrictions.

18.52.010 Purpose. This section identifies County and State regulations governing the short-term rental of Principal Dwellings and procedures for permitting and licensing. (Ord. 167-3, Sec. 1, 2023)

18.52.020 Applicable regulations. Short-Term Rentals are regulated by § Chapter 97, § 66.1014, Sections ATCP, 72, 73, and 75 Wis. Adm. Code, and Eau Claire County Board of Health Regulation Section 2. (Ord. 167-3, Sec. 1, 2023)

18.52.030 Permits and licensing.

A. Any person who maintains, manages, or operates a short−term rental shall obtain from the Department of Agriculture, Trade and Consumer Protection a license as a Tourist Rooming House, as defined in Wis Stat. § 97.01 (15k).

B. Tourist Rooming House licenses are locally issued by the Eau Claire City-County Health Department.

C. Where short-term rentals are allowed as an Accessory Use the operator must obtain a land use permit from Eau Claire County Zoning Office. (Ord. 167-3, Sec. 1, 2023)

18.52.040 Land use permit. Application for a Land Use Permit to operate a short-term rental shall include the following:

A. Completed Land Use Permit application on a form established by the Eau Claire County Zoning Office.

B. Proof of application for a Tourist Rooming House permit with the Eau Claire City-County Health Department.

C. State of Wisconsin sale and use tax permit.

D. Proof of registration with the local government unit regarding room tax requirements.

E. Proof of insurance. (Ord. 167-3, Sec. 1, 2023)

18.52.050 Restrictions.

A. The number of occupants in a short-term rental shall not exceed the limits set forth in the State of Wisconsin Uniform Dwelling Code, ATCP 72 Wis. Adm. Code, SPS 383 Wis. Adm. Code or any other applicable county housing regulations for residential structures based on the number of bedrooms within the unit.

B. Availability of the short-term rental/tourist rooming house shall not be advertised on site.

C. The short-term rental shall not violate any applicable conditions, covenants, or other restrictions on real property.

D. Alcohol may not be sold on site.

E. No recreational vehicle (RV), camper, tent, tree house or any other temporary lodging arrangement shall be permitted on site for the means of providing accommodations for occupants and/or guests of a short-term rental.

F. Short-term rentals shall comply with all requirements of this ordinance and all applicable standards of the Eau Claire County Land Use and Development Ordinance. (Ord. 167-3, Sec. 1, 2023)

Chapter 18.53

TELECOMMUNICATIONS FACILITIES

Sections:

18.53.010	Purpose.
18.53.020	Definitions.
18.53.030	Siting & construction of any new telecommunications tower & facilities and class 1 collocation.
18.53.040	Class 2 collocation.
18.53.050	Performance standards.
18.53.060	Severability.
18.53.070	Transferability.
18.53.080	Administration.
18.53.090	Limitations.
18.53.100	Exceptions.
18.53.110	Airport zoning.

18.53.010 Purpose.

A. The purpose of this ordinance is to regulate by zoning permit:

1. The siting, construction, and substantial modification of any tower or support structure and associated facilities for radio or television transmission, microwave transmission, common carriers, or mobile communication service;

2. With regard to a class 1 collocation, the substantial modification of an existing support structure and mobile service facilities; and

3. With regard to a class 2 collocation, collocation on an existing support structure which does not require the substantial modification of an existing support structure and mobile service facilities.

B. It is intended that Eau Claire County shall apply these regulations to accomplish the following:

1. Maintain and ensure that a nondiscriminatory, competitive and broad range of telecommunications services and high-quality telecommunications infrastructure consistent with the Federal Telecommunications Act of 1996 are provided to serve the community, as well as serve as an important and effective part of the Eau Claire County law enforcement, fire and emergency response network.

2. Provide a process for obtaining necessary permits for telecommunications facilities while at the same time protecting the interests of Eau Claire County citizens.

3. Encourage the use of alternative support structures, co-location of new antennas on existing support structures and construction of support structures with the ability to locate at least 3 additional users (minimum of 4 total users required for each tower facility). (Ord. 167-3, Sec. 1, 2023)

18.53.020 Definitions.

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

B. All definitions in Subtitle XI. apply unless specifically defined in this section. (Ord. 167-3, Sec. 1, 2023)

18.53.030 Siting and construction of telecommunications facilities and class 1 collocation.

A. Application Process.

1. A land use permit is required for the siting and construction of any new telecommunications tower or facility.

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

a. The name and business address of, and the contact individual for, the applicant.

b. An original signature of the applicant, land owner, lessees and holders of easements.

c. Copy of the lease agreement that includes the legal description and amount of property leased.

d. A plat of survey showing the parcel boundaries, tower, accessory structures, ancillary facilities, location, access, landscaping and fencing.

e. Plans showing security measures such as, but not limited to, access, fencing and lighting.

f. The location of the proposed or affected support structure.

g. The location of the proposed telecommunications facility.

h. If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.

i. If the application is to construct a new telecommunications tower, a construction plan which describes the proposed tower and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new tower.

j. If an application is to construct a new telecommunications tower, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the tower attesting that collocation within the applicant's search ring would not result in the same service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the service provider.

k. A copy of the applicant's search ring used to select the proposed location and the applicant's existing services locations within Eau Claire County.

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

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

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

1. Review the application to determine whether it complies with all applicable aspects of the political subdivision's building code and, subject to the limitations in this section, zoning ordinances.

2. Make a final decision whether to approve or disapprove the application. Notify the applicant, in writing, of its final decision.

If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

D. Disapproval. The department may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under paragraph 2.f.

E. Application of Setback/Fall Zone. If an applicant provides the department with an engineering certification showing that a telecommunications structure, or an existing structure, is designed to collapse within a smaller area than the set back or fall zone area required in a zoning ordinance, that zoning ordinance does not apply to such a structure unless the department provides the applicant with substantial evidence that the engineering certification is flawed.

F. Fees. Conditional Use Permits are subject to a fee as specified in Section 4.35.090. Where an independent verification of the analysis is required of the application, it shall be at the applicant's expense and shall not exceed $3,000.00. (Ord. 167-3, Sec. 1, 2023)

18.53.040 Class 2 collocation.

A. Application Process.

1. A land use permit is required for a class 2 collocation.
2. A written permit application must be completed by any applicant and submitted to the department. The application must contain the following information:
   a. The name and business address of, and the contact individual for, the applicant.
   b. The location of the proposed or affected support structure.
   c. The location of the proposed mobile service facility.
3. A permit application will be provided by the department upon request to any applicant.
4. A class 2 collocation is subject to the same requirements for the issuance of a building permit to which any other type of commercial development or land use development is subject.

B. Completed Applications. If an applicant submits to the department an application for a permit to engage in an activity described in this ordinance, which contains all of the information required under this ordinance, the department shall consider the application complete. If any of the required information is not in the application, the department shall notify the applicant in writing, within five (5) days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

C. County Responsibilities. Within 45 days of its receipt of a complete application, the department shall complete all of the following or the applicant may consider the application approved, except that the applicant and the department may agree in writing to an extension of the 45-day period:

1. Make a final decision whether to approve or disapprove the application.
2. Notify the applicant, in writing, of its final decision.
3. If the application is approved, issue the applicant the relevant permit.
4. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

D. Fees. The class 2 collocation is subject to the same requirements for the issuance of a land use permit to which any other type of commercial development or land use development is subject, except that the maximum fee for a land use permit shall be the same as Section 4.35.090 B. 1. a. of the County Code. (Ord. 167-3, Sec. 1, 2023)

18.53.050 Performance standards.

A. Removal. Within 180 days after the use of a telecommunications tower ceases, the structure's owner must:

1. Remove the structure and all subsurface structure or foundation materials to a depth of at least 3 feet below the ground surface,

2. Restore the site to its original condition, or the condition required by the structure's land use permit, and

3. Record a document with the Eau Claire County Register of Deeds identifying and describing all subsurface materials remaining below the ground surface, if any.

B. Security for Removal. To guarantee that a telecommunications tower is removed when no longer in operation, the structure's owner shall provide a financial security in the form of a performance bond or letter of credit. This requirement does not apply when the structure's owner is a municipality or other unit of government.

1. The applicant shall provide the security prior to the issuance of a land use permit.

2. Eau Claire County must approve the bonding company prior to issuance of the security.

3. The security must name Eau Claire County as the obligee.

4. The required amount of the security is the lesser of:

a. $20,000 or

b. An amount based on a written estimate of a qualified remover of mobile service support structures.

5. The county may require an increase in the security amount a maximum of once every 5 years.

a. Any increase shall reflect increases in the Consumer Price Index.

b. At no point shall the security amount exceed $20,000.

c. The structure's owner shall supply the increased financial security within 60 days after the county's request.

6. The structure's owner may submit a master performance bond or letter of credit for multiple sites within Eau Claire County. At the committee's discretion, the master financial security may be in an amount sufficient to secure the removal of one mobile service support structure if the security provides for replenishment of any amount used.

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

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

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

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

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

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

F. Parking & Access. Telecommunications facilities shall comply with all parking and access requirements of Chapter 18.77. Access must be provided by an all-weather gravel or paved driveway.

G. Accessory Buildings. Accessory buildings, structures, cabinets and other accessory facilities may be allowed and shall not exceed 15 feet in height, measured from the original grade, and 250 square feet in area. All visible surfaces shall be constructed of nonreflective materials and designed to blend with the existing architecture in the area. (Ord. 167-3, Sec. 1, 2023)

18.53.060 Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. (Ord. 167-3, Sec. 1, 2023)

18.53.070 Transferability. Permits granted under this section go with the land and are transferable. All section and permit requirements shall apply to subsequent owners. The Department shall be notified of any change in ownership including, but not limited to, facility leases, mortgages, liens, or other instruments that may affect title to the property. (Ord. 167-3, Sec. 1, 2023)

18.53.080 Administration. Subtitles VI and VII shall apply. (Ord. 167-3, Sec. 1, 2023)

18.53.090 Limitations. All limitations contained in Wis. Stat. § 66.0404(4) are hereby incorporated by reference. To the extent that any of the requirements of this subtitle are inconsistent with the limitations and procedural requirements of federal statutes and rules promulgated by the Federal Communications Commission (FCC) regarding Small Wireless Facilities, those federal statutes and rules apply. Those rules may include Title 47 of the U.S. Code of Federal Regulations, State and Local Government Regulation of the Placement, Construction, and Modification of Personal Wireless Service Facilities, including, but not limited to the Spectrum Act (47 U.S.C. § 1455(a) and 47 CFR § 1.6100). (Ord. 167-3, Sec. 1, 2023)

18.53.100 Exceptions.

A. The following uses and structures are exempt from the requirements of this section:

1. Television antennas,
2. Satellite dishes,
3. Receive-only antennas,
4. Amateur radio facilities,
5. Mobile services providing public information coverage of news events or
6. of a temporary or emergency nature, and
7. Ground-mounted antennas.

B. Exempt structures are subject to all other applicable provisions of Title 18. (Ord. 167-3, Sec. 1, 2023)

18.53.110 Airport zoning. The siting and construction of any telecommunications tower and facilities within 3 statute miles of the boundaries of the Chippewa Valley Regional Airport must also meet the requirements of Subtitle XIII. (Ord. 167-3, Sec. 1, 2023)

Chapter 18.54

TEMPORARY STRUCTURES AND USES

Sections:

18.54.010 Purpose.
18.54.020 General standards.
18.54.030 Exemptions.
18.54.040 Unlisted uses.
18.54.050 Agricultural produce stands.
18.54.060 Christmas tree sales.
18.54.070 Fireworks stands.
18.54.080 Mobile food vendors.
18.54.090 Model homes & real estate sales offices.
18.54.100 Special events.
18.54.110 Temporary residential uses.

18.54.010 Purpose. The purpose of these regulations and permit requirements is to ensure that:

A. Only suitable temporary uses that require only the minimum necessary conditions or limitations (consistent with the temporary nature of the use) are allowed, and

B. Basic health, safety, and community welfare standards are met. (Ord. 167-3, Sec. 1, 2023)

18.54.020 General standards. The following standards shall apply to all temporary uses unless otherwise exempted:

A. All structures shall meet the applicable zoning setback requirements and cannot be located in the traffic-visibility triangle, nor within 20 feet of an access.

B. Shall meet all applicable County health and sanitation requirements.

C. Shall meet all applicable County building code requirements.

D. Conducted in a parking facility shall not occupy or remove from availability more than 10 percent of the spaces required for the permanent use.

E. May locate in a street yard but may not be closer than 10 feet from a property line, unless a more restrictive setback is required.

F. Shall not be located on a lot in a manner which would interfere with traffic circulation or vehicle or pedestrian safety.

G. Require that a scaled site plan be submitted to the department for review and for the issuance of a land use permit. At a minimum the scaled site plan shall include the location of the temporary use, lot dimensions, property lines, building locations, all access driveways, parking stalls, sign location, sanitary and well location, and floodplain, if applicable.

H. Temporary signage shall not exceed 32 square feet.

All temporary structures shall be removed from the premises after seven days of the growing season or holiday.

I. All lighting shall be shielded and directed downward to minimize light pollution. Sufficient recycling and refuse containers to handle the material generated shall be provided.

J. One temporary use may be allowed per lot or tract of land under one ownership at a time.

K. Offsite signage shall be allowed per 18.78.070.

L. A temporary use permit issued under this section shall remain in effect as long as the authorized use continues. Any temporary use which is discontinued for 18 consecutive months shall be deemed to be abandoned. Prior to the reestablishment of an abandoned temporary use, a new land use permit shall be obtained under the terms of this section. (Ord. 167-3, Sec. 1, 2023)

18.54.030 Exemptions.

A. Garage sales, private auctions, moving sales, and similar activities for the sale of personal belongings when operated not more than three days in the same week and not more than twice in the same calendar year are allowed in all zoning districts.

B. Fund raising activities are exempt from the permit fee but shall comply with 18.54.020.

C. On-premises activities or existing businesses in compliance with outdoor storage requirements.

D. Radio promotions. (Ord. 167-3, Sec. 1, 2023)

18.54.040 Unlisted uses. The Land Use Manager may authorize additional or exempt other temporary uses not specifically listed in this subsection, when it is found that the proposed uses are in compliance with the provisions of this section. (Ord. 167-3, Sec. 1, 2023)

18.54.050 Agricultural produce stands. Agricultural produce stands including, but not limited to, sale of the following; berries, vegetables, apples, pumpkins, horticulture and trees sales.

A. Are allowed in all commercial districts.

B. Must be operated by the agriculture producer or an employee of the agriculture producer.

C. May be conducted from one of the following: a temporary shelter, a trailer, or from a motor vehicle. (Ord. 167-3, Sec. 1, 2023)

18.54.060 Christmas tree sales.

A. Are allowed in all commercial districts.

B. May not exceed 45 days, including site set up and clean up. (Ord. 167-3, Sec. 1, 2023)

18.54.070 Fireworks stands.

A. Shall comply with Wis. Stat. §167.10.

B. And associated structure(s) shall be set back 100 feet from residential districts.

C. Require local town license for the sales of fireworks, if applicable.

D. Storage of fireworks shall be in conformance with state and federal standards.

E. Require a letter from property owner granting permission to the applicant to sell and/or store fireworks on the property.

F. Are allowed in all commercial districts. (Ord. 167-3, Sec. 1, 2023)

18.54.080 Mobile food vendors.

A. Are allowed in all commercial districts.

B. Outside cooking areas shall be fenced.

C. May operate from a trailer or motor vehicle approved by the Eau Claire City-County Health Department. (Ord. 167-3, Sec. 1, 2023)

18.54.090 Model homes & real estate sales offices.

A. Purpose. The purpose of this section is to provide for the erection of model homes and temporary real estate sales offices in subdivisions without adversely affecting the character of surrounding residential neighborhoods or creating a general nuisance.

B. Applicability. Model homes & real estate Sales offices are permitted in the RH, R-L, R-1, R-2, and R-3 Districts.

C. Permitting. Access, sanitary, building, and land use permits are required, as applicable.

D. General Standards.

1. Model homes & real estate sales offices must be used exclusively for the purpose of marketing lots or Dwelling Units within a specific development and not for general real estate throughout the community.

2. A maximum of three (3) employees may be at the office at one time.

E. Development Standards.

1. Parking facilities shall be provided on the site and shall include at least four (4) parking spaces per model home unit or temporary real estate sales office.

2. Shall not incorporate outside lighting, which creates a nuisance due to glare or intensity or contains flashing or intermittent lighting. All lighting shall be shielded and directed downward.

3. All signage shall comply with Chapter 18.78.

F. Time Limit. Model homes & real estate sales offices must be removed from the development within five (5) years from the date of the land use permit or when eighty-five (85) percent of the development is complete, whichever occurs first. (Ord. 167-3, Sec. 1, 2023)

18.54.100 Special events.

A. Purpose. This section establishes standards for special events that accommodate an economic and entertainment demand, meet a community social need, protect surrounding properties, and protect the health and safety of attendees.

B. Applicability. This section applies to all special events.

C. Generally.

1. Special events in the certified Agricultural Preservation Districts must be events that are consistent with agricultural use as required under Wis. Stat. § 91.01(10).

2. Special events may be allowed at historic sites or in historic districts listed in the National Register of Historic Places provided the events have some cultural connection with the historic site or historic district and are not disruptive to the historical site or historical district.

3. Special events shall not be allowed in habitat areas of threatened or endangered species or other similar sensitive environmental areas.

D. Types of Special Events & Approval Processes.

1. Minor Special Events.

a. A special event shall be considered minor when it:

i. Has a duration of 2 consecutive days or less and a total of 4 days or less within any calendar year, excluding time for set-up and take-down, and

ii. is conducted on a single parcel of land or one or more parcels of land that are adjoining or adjacent to each other and separated only by a property line or public road.

b. Minor special events may be allowed in any zoning district by the Land Use Manager with a conditional use contract.

2. Major Special Events.

a. All special events not considered minor, pursuant to D.1. above, shall be considered major special events.

b. A major special event shall:

i. have a duration of up to 7 days within any 30-day time period, and

ii. occur not more than 4 times within any 12-month period, excluding time for set-up and take-down.

c. A major special event may be allowed as a conditional use in any zoning district, except the Shoreland Protection Overlay District and Floodplain Overlay District, subject to public hearing, review, and approval by the committee with findings that the major special event is in conformance with all of the standards for conditional use permit approval in Chapter 18.103 and the standards in this section.

E. Inspection of Premises.

1. No permit shall be granted for a special event unless the operator agrees and consents in writing, as a part of the application for the permit, to allow law enforcement, public health and fire control officers and staff for the department to come upon the premises for which the permit has been granted for the purpose of inspection and enforcement of the terms and conditions of the permit issued pursuant to this ordinance, and any other applicable laws or ordinances.

2. If any inspections described above reveal deficiencies in compliance with state or local law, the inspectors may return as often as needed until the deficiencies are cured.

3. If the deficiencies are not cured or cannot be cured, the county sheriff may terminate the outdoor mass gathering.

F. Standards for Special Events.

1. Grounds. The facilities and features associated with the special event shall be arranged so that:

a. the facilities and features are separated from adjoining properties to prevent trespass onto adjoining properties and to control and minimize nuisance factors such as noise, dust, fumes, exhaust, and light.

b. pedestrian traffic can move freely without blockages.

c. pedestrian traffic and vehicular traffic are separated.

d. emergency services personnel and vehicles have easy access to the entire grounds.

2. Illumination.

a. Illumination shall be provided at night in:

i. All areas where spectators/visitors, competitors, entertainers and vendors will assemble, and

ii. All parking areas.

b. All lighting shall be shielded and directed downward and shall not unreasonably reflect beyond the assembly area.

c. Spotlights, laser beams, or any concentrated beams of light shall be prohibited, unless they are part of an entertainment activity involved with the Special Event and are not directed upward toward the sky.

3. Signage. Temporary signage is allowed under the approval of the conditional use permit as follows:

a. Temporary signage is not allowed in the road right-of-way or in the vision triangle of intersections.

b. All temporary signage may not be placed more than 7 days prior to the beginning of the event and shall be removed within 24 hours of the end of the event.

c. No temporary sign shall exceed 32 square feet.

d. Section 18.78.050 applies.

4. Hours of Operation.

a. A special event may occur between the hours of 6:30 am and 12:00 am (midnight).

b. A special event that requires operation between the hours of 12:00 am (midnight) and 6:30 am, such as a celestial observation special event, may be allowed if it will not involve noise, lighting, or other potential nuisance factors.

5. Parking and Traffic Control.

a. Number and Density of Parking Spaces.

i. Special event parking shall be provided at a rate of 1 parking space per 4 users, plus 1 space per 2 employees/volunteers.

ii. The density of parking spaces shall not exceed 150 passenger cars per usable acre available for supervised parking.

b. Dust Control. All parking lots shall be provided with a dust control method.

c. On-Site Parking. On-site parking is:

i. Required for competitors/entertainers, vendors, and emergency services.

ii. Preferred for employees, volunteers and spectators/ visitors.

iii. Located on the special event site, on adjoining property, or on property located directly across the road from the main event grounds if there is a direct route to the main event grounds.

d. Off-Site Parking. Off-site parking may be allowed for employees, volunteers and spectators/visitors only when shuttle service is provided to transport them to and from the main event grounds.

i. Where off-site parking is provided, the following additional requirements apply:

(a) Parking attendants are required at all times during the event at the off-site parking lot to control traffic and to direct vehicles into parking spaces.

(b) Shuttle vehicles shall be provided to transport persons between the parking lot and the main event grounds.

(c) Shuttles shall be provided at minimum intervals of 15 minutes.

(d) All visitors/spectators, employees, and/or volunteers using the off-site parking lot shall be required to use the shuttle to travel between the parking lot and the main event. Walking shall be prohibited unless a pedestrian corridor sufficient in size to handle increased pedestrian traffic above and beyond the normal pedestrian traffic has been identified and cordoned off.

(e) The requirement to provide shuttle service may be waived by the Land Use Manager for a conditional use contract, or the committee on planning and development for a conditional use permit, if the off-site parking lot is located in close proximity to the main event site and visitors/spectators, employees, and/or volunteers using the off-site parking lot can walk safely from the parking lot to the main event site.

(f) One or more patrol person(s) shall be required at all times during the event to patrol all roads between off-site parking lots and the main event grounds to ensure that vehicles are not illegally parked along the roads and to ensure that visitors/spectators, employees and/or volunteers using the off-site parking lot are not walking between the parking lot and main event grounds.

e. Traffic control. The applicant shall consult with appropriate law enforcement agencies and local municipalities for guidance on traffic control.

6. Sanitary Facilities, Refuse Collection, and Recycling.

a. All necessary permits or approvals shall be obtained from the Eau Claire City-County Health Department for the following:

i. Toilet facilities. Toilets shall be provided at a rate of 1 per 150 persons in attendance. If an assembly permit is required, the toilet room requirements of Title 9, Chapter 9.40 apply.

ii. Food and beverage concessions.

iii. Potable water.

iv. Refuse collection.

(a) One 50-gallon refuse container shall be provided for every 100 persons in attendance. One 16 cubic yard refuse container may be substituted for half of the required 50-gallon refuse containers for every 5,000 persons in attendance.

(b) All refuse shall be collected at least twice during each 12-hour period of the Special Event, with the minimum of two such collections per special events exceeding 6 hours.

(c) All refuse shall be disposed of in a lawful disposal site.

v. Camping.

b. The applicant shall be required to monitor the roads and any other public thoroughfares adjacent to the site, adjacent to off-site parking lots, and along the route used for shuttle vehicles if there is off-site parking, for litter and refuse during the event and as part of clean-up following the event.

c. Recycling containers shall be provided for collection of all recyclable materials that must be recycled in accord with recycling requirements in Chapter 12.73 of the Eau Claire County Code that are likely to be generated as a result of vending and concessions at the special event.

d. The event sponsor shall contract for recycling and garbage collection.

7. Amplified Sound. Special events are subject to the sound performance standards for the C-1 District as described in Chapter18.79.

8. Safety and Emergency Services. Event organizers shall contact and cooperate with the Fire Department that services the location and Sheriff's Office to ensure adequate fire protection, first aid, crowd and traffic control is in place. If contact information for any of these agencies is needed, the event organizer can contact Eau Claire County Emergency Management.

9. Insurance and Financial Assurance.

a. Public liability insurance shall be provided for the duration of the special event, with a minimum of $300,000 coverage for injury or damage to a person or property and not less than $1,000,000 in the aggregate amount for any one occurrence, naming the county as an additional insured.

b. A refundable bond in a form acceptable to the county shall be posted with the county in the amount of $1,000 and shall be refundable to the applicant after the county has determined that all of the conditions, standards and requirements for the special event have been met. Failure to comply with all conditions, standards and requirements for the special event shall result in forfeiture of all or any portion of the bond needed to remedy the applicant's noncompliance. The applicant shall be provided with a statement describing how the forfeited funds were expended.

10. Assembly Permits. Assembly permits may be required by the Eau Claire County Sheriff's Office.

G. Fee Required. The fee required for a special event shall be:

1. Conditional use permit: see 4.35.090.

2. Conditional use contract: 50% of the fee for a conditional use permit.

(Ord. 167-3, Sec. 1, 2023)

18.54.110 Temporary residential uses.

A. Temporary Residence During Construction. An existing dwelling unit or manufactured home may be used as a temporary residence during construction of a new dwelling unit on the same parcel, subject to the following:

1. The owner of the property shall sign a contract with the department for the temporary residence.

2. The temporary residence shall be removed from the property within 30 days of:

a. The time the new dwelling unit receives a certificate of compliance, or

b. The time the contract for such temporary residence lapses.

3. The temporary residence may be converted to an accessory structure if:

a. it meets all applicable requirements for accessory structures, such as setbacks, and

b. the conversion is complete within 90 days of the time the new dwelling unit receives a certificate of compliance, and

c. a change of use permit is approved.

B. Temporary Single-Family Dwelling Less Than 24 Feet in Width.

1. The temporary placement of a single-family dwelling that is less than 24 feet in width is allowed for up to 3 years by zoning contract with the department.

2. The temporary Single-Family Dwelling:

a. Shall be located in a Zoning District where single-family dwellings are a permitted use.

b. May be located in or adjacent to a subdivision.

c. Must be tied down if a foundation is not required.

(Ord. 168-53, Sec. 7, 2025; Ord. 167-3, Sec. 1, 2023)

Chapter 18.55

WIND ENERGY SYSTEMS

Sections:

18.55.010	Purpose.
18.55.020	Application exemptions and fees.
18.55.030	Permit, application, and filing requirements.
18.55.040	Local regulations.
18.55.050	Local procedure.
18.55.060	Modification to an approved system
18.55.070	Post construction filing requirements (large wind energy systems)
18.55.080	Compliance monitoring (large wind energy systems)
18.55.090	Decommissioning review
18.55.100	Appeals
18.55.110	Complaints

18.55.010 Purpose. This section provides the standards and procedures to issue conditional use permits for wind energy systems. This section ensures that any proposed wind energy system complies with applicable provisions of Wis. Admin. Code ch. PSC 128, and this section. (Ord. 167-3, Sec. 1, 2023)

18.55.020 Application exemptions and fees.

A. For Small Wind Energy Systems:

1. The exemptions listed under Wis. Admin. Code § PSC 128.60 and modifications under Wis. Admin. Code § PSC 128.61 shall apply to an application that is submitted for a Small Wind Energy System.

B. For All Wind Energy Systems:

1. Costs of review and processing: For all Wind Energy Systems the owner shall reimburse the department for the reasonable costs associated with permit review and processing, subject to the reimbursement requirements of Wis. Admin. Code § PSC 128.32(5). In the event the county establishes a fee consistent with Wis. Stat. §59.69 and Wis. Admin. Code § PSC 128.32(5), said fee will be charged in lieu of reimbursement.

2. The established fee or reimbursement requirements consistent with Wis. Admin. § PSC 128.32(5) shall include the requirement that the applicant shall pay all reasonable costs incurred by the county in connection with the review and processing of the application, including the cost for services provided by outside attorneys, engineers, environmental specialists, planners, and other consultants and experts that are actual and necessary costs of review. Source: Wis. Admin. Code § PSC 128.32(5).

a. The department is authorized to contract with one or more engineers, environmental specialists, planners, and other consultants and experts to perform necessary services in connection with this ordinance. (Ord. 167-3, Sec. 1, 2023)

b. The corporation counsel is authorized to contract with outside legal counsel to perform services in connection with this ordinance.

3. The Department shall make the applicant aware of any such reasonable and necessary costs prior to incurring such costs and, if the applicant decides not to pay the reasonable and necessary costs, the application shall be denied.

4. The Department may require the owner of a Wind Energy System to submit up to 50% of the total estimated amount of the fee or reimbursement for the wind energy system application under Wis. Admin. Code § PSC 128.32(5) before issuing a written decision consistent with Wis. Admin. Code § PSC 128.32(3), if the county gives written notice to the owner of its intent to do so within 10 days of the date the application is deemed complete and the notice contains an estimate of the amount of the fee and the relevant reimbursement requirements.

The Department shall invoice the applicant for the reasonable costs incurred pursuant to this chapter. The applicant will be provided 30 days from the date of the invoice to reimburse the county. (Ord. 167-3, Sec. 1, 2023)

18.55.030 Permit, application, and filing requirements.

A. For Small Wind Energy Systems - An owner shall file a land use permit application with the department that, at a minimum, includes the following information:

1. Wind Energy System description and maps showing the locations of all proposed wind energy facilities. (This may include the description and maps for alternative wind energy facility locations.)

2. Technical description of wind turbines and wind turbine sites.

3. Timeline and process for constructing the Wind Energy System.

4. Information regarding anticipated impact of the Wind Energy System on local infrastructure.

5. Information regarding noise anticipated to be attributable to the Wind Energy System.

6. Information regarding shadow flicker anticipated to be attributable to the Wind Energy System, consistent with Wis. Admin. Code § PSC 128.15, with the exception of Wis. Admin. Code §§ PSC 128.15(1)(c), 3(b)-(e) and (5) which do not apply to Small Wind Energy Systems.

7. Information regarding the anticipated effects of the Wind Energy System on existing land uses within 0.5 miles of the Wind Energy System.

8. Information regarding the anticipated effects of the Wind Energy System on airports and airspace.

9. Information regarding the anticipated effects of the Wind Energy System on line-of-sight communications, consistent with Wis. Admin. Code § PSC 128.16, with the exception of Wis. Admin. Code §§ PSC 128.16(2)-(4) which do not apply to Small Wind Energy Systems.

10. A list of all state and federal permits required to construct and operate the Wind Energy System.

11. Information regarding the planned use and modification of roads during the construction, operation, and decommissioning of the Wind Energy System, including a process for assessing road damage caused by Wind Energy System activities and for conducting road repairs at the owner's expense.

12. A representative copy of all notices issued consistent with Wis. Admin. Code §§ PSC 128.105(1) and 128.30(5), except as provided by Wis. Admin. § PSC 128.61.

B. For Large Wind Energy Systems - An owner shall file a conditional use permit application with the department that, at a minimum, includes the following information.

1. All information required under 18.55.030.A.1-6 and 8-12 of this chapter.

2. Information regarding the anticipated effects of the Wind Energy System on existing land uses within 0.5 miles of the Wind Energy System (For example, information may include the anticipated effects to applicable environmental conditions and/or development limitations within 0.5 miles).

3. A representative copy of all notices issued under Wis. Admin. Code §§ PSC 128.105(1), 128.30(5), and 128.42(1), which are:

a. Pre-application notice - At least 90 days before an owner files an application to construct a Wind Energy System, an owner shall use commercially reasonable methods to provide written notice of the planned wind energy system to all of the following:

i. Landowners within one mile of the planned wind turbine host properties.

ii. Political subdivisions within which the Wind energy System may be located.

iii. Emergency first responders and air ambulance service providers serving the political subdivisions within which the Wind Energy System may be located.

iv. The Wisconsin Department of Transportation.

v. The Wisconsin Public Service Commission.

vi. The Wisconsin Department of Natural Resources.

vii. The Wisconsin Department of Agriculture, Trade and Consumer Protection.

viii. The Office of the Deputy Secretary of the U.S. Department of Defense.

b. Notice of process for making complaints - Before construction of a Wind Energy System begins, an owner shall provide written notice of the process for making complaints and obtaining mitigation measures to all residents and landowners within 0.5 miles of any wind energy system facility. An owner shall include in the notice the requirements under Wis. Admin. Code § PSC 128.40(1) for submitting a complaint to the owner, a petition for review to the political subdivision, and an appeal to the commission, and shall include a contact person and telephone number for the owner for receipt of complaints or concerns during construction, operation, maintenance and decommissioning.

c. A copy of all emergency plans developed in collaboration with appropriate first responders under Wis. Admin. Code § PSC 128.18(4)(b). An owner may file plans using confidential filing procedures as necessary.

d. A decommissioning and site restoration plan providing reasonable financial assurance that the owner will be able to comply with Wis. Admin. Code § PSC 128.19.

C. For all applications - Evidence shall be included for all applications to show that, on the same day an owner filed an application under this ordinance, the owner used commercially reasonable methods to provide written notice of the filing of the application to property owners and residents located within one mile of the proposed location of any Wind Energy System facility. The notice shall include all of the following:

1. A complete description of the Wind Energy System, including the number and size of the wind turbines.

2. A map showing the location of all proposed Wind Energy System facilities.

3. The proposed timeline for construction and operation of the Wind Energy System.

4. Locations where the application is available for public review.

5. Owner contact information (including the contact person(s), primary phone number, and email). (Ord. 167-3, Sec. 1, 2023)

18.55.040 Local regulations.

A. Airports and Heliports. The owner shall comply with any restrictions established for public use airports or heliports under Wis. Stats. §§ 114.135 or 114.136. If no such restrictions are effective, wind turbine height and setback distances shall comply with the Federal Aviation Administration obstruction standards in 14 CFR Part 77.

B. Farmland Preservation Zoning Districts. No conditional use permit or land use permit application for a wind energy system shall be approved by the Eau Claire County Committee on Planning and Development or Land Use Manager within the Farmland Preservation Zoning District (AP), unless such application meets the applicable standards and conditions identified in Wis. Stat. § 91.46(4) (1-5) as shown below.

1. The use and its location in the farmland preservation zoning districts are consistent with the purposes of the farmland preservation zoning districts.

2. The use and its location in the farmland preservation zoning districts are reasonable and appropriate considering alternative locations or are specifically approved under State or Federal Law.

3. The use is reasonably designed to minimize conversion of land at or around the site of the use, from agricultural use or open space use.

4. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for, or legally restricted to, agricultural use.

5. Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.

C. Abandonment and Decommissioning. Section 18.55.040.C.1-3 below apply to both Large and Small Wind Energy Systems, whereas 18.55.040.C.4 applies solely to Large Wind Energy Systems.

1. A wind energy system that is at the end of its useful life and/or does not generate electricity for a continuous period of 360 days will be deemed abandoned and the department may send a Notice of Abandonment to the owner. Exemptions under Wis. Admin Code § PSC 128.60 and modifications under Wis. Admin. Code § PSC 128.61 apply to all Small Wind Energy Systems.

2. If, within 30 days of receipt of a Notice of Abandonment, the owner provides the department with information showing to the department's satisfaction that the wind energy system has not been abandoned, the department will withdraw the Notice.

3. Unless the department withdraws the Notice of Abandonment, a wind energy system tower must be decommissioned as prescribed by Wis. Admin. § PSC 128.19. If the owner fails to remove a wind energy system and reclaim the site, the county may remove or cause the removal of the wind energy system and arrange for the reclamation of the site.

4. For Large Wind Energy Systems.

a. An owner with a nameplate capacity of one megawatt or larger shall provide the county with and maintain proof of financial assurance of the owner's ability to pay the actual and necessary cost to decommission the wind energy system before commencing major civil construction activities such as blasting or foundation construction at the wind energy system site.

An owner may comply with this paragraph by choosing to provide a bond, deposit, escrow account, irrevocable letter of credit, or some combination of these financial assurances, that will ensure the availability of funds necessary for decommissioning throughout the expected life of the wind energy system and through to completion of the decommissioning activities, consistent with Wis. Admin. Code § PSC § 128.19(3).

b. An owner shall provide the county with three (3) estimates of the actual and necessary cost to decommission the wind energy system. The cost estimates shall be prepared by third parties agreeable to the owner and the county. The amount of financial assurance required by the county shall not exceed the average of the three estimates.

c. An owner shall establish financial assurance that is acceptable to the county and that places the county in a secured position, subject to 18.55.040.C.4.b The financial assurance must provide that the secured funds may only be used for decommissioning the wind energy system until such time as the county determines that the wind energy system has been decommissioned, as provided for in Wis. Admin. Code § PSC 128.19(5), or the county otherwise approves the release of funds, whichever occurs first.

d. An owner shall establish financial assurance that allows the county to access funds for the purpose of decommissioning the wind energy system if the owner does not decommission the wind energy system when decommissioning is require Source Wis. Admin. Code § PSC 128.19(3)(c)(4).

e. The county may periodically request information from the owner regarding industry costs for decommissioning the wind energy system. If the county finds that the future anticipated cost to decommission the wind energy system is at least 10 percent more or less than the amount of financial assurance provided under this section, the county may correspondingly increase or decrease the amount of financial assurance required but shall not adjust the financial assurance required under this paragraph more often than once in a five-year period.

f. The county may require an owner to submit a substitute financial assurance of the owner's choosing if an event occurs that raises material concern regarding the viability of the existing financial assurance.

g. Except as provided in 18.55.040.C.4.a, if a wind energy system was constructed on land owned by a person or persons other than the owner of the wind energy system, the owner of the wind energy system shall ensure that the property is restored to pre-construction condition, unless otherwise provided in a contract signed by an affected landowner, considering any modifications needed to comply with DNR requirements.

h. If a wind energy system was constructed on a brownfield, as defined in Wis. Stat. § 238.13(1)(a), the owner shall restore the property to eliminate effects caused by the wind energy system, except for the effects of environmental remediation activities, as defined in Wis. Stat. § 238.13(1)(d).

D. Lighting Criteria. A wind energy system may be artificially lighted only if lighting is required by the Federal Aviation Administration. An owner shall use shielding or control systems approved by the Federal Aviation Administration to reduce visibility of light when viewed from the ground.

E. Noise Criteria. For both Large and Small Wind Energy Systems.

1. The noise generated by the operation of a wind energy system may not exceed 50 db(A) during the daytime hours and 45 db(A) during the nighttime hours as measured at the outside wall of a non-participating residence or occupied community building that existed when the owner gave notice pursuant to Wis. Admin. Code § PSC 128.105(1) or for which complete publicly available plans for construction were on file with a political subdivision within 30 days of the date

when the owner gave notice pursuant to Wis. Admin. Code § PSC 128.05(1). Nighttime hours are the hours beginning at 10:00 p.m. and ending at 6:00 a.m. daily and daytime hours are the hours beginning at 6:00 a.m. and ending at 10:00 p.m. daily.

2. The owner of an adjacent nonparticipating residence or adjacent occupied community building may relieve the owner of the wind energy system of the requirement to meet any of the noise limits in this section by written contract as provided in Wis. Admin. Code § PSC 128.14(5) and (6).

3. The owner shall provide the notice as prescribed by Wis. Admin. Code § PSC 128.61(4).

4. If an owner receives a complaint of a violation of the noise standards contained in Wis. Admin. Code § PSC 128.14 and the owner has not provided the department with the results of an accurate test conducted within two (2) years of the date of the complaint showing that the wind energy system is in compliance with the noise standard at the location relating to the complaint, the owner shall promptly conduct a noise study to evaluate compliance with the noise standards at that location using the most current version of the noise measurement protocol as described in Wis. Admin. Code § PSC 128.50(2).

F. Ownership Changes.

1. For Small Wind Energy Systems. The owner shall provide the county with notice of any change in ownership of the wind energy system on or within 30 days of the effective date of the change.

2. For Large Wind Energy Systems. The owner shall provide the county with notice of any change in ownership of the wind energy system on or within 30 days of the effective date of the change. Notwithstanding the timing of notice of change in ownership of the wind energy system set forth above, the notice shall include information showing that the financial responsibility specified in 18.55.040.C of this Chapter was assumed by the new owner, upon effective date of the change.

G. Setbacks and Siting Criteria. An owner shall work with a political subdivision and owners of participating and nonparticipating properties to site wind turbines to minimize individual hardships. Source: Wis. Admin. Code § PSC 128.13(1)(c).

1. For Small Wind Energy Systems: Shall comply with the minimum setback distances shown in Table 2 to Wis. Admin. Code § PSC 128.13 included in Wis. Admin. Code § PSC 128.61, which are:

Description	**Setback Distance ***
Occupied Community Buildings	1.0 times the maximum blade tip height
Participating Residences	None
Nonparticipating Residences	1.0 times the maximum blade tip height
Participating Property Lines	None
Nonparticipating Property Lines	1.0 times the maximum blade tip height
Public Road Right-of-Way	None
Overhead Communication and Electric Transmission or Distribution lines - not including utility service lines to individual houses or outbuildings	1.0 times the maximum blade tip height
Overhead Utility Service Lines - Lines to individual houses or outbuildings	None

*Wind turbine setback distances shall be determined as a straight line from the vertical centerline of the wind turbine tower to the nearest point on the permanent foundation of a building or residence or to the nearest point on the property line or feature, as applicable.

a. The owner of a nonparticipating residence or occupied community building may waive the applicable wind turbine setback distances of this chapter for those structures to a minimum setback distance of 1.1 times the maximum blade tip height. The owner of a nonparticipating property may waive the applicable wind turbine setback distance in this chapter from a nonparticipating property line.

2. For Large Wind Energy Systems: Shall comply with the minimum setback distances show in Table 1 of Wis. Admin. Code § PSC 128.13, which are:

Description	**Setback Distance ***
Occupied Community Buildings	The lesser of 1,250 feet or 3.1 times the maximum blade tip height
Participating Residences	1.1 times the maximum blade tip height
Nonparticipating Residences	The lesser of 1,250 feet or 3.1 times the maximum blade tip height
Participating Property Lines	None
Nonparticipating Property Lines	1.1 times the maximum blade tip height
Public Road Right-of-Way	1.1 times the maximum blade tip height
Overhead Communication and Electric Transmission or Distribution lines - not including utility service lines to individual houses or outbuildings	1.1 times the maximum blade tip height
Overhead Utility Service Lines - Lines to individual houses or outbuildings	None

*Wind turbine setback distances shall be determined as a straight line from the vertical centerline of the wind turbine tower to the nearest point on the permanent foundation of a building or residence or to the nearest point on the property line or feature, as applicable.

a. The owner of an adjacent nonparticipating residence or adjacent occupied community building may waive the applicable turbine setback distances as described in Wis. Admin. Code § PSC 128.61(3)(b).

H. Notice of Federal or State Agency Consultation.

1. For Large Wind Energy Systems: In the event the owner has consulted with and received any nonbinding recommendations for constructing, operating, or decommissioning of the wind energy system from any state or federal agency, the owner shall provide the county with information about the consultation and whether the owner has incorporated such non-binding recommendations into the design of the wind energy system, within 30 days of receiving such recommendations. Source Wis. Admin. Code § PSC 128.33(1). (Ord. 167-3, Sec. 1, 2023)

18.55.050 Local procedure.

A. All applications regulated by this chapter may be subject to additional conditions and restrictions consistent with but no more restrictive than those in Wis. Stat. § 66.0401(1m) and authorized by, and consistent with, Wis. Admin. Code ch. PSC 128. Where such conditions are considered and applied on a case-by-case basis: as well as satisfying one of the following:

1. Serves to preserve or protect the public health or safety.

2. Does not significantly increase the cost of the system or significantly decrease its efficiency.

3. Allows for an alternative system of comparable cost and efficiency.

B. Small Wind Energy Systems shall be processed as a land use permit.

1. This section does not apply to Small Wind Energy Systems subject to standards and conditions within the farmland preservation zoning districts. See 18.55.040.B.

C. Large Wind Energy Systems shall be processed as a conditional use permit.

1. In addition to conditions established pursuant to 18.55.050.A. the Zoning Administrator or Planning and development Committee may require the owner of a Wind Energy System to offer monetary compensation to the owner of a nonparticipating residence consistent with Wis. Admin. Code § PSC 128.33(3) and may be subject to the monetary compensation requirements of Wis. Admin. Code § PSC 128.33(3m).

D. Application Processing.

1. Within 45 days of receiving the application, the department shall notify the applicant whether the application is complete and, if it's not, what the applicant must do in order to make it complete.

a. The applicant shall provide the additional information specified in the notice to the department within 60 days of the date of the notice.

b. The owner may file a new application at a later date; there is no limit to the number of times that an owner may file an application.

c. An application shall be deemed complete if it complies with the filing requirements specified in 18.55.030 of this Title and of Wis. Admin. Code §§ PSC 128.30(2) and 128.50(1).

2. As soon as reasonably possible after receiving a complete application, the department shall publish a class 1 notice, under Wis. Stat. ch. 985, stating that an application for approval has been filed with the county.

a. For Large Wind Energy Systems. The application will be forwarded to the Board of Adjustment for issuance of a conditional use permit under Chapter 18.103 of this ordinance and reviewed under the criteria of Chapter 18.55. Notwithstanding the Chapter provisions of Chapter 18.103, the application shall be determined to be complete if it meets the requirements under Wis. Admin. Code §§ PSC 128.30(2) and 128.50(1).

b. For Small Wind Energy Systems. The department shall make the application available for public review consistent with Wis. Admin. Code § PSC 128.30(6)(a) and shall accept written comments on the application for a minimum period of 10 days following the date of the published notice. The county may hold one public meeting to obtain comments and inform the public about the proposed wind energy system.

3. The county shall make a record of its decision making on an application, including a recording of any public hearing, copies of documents submitted at any public hearing, and copies of any other documents provided to the county in connection with the application for approval.

4. The county shall base its decision on an application on written findings of fact that are supported by the evidence in the record.

a. For Large Wind Energy Systems. For Wind Energy Systems with a nominal capacity of at least one megawatt, the county may deny an application for approval if the proposed site of the wind energy system is in an area primarily designated for future residential or commercial development, as shown in a map that is adopted, as part of a comprehensive plan, under Wis. Stat. § 66.1001 (2)(b) and (f), as part of a comprehensive plan that is updated as required under Wis. Stat. § 66.1001 (2)(i). This provision applies to Wind Energy Systems that have a nominal capacity of at least one megawatt. Wis. Stat. § 66.0401 (4)(f)(2).

5. The county shall approve or disapprove an application for approval no later than 90 days after the day on which it notifies the applicant that the application for approval is complete. The county may extend this time period in writing provided the extension is done during the initial 90-day period, except the total amount of time for all extensions granted may not exceed 90 days. Any combination of the following extensions may be granted:

a. An extension of up to 45 days if the county needs additional information to determine whether to approve or deny the application.

b. An extension of up to 90 days if the applicant makes a material modification to the application.

c. An extension of up to 90 days for other good cause specified in writing by the county.

d. If the county fails to act within the initial 90 days, or within any extended time period, the application is considered approved.

6. The decision made by the county to deny an application shall be made in writing to the applicant and must include the reasons for denial.

7. The county shall provide a written decision to the applicant and the Public Service Commission. Said decision shall contain findings of fact supported by evidence in the record. (Ord. 167-3, Sec. 1, 2023)

18.55.060 Modification to an approved system

A. An owner may not make a material change in the approved design, location or construction of a wind energy system without the prior written approval of the Land Use Manager and/or Planning and Development Committee. An owner shall submit an application for a material change for an approved wind energy system to the county. The county may not reopen the merits of the earlier approval but shall consider only those issues relevant to the proposed change.

B. An application for material change is subject to Wis. Admin. Code § PSC 128.35.

C. At its discretion, the county may hold at least one public meeting to obtain comments on and to inform the public about a proposed material change to an approved wind energy system. (Ord. 167-3, Sec. 1, 2023)

18.55.070 Post construction filing requirements (large wind energy systems)

A. Within 90 days of the date a wind energy system commences operation, the owner shall file with the department and the Wisconsin Public Service Commission an as-built description of the wind energy system, an accurate map of the wind energy system showing the location of all wind energy system facilities, geographic information system information showing the location of all wind energy system facilities, and current information identifying the owner of the wind energy system. (Ord. 167-3, Sec. 1, 2023)

An owner shall label each wind turbine location described in its filing and shown on the map of the wind energy system with a unique identifier consistent with the information posted at the wind turbine location under Wis. Admin. Code § PSC 128.18(1). (Ord. 167-3, Sec. 1, 2023)

18.55.080 Compliance monitoring (large wind energy systems)

A. The department may contract with a third-party inspector to monitor and report to the department regarding the owner's compliance with permit requirements during construction. The inspector monitoring compliance under this section shall also report to a state permitting authority upon the state permitting authority's request. The inspector shall make monthly written reports to the department. The owner shall reimburse the county for the reasonable cost of the inspector.

B. At any time following completion of construction, the department may contract with consultants or experts it deems necessary to monitor compliance by the owner with conditions of the permit and to assess when wind energy system facilities are not maintained in good repair and operation.

1. At a minimum, the owner shall provide the department an annual report regarding maintenance checks and any maintenance performed on each turbine within the approved wind energy system.

2. The public shall have access to any reports or assessments produced pursuant to this section.

The owner of the wind energy system shall reimburse the county for reasonable costs associated with monitoring and/or assessment. (Ord. 167-3, Sec. 1, 2023)

18.55.090 Decommissioning review

A. An owner shall file notice of decommissioning completion with the county and any political subdivision within which its wind energy system facilities are located when a wind energy system approved by the county has been decommissioned and removed.

B. The department shall conduct a decommissioning review to determine whether the owner has decommissioned and removed the wind energy system as required by Wis. Admin. Code § PSC 128.19(1)(a) and, for Large Wind Energy Systems, whether the owner has complied with its site restoration obligations under Wis. Admin. Code § PSC 128.19(4) when applicable.

The owner shall cooperate with the county by participating in the decommissioning review process and, for Large Wind Energy Systems, ensure the obligations under Wis. Admin. Code § PSC 128.19(3) are met. (Ord. 167-3, Sec. 1, 2023)

18.55.100 Appeals

A. A decision of the department to determine that an application is incomplete under 18.55.050, or to approve or disapprove a wind energy system under 18.55.030 or 18.55.040, or an action of the county to enforce a restriction on a wind energy system, may be appealed only as provided in this section.

B. Any aggrieved person seeking to appeal a decision or enforcement action specified under 18.55.030, or 18.55.040 may begin the administrative appeal process as set forth in Chapter 18.108.

1. If the person is still aggrieved after the administrative review is completed, the person may file an appeal with the Wisconsin Public Service Commission (WPSC). No appeal to the WPSC under this section may be filed later than 30 days after the county has completed its administrative review process. For purposes of this section, if the county fails to complete its administrative review process within 90 days after an aggrieved person begins the review process, the county is considered to have completed the process on the 90th day after the person began the process.

2. Rather than beginning an administrative review under 18.55.1000, an aggrieved person seeking to appeal a decision or enforcement action of the county specified in 18.55.050, may file an appeal directly with the WPSC. No appeal to the WPSC under this section may be filed later than 30 days after the decision or initiation of the enforcement action.

3. An applicant whose application for approval is denied under 18.55.100 may appeal the denial to the WPSC. The WPSC may grant the appeal notwithstanding the inconsistency of the application for approval with the political subdivision's planned residential or commercial development if the WPSC determines that granting the appeal is consistent with the public interest. (Ord. 167-3, Sec. 1, 2023)

18.55.110 Complaints

A. Complaint process for wind energy systems. The owner of a Small Wind Energy System is exempt from the provisions of 18.55.110.4-6 and 8.

1. An aggrieved person who has made a complaint to the owner in accordance with Wis. Admin. Code § PSC 128.40 may petition the county for review of the complaint if it has not been resolved within 45 days of the day the owner received the original complaint.

2. The petition for review must be filed with the department within 90 days of the date of the original complaint and shall contain the following:

a. Name, address, and telephone number of the person filing the petition.

b. Copy of the original complaint to the owner.

c. Copy of the owner's original response.

d. Statement describing the unresolved complaint.

e. Statement describing the desired remedy.

f. Any other information the complainant deems relevant to the complaint.

g. Notarized signature of the person filing the petition.

3. The department shall forward a copy of the petition to the owner by certified mail within 10 days of the department receiving the petition.

4. The owner shall file a written answer to the petition with the department and provide a copy of its answer to the complainant with 30 days of its receipt of the petition. The answer must include the following:

a. Name, address, and telephone number of the person filing the answer.

b. Statement describing the actions taken by the owner in response to the complaint.

c. Statement of the reasons why the owner believes the complaint has been resolved or why the complaint remains unresolved.

d. Statement describing any additional action the owner plans or is willing to take to resolve the complaint.

e. Any other information the owner deems relevant to the complaint.

f. Notarized signature of the person filing the answer.

5. The complainant and the owner may, within 30 days following the owner's filing of its answer, file such additional information with the department as each deems appropriate.

6. The department may request such additional information. from the complainant and the owner as it deems necessary to complete its review.

7. The department may retain such consultants or experts as it deems necessary to complete its review.

8. The department shall issue a written decision and may take such enforcement action as it deems appropriate with respect to the complaint.

9. The decision of the department and enforcement action is subject to review under Wis. Stat. § 66.0401(5).

B. Additional process for Large Wind Energy Systems.

1. An owner shall comply with the notice requirements contained in Wis. Admin. Code § PSC 128.42(1).

2. An owner shall, before construction of a Large Wind Energy System begins, provide the department with a copy of the notice issued pursuant to Wis. Admin. Code § PSC 128.42(1), along with a list showing the name and address of each person to whom the notice was sent and a list showing the name and address of each political subdivision to which the notice was sent.

3. An owner shall, before construction of a Large Wind Energy System begins, file with the department the name and telephone number of the owner's contact person for receipt of complaints or concerns during construction, operation, maintenance, and decommissioning. the owner shall keep the name and telephone number of the contact person on file with the department current. (Ord. 167-3, Sec. 1, 2023)

Chapter 18.56

SOLAR ENERGY SYSTEMS(SES)

Sections:

18.56.010 **Purpose.**
18.56.020 **Applicability.**
18.56.030 **Permitting**

18.56.010 Purpose. This section provides the standards and Procedures for solar energy systems. This section ensures that any proposed solar energy system or solar collector complies with applicable provisions of Wis. Stat. §§ 66.0401-66.0403, Wis. Stat. § 196.491 and this section. (Ord. 167-3, Sec. 1, 2023)

18.56.020 Applicability. This section applies to solar collectors and solar energy systems. (Ord. 167-3, Sec. 1, 2023)

18.56.030 Permitting.

A. Types

1. Small SES. Equipment which directly converts and then transfers or stores solar energy into usable forms of thermal or electric energy, which is incidental and subordinate to a permitted use on the same parcel or on a contiguous parcel of common ownership and is intended to supply thermal energy or electric power solely for on-site use, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.

2. Large SES. Equipment which directly converts and then transfers or stores solar energy into usable forms of thermal or electrical energy which is intended for off-site consumption.

B. Standards

1. Setbacks. Any portion of the SES shall not encroach within five (5) feet of any property line and within 25 feet of any road right-of-way.

2. Height restrictions. A SES shall not exceed 35 feet in height. A building mounted SES may extend six feet above the allowable height limit.

3. Glare. The SES shall be positioned so glare does not create any unsafe conditions.

4. Installer. All SES shall be installed by a North American Board of Certified Practitioners (NABCEP) certified solar installer or other person qualified to perform such work.

5. Code Compliance. A SES shall comply with all applicable State of Wisconsin electrical codes and the National Electric Code. A SES that will connect to a commercial structure or a multi-unit dwelling shall comply with the State of Wisconsin Commercial Building Code, when necessary. Other applicable SES shall comply with the Uniform Dwelling Code.

6. Structural integrity. The structure upon which the proposed SES is to be mounted shall have the structural integrity to carry the weight and wind loads of the SES.

7. Notification. Upon issuance of a conditional use permit, all large SES shall notify the Public Service Commission of Wisconsin.

C. Permits

1. Small SES shall be permitted by right in all zoning districts provided standards in 18.56.030.B are met.

2. Large SES under 100 Megawatts shall require a conditional use permit, prior to construction, and may be permitted in all zoning districts and subject to the regulations and requirements in this section.

3. Large SES 100 Megawatts or greater are reviewed by the Public Service Commission of Wisconsin (PSC) and must receive a certificate of public necessity from the PSC

D. Limits on restrictions. The Eau Claire County Planning and Development Committee shall review a conditional use permit for a Large SES under 100 Megawatts and apply the criteria set forth in subsection 1 through 3 below in lieu of criteria set out in Chapter 18.130. No restriction shall be placed, either directly or in effect, on the installation or use of a Large SES, unless the restriction satisfies one of the following conditions:

1. Serves to Preserve and protect the public health or safety.

2. Does not significantly increase the cost of the system or decrease its efficiency.

3. Allows for an alternative system of comparable cost and efficiency.

E. Application. The following information shall be provided on all SES applications:

1. Name and contact information of the applicant, owner and installer.

2. The legal description, and address of the site.

3. A description of the scope of work.

4. Solar system specifications, including the manufacturer and model, generating capacity, total height, collector square footage, wiring plan and means of interconnecting with the electrical grid.

5. Site layout, including the location of property lines, structures, SES and the total extent of system movements and interconnection points with the electrical grid.

6. Installer's qualifications and signature certifying the SES will be installed in compliance with this section and all other applicable codes.

F. Additional Application requirements for a Large SES:

1. Percentage of land coverage by the SES.

2. Structures on adjacent properties and distance from boundary of SES project.

3. A decommissioning and site restoration plan providing reasonable financial assurance the Large SES will be removed at the end of its useful life.

G. Recommended Application Submittal Items for a Large SES:

1. Copies of Property Leases.

2. Preliminary Engineering Design.

3. Vegetation Plan.

4. Market Impact Analysis.

5. Glare Analysis Study.

6. Visual Analysis Study.

7. Pre-Construction Sound Report.

8. Wetland and Waterway Report/Navigability Determinations.

9. Cultural Resources Report.

10. Certified Endangered Resources Review.

11. Electric and Magnetic Field (EMF) Study. (Ord. 167-3, Sec. 1, 2023)

SUBTITLE IV DEVELOPMENT STANDARDS

Chapters:

18.70	General Provisions
18.71	Access Management & Driveways
18.72	Building Height
18.73	Fences & Screening
18.74	Landscaping & Tree Preservation
18.75	Lot Development
18.76	Outdoor Lighting
18.77	Parking & Loading
18.78	Signs
18.79	Sound

Chapter 18.70

GENERAL PROVISIONS

Sections:

18.70.010	Purpose.
18.70.020	Applicability.
18.70.030	Modification.

18.70.010 Purpose. This subtitle establishes development standards that:

A. Implement the Comprehensive Plan;

B. Implement the purposes established for the zoning regulations;

C. Ensure that new development, structures, and land uses mitigate their impacts on affected neighborhoods, the natural environment, and affected infrastructure where indicated in the applicable standard; and

D. Provide uniform methods for the application of the dimensional, site design, civic space, landscaping, and infrastructure standards established in this title. (Ord. 167-3, Sec. 1, 2023)

18.70.020 Applicability. This subtitle is part of the Eau Claire County Zoning Ordinance and is subject to town approval as provided in Wis. Stat. § 59.69. It applies to:

A. All zoning districts, and

B. Unless otherwise provided, any application for a conditional use permit, land use permit, or certificate of compliance. (Ord. 167-3, Sec. 1, 2023)

18.70.030 Modification.

A. The county board may modify any provision of this section as a condition of rezoning to any PUD, Planned Unit Development, district.

B. The land use manager may modify any other provision of this subtitle where specifically authorized.

C. A modification is permitted only if it:

1. is consistent with the Comprehensive Plan, and

2. is consistent with the public interest, and

3. will not place an unnecessary burden on the county or surrounding properties.

(Ord. 167-3, Sec. 1, 2023)

Chapter 18.71

ACCESS MANAGEMENT & DRIVEWAYS

Sections:

18.71.010 **Purpose.**
18.71.020 **Applicability.**
18.71.030 **Highway classification & setbacks.**
18.71.040 **Access driveways.**
18.71.050 **Intersection visibility (Vision Clearance Triangle).**

18.71.010 Purpose. The purpose of this section is to promote the public safety, welfare, and convenience by easing congestion on the public highways through a system of standards and regulations for limiting access to public highways and establishing setbacks from highway rights-of-way. (Ord. 167-3, Sec. 1, 2023)

The standards in this section were established for consistency with the Eau Claire County Highway Department Policies and Procedure Manual. If that manual should be changed such that there is a policy conflict with this section, the standards in the Manual should be used. (Ord. 167-3, Sec. 1, 2023)

18.71.020 Applicability. No structure shall be erected, constructed, or moved within the highway setback lines established in this section, nor shall more frequent access points be permitted than allowed in this section along any class of highway described in 18.71.030. (Ord. 167-3, Sec. 1, 2023)

18.71.030 Highway classification & setbacks.

A. Highway Classification. For the purpose of determining the distance buildings and other structures must be set back from streets and highways, the streets and highways of the county are divided into the following classes:

1. Class A Highways. All state and federal highways are designated as class A highways.

2. Class B Highways. All county trunk highways and town roads not located within a subdivision are designated as class B highways.

3. Class C Highways.

a. All town roads, public streets, and highways not otherwise classified are designated as class C highways; this includes roads located within a subdivision.

b. Dedicated public accesses to navigable water are not considered class C highways for highway setback purposes unless they serve a dual purpose of access to navigable water and vehicular access to adjoining parcels of land.

4. Private Easement Roads and Railroad Rights-of-Way. Private easement roads provide access to more than one lot. Railroad rights-of-way provide access for rail lines.

B. Setbacks.

1. Highway, Road, and Railroad Setbacks.

a. No structure shall be located between the setback lines established by this section and the road right-of-way, except as provided in paragraph 3. below.

b. Highway, road, and railroad setbacks shall meet the requirements specified in Table 18.71.030-1.

Table 18.71.030-1 Highway, Road, and Railroad Setback Requirements

Highway Classification	Highway, Road, or Railroad Setback
Class A Highway (not divided)	The greater of: 110 ft from highway centerline, or 50 ft from ROW line
Class A Highway (divided)	50 feet from ROW line
Class B Highway	The greater of: 83 ft from highway centerline, or 50 ft from ROW line in A-1, A-2, A-3, A-R, AC-R A-P RH, C-3, F-1, F-2, I-L and I-H district. The greater of: 63 ft from highway centerline, or 30 ft from ROW line in R-L, R-1, R-2, R-3, C-1 and C-2 districts.
Class C Highway, other Local Roads	50 ft from ROW line in A-1, A-2, A-3, A-R, AC-R A-P RH, C-3, F-1, F-2, I-L and I-H district. 30 ft from ROW line in R-L, R-1, R-2, R-3, C-1 and C-2 districts.
Private Road Easement or Railroad ROW	30 ft from edge of easement or ROW*
All roads, when adjacent to land zoned C-2 and located in the Urban Mixed Use Planning Area**	20 ft from ROW line
ft = feet | ROW = right-of-way	
* In the case of an easement that does not have a legal description; the setback is 30 ft from the nearest point on the edge of the traveled way. ** As shown on the Eau Claire County Comprehensive Plan Future Land Use Map (Map 9 in the 2010 Plan).	

2. Average Setbacks.

a. This subsection applies to buildings that are proposed to be erected or moved between existing buildings that have setback lines less than those established by this section and were lawfully constructed.

b. The land use manager may issue a permit for the proposed building if its setback is at least the average of the setbacks of the nearest adjoining existing buildings within 150 feet on either side of the locations of the proposed building. If no building exists on the adjoining lot, the setback line shall be used.

3. Structures & Vegetation Allowed Within Setback.

a. Structures, signs, and vegetation may be placed between the setback line and the right-of-way on all highways and roads if:

i. The land use manager, in conjunction with the Eau Claire County Highway Department, determines that the road's line of sight is not impaired, and

ii. The structure or vegetation is:

(a). An open fence;

(b). A petroleum or gas transmission line; telephone, telegraph, cable television, power transmission, or other utility pole and line; and associated equipment both above and below ground that is readily removable in its entirety;

(c). An underground structure, including a well or septic tank, that is not capable of being used as a foundation for a future prohibited aboveground structure;

(d). A sign, but only as allowed by Chapter 18.78;

(e). An access or frontage road constructed by the public to plans approved by the county infrastructure committee;

(f). A tree, shrubbery, or field crop, unless otherwise prohibited by Section 18.71.050.

b. Use of public highway right-of-way by plowing, cultivating, and growing of field crops is governed by Wis. Stat. § 86.021.

c. Planting of trees and shrubs on highway right-of-way is governed by Wis. Stat. § 86.03 (3). (Ord. 167-3, Sec. 1, 2023)

18.71.040 Access driveways.

A. Purpose. This section regulates the proper placement and spacing of driveways The purpose of these regulations is to:

1. eliminate or limit potential traffic conflicts,
2. increase traffic safety, and
3. improve traffic flow by reducing potential conflict points.

B. Applicability.

1. This section applies to all driveways that provide access from private property onto a County highway, including all proposed new driveways and any existing driveway on which the landowner proposes improvements or changes in use.

2. This section does not apply to driveways that provide access to Class A highways, which are subject to applicable state or federal requirements and permitting processes. Driveway access to all roads under state and federal jurisdiction requires Wisconsin Department of Transportation (WisDOT) approval.

C. Permit Required. Prior to issuance of a land use permit, an applicant shall obtain a driveway permit from the jurisdiction that has control over the road to which driveway access is proposed.

1. The WisDOT and the Eau Claire County Highway Department require a permit, pursuant to Wis. Stat. § 86.07, for construction or modifications on or across any highway right-of-way under their jurisdiction.

2. Individual municipalities may also require a permit for roads under their jurisdiction.

D. Maximum Surfaced Width of Driveways. The maximum surfaced width of driveways is specified in Table 18.71.040-1.

Table 18.71.040-1 Maximum Surfaced Width of Driveways.

Zoning District	Maximum Width
Agricultural & Forestry (A-P, A-1, A-2, A-3, F-1, F-2)	36 feet
Residential (A-CR, RH, R-L, R-1, R-2, R-3)	24 feet
Commercial (C-1, C-2, C-3)	36 feet
Industrial (I-L, I-H)	36 feet

E. Driveway Slope. A driveway shall slope down and away from the road at a minimum 2% grade and a maximum 5% grade for the first 10 feet from the edge of the shoulder to minimize water flowing onto the public road.

F. Maintenance Responsibility. The property owner or occupant is responsible for the construction, maintenance, and replacement of a driveway and any associated drainage culvert. (Ord. 168-53, Sec. 8, 2025; Ord. 167-3, Sec. 1, 2023)

18.71.050 Intersection visibility (Vision Clearance Triangle).

A. Purpose. The purpose of this section is to improve traffic safety by providing sufficient visibility for motorists approaching and navigating road intersections, road-driveway intersections and road-railroad intersections.

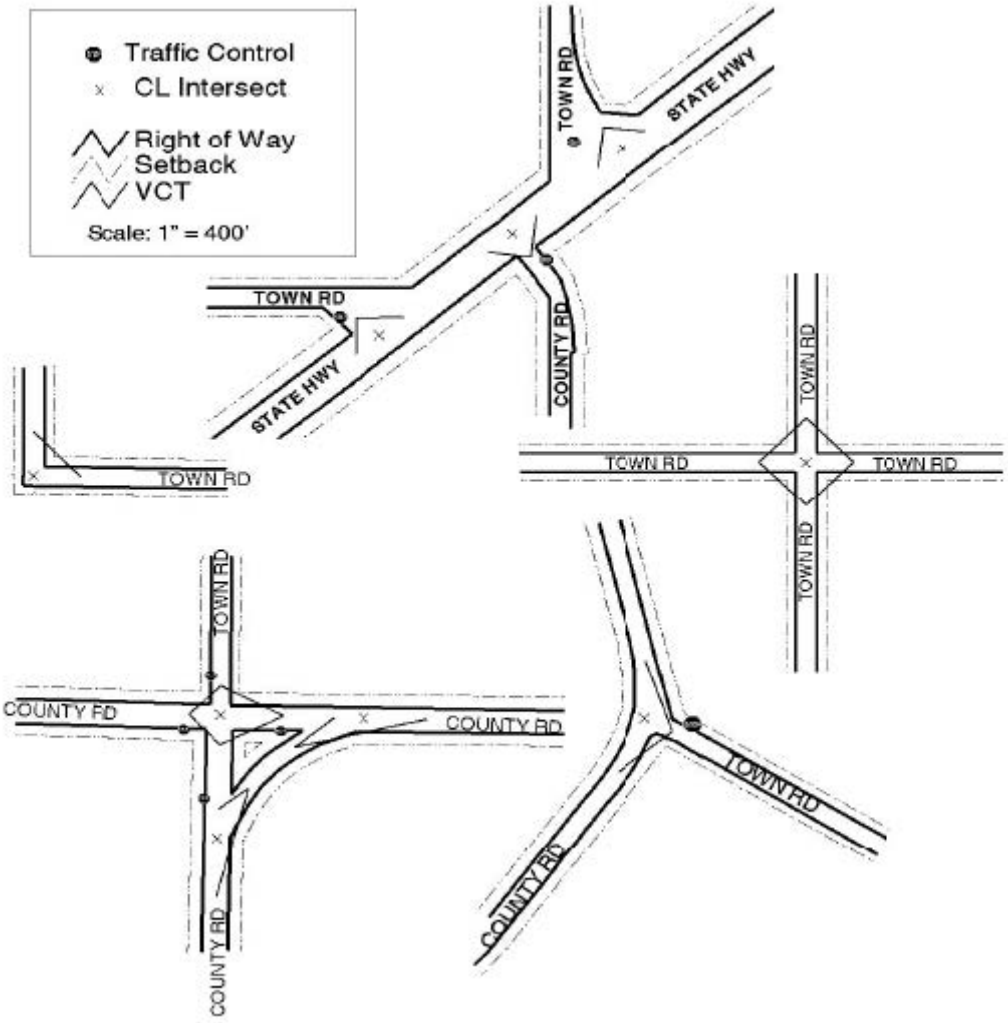
B. Applicability. This section applies to:

1. every intersection of two public roads, and
2. every intersection of a public road and a private driveway, and
3. every intersection of a public road and a railroad right-of-way.

C. Vision Clearance Triangle. A vision clearance triangle (VCT) is bounded by the intersecting road or railroad centerlines and a line connecting points on them at the distances from the intersecting centerlines specified in Table 18.71.050-1 and generally depicted in Figure 18.71.050-

Table 18.71.050-1 Vision Clearance Triangle		
Type of Intersection	**Distance from Intersection**	
Public Road /Railroad Intersections, and Uncontrolled Intersections of Public Roads	Class A Highway	300 ft from each centerline
	Class B Highway	200 ft from each centerline
	Class C Highway or Private Road Easement	150 ft from each centerline
All other Intersections with at least one stop- or yield-controlled road	100 ft from each centerline	
Driveway intersections with public road	100 feet from driveway centerline, 10 feet from right-of-way edge	

Figure 18.71.050-1 General Illustrations of VCTs



D. Obstructions Within VCT.

1. No building, parking lot, fence, sign, structure, vegetation, or any other object that causes or will cause an obstruction to view between a height of 2½ feet and 10 feet above the elevation of the road may be placed within a VCT.

2. Property owners are required to prune, trim, or remove vegetation or landscaping located in a VCT if:

a. the vegetation or landscaping is capable of causing a traffic hazard and

b. the jurisdiction with authority over one or more of the intersecting roads or a law enforcement agency that has jurisdiction requests removal of the vegetation or landscaping. (Ord. 167-3, Sec. 1, 2023)

Chapter 18.72

BUILDING HEIGHT

Sections:

18.72.010 Purpose.
18.72.020 Measurement.
18.72.030 Exceptions.

18.72.010 Purpose.

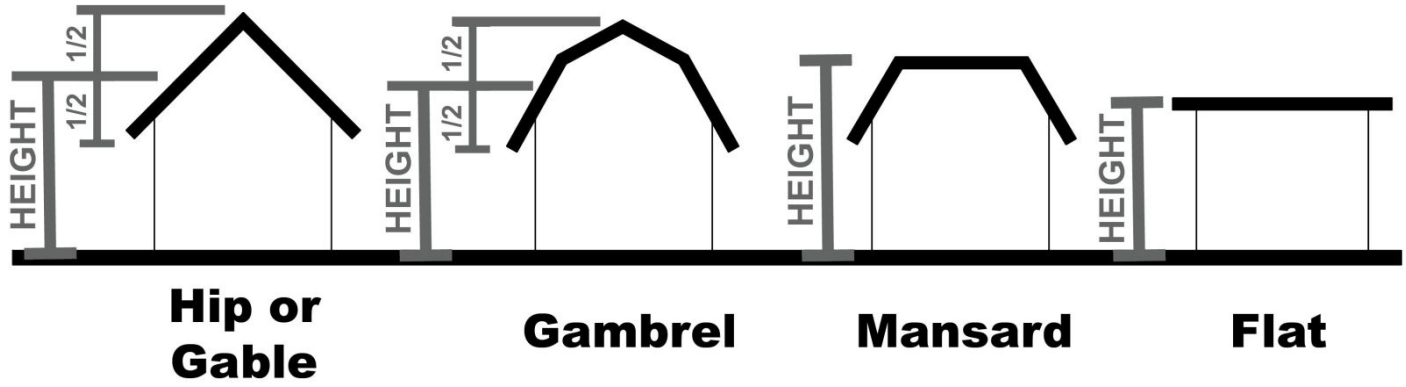
A. The zoning districts establish maximum heights for buildings and structures.

B. This section describes how to measure building height and exemptions to height limitations. (Ord. 167-3, Sec. 1, 2023)

18.72.020 Measurement.

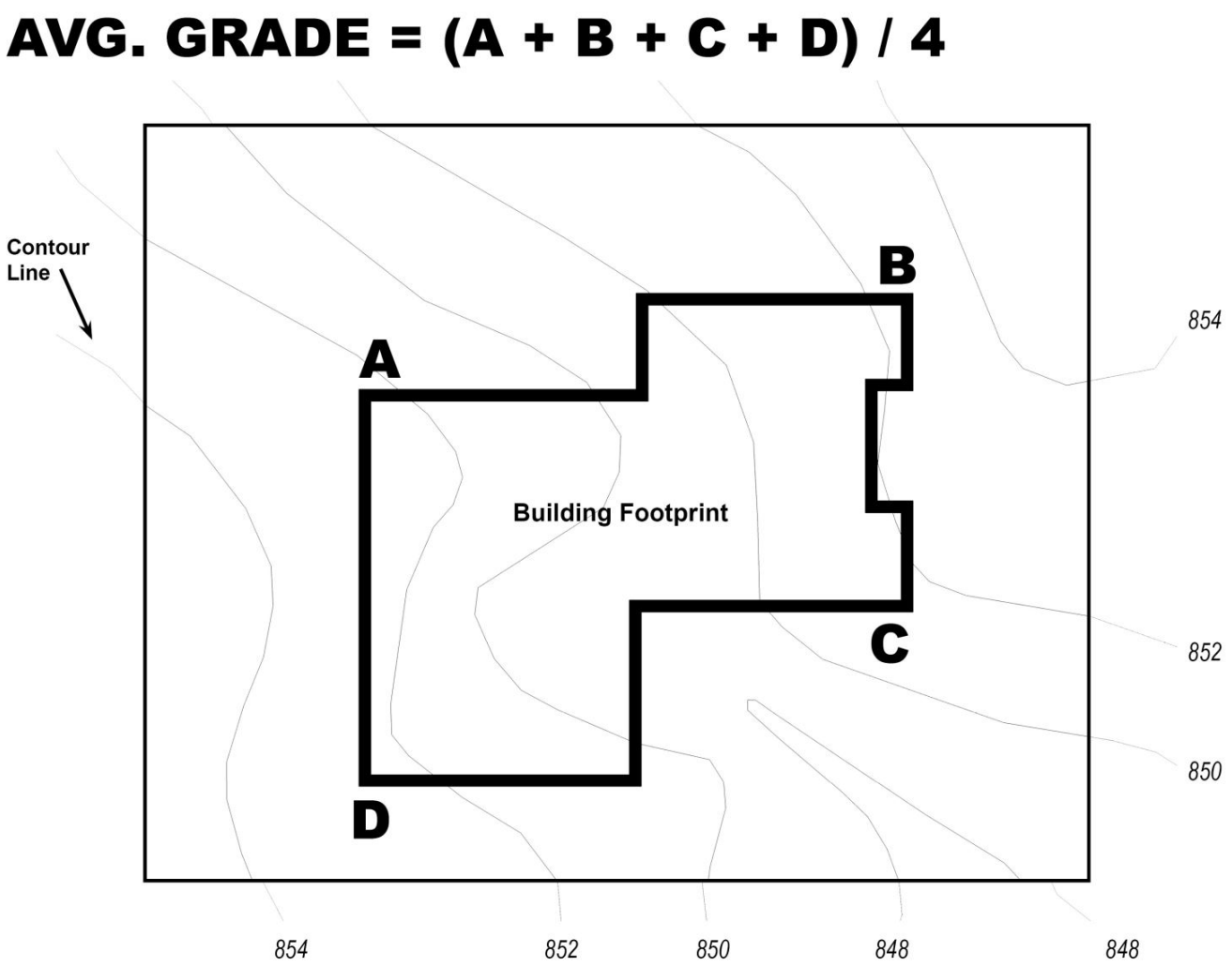
A. Building height is the vertical distance from the average grade level to the highest point of a flat surface roof, to the deck line of a mansard roof, or to the average height level between eaves and ridge of gable, hip, and gambrel roofs.

Figure 18.72.020-1 Building Height Measurement



B. The average grade level shall be calculated with an accurate drawing of the proposed structure with finished grade contours and spot elevations at each of the four outermost corners of the structure. Add up the spot elevations and divide by four to calculate the average ground elevation. (Ord. 167-3, Sec. 1, 2023)

Figure 18.72.020-2 Average Grade Measurement



18.72.030 Exceptions.

A. The following structures are exempt from the height limitations of this subtitle and may be erected in accordance with other regulations or ordinances of the County, or of other jurisdictions such as the Federal Aviation Administration (FAA):

1. Uninhabited architectural projections, such as spires, belfries, parapet walls, cupolas, domes, flues and chimneys;
2. Agricultural structures, such as silos, barns, and grain storage buildings;
3. Elevators;
4. Radio and television receiving antennas;
5. Television antennas;
6. Microwave radio relay or broadcasting towers;
7. Cooling towers and smokestacks;
8. Structures associated with essential services;
9. Utilities, including electrical power and communication transmission lines;
10. Water towers;
11. Structures associated with nonmetallic mining extraction; and
12. Necessary mechanical appurtenances.

B. The Airport Overlay District has different structure height regulations and is not subject to the exceptions in this section. (Ord. 167-3, Sec. 1, 2023)

Chapter 18.73

FENCES & SCREENING

Sections:

18.73.010	Purpose.
18.73.020	Applicability.
18.73.030	General screening standards.
18.73.040	Fences in residential districts.
18.73.050	Fences & screening in commercial & industrial districts.
18.73.060	Screening of trash containers & outdoor storage areas.

18.73.010 Purpose.

A. The purpose of this section is to improve the aesthetic quality and appearance of developed properties by establishing minimum fencing standards.

B. These regulations allow for privacy, while maintaining access to light and air. (Ord. 167-3, Sec. 1, 2023)

18.73.020 Applicability. This section applies to a fence, wall, or berm located in any zoning district. (Ord. 167-3, Sec. 1, 2023)

18.73.030 General screening standards.

A. Fences & Walls.

1. Fences and walls may be located within required street, side, and rear yards.

2. All fences and walls shall:

a. be constructed of wire, chain links, wood, stone, masonry, stucco, or any other standard building material approved by the Land Use Manager;

b. have the finished side facing the adjoining property; and

c. be maintained in a condition of good repair.

3. Fences in the Floodplain Overlay are subject to the requirements of Section XIV Floodplain Overlay (F-O); fences in the Shoreland Overlay are subject to the requirements of Section XVII Shoreland Overlay (S-O).

4. Fences or walls located on the property line of a double frontage lot that abuts a divided highway consisting of four or more lanes with no direct access to the highway are allowed along the highway right-of-way provided they are no more than 6 feet in height.

B. Berms.

1. Berms may be located within required street, side, and rear yards.

2. Berms shall contain side slopes not exceeding 4 feet of horizontal distance to one foot of vertical distance (4:1) with a maximum height of 6 feet.

3. Berms shall be natural in appearance and undulating wherever possible. (Ord. 167-3, Sec. 1, 2023)

18.73.040 Fences in residential districts. In the A-CR, RH, R-L, R-1, R-2, and R-3 districts, the maximum height of a fence is:

A. 42 inches if partially to fully opaque and located in a street yard, and

B. 6 feet if fully transparent, such as chain-link material, or if located in a side or rear yard. (Ord. 167-3, Sec. 1, 2023)

18.73.050 Fences & screening in commercial & industrial districts.

A. Applicability. This section applies to new construction or expansion of existing structures in the C-1, C-2, C-3, I-L, and I-H districts that is adjacent to a residential district (A-CR, RH, R-L, R-1, R-2, or R-3).

B. Location of Screening. Screening required by this section shall be located within all side and rear yards that abut a residential district.

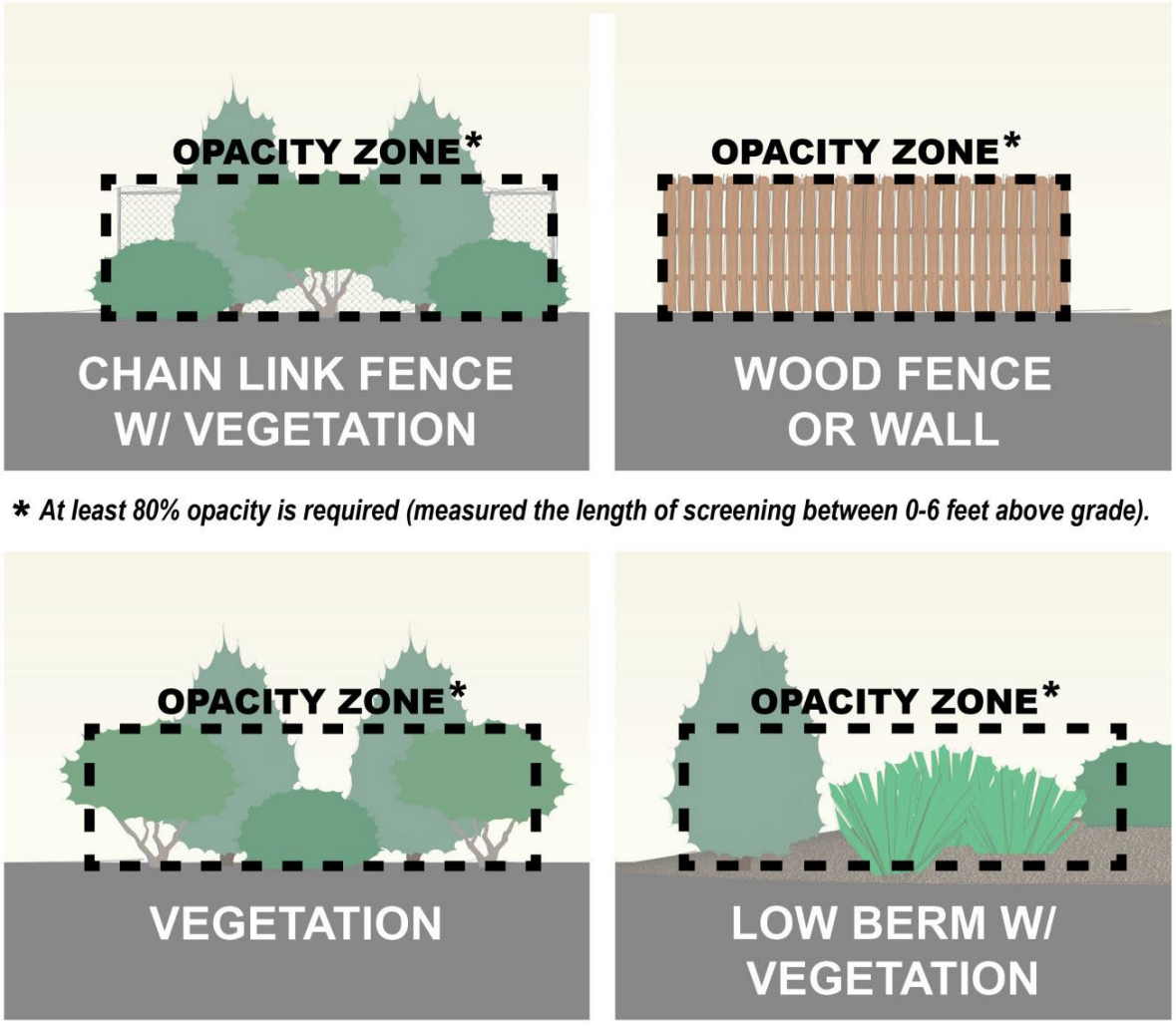
C. Design & Materials.

1. Screening required by this section shall be at least 80% opaque within the first 6 feet above the adjacent grade and meet the requirements in Table 18.73.050-1. If including vegetation, the screening shall be at least 50% opaque at the time of installation and shall use plantings that will achieve screening with at least 80% opacity within 3 growing seasons.

Table 18.73.050-1 Material & Height of Required Screening

Screening Material	Height
fence or wall	8 ft max; 10 ft max by conditional use permit
vegetation	see the landscaping requirements of 18.74.060
berm	6 ft max
ft = feet | max = maximum allowed | min = minimum required	

Figure 18.73.050-1 Screening Opacity Requirements



C. Existing Natural Screening. Existing natural topographic or vegetative screening may be used to meet the requirements of this section in accordance with 18.74.050. (Ord. 167-3, Sec. 1, 2023)

18.73.060 Screening of trash containers & outdoor storage areas.

A. Applicability. This section applies to new construction or expansion of existing structures in the C-1, C-2, C-3, I-L, and I-H districts.

B. Screening of Exterior Trash & Recycling Containers.

1. All exterior trash and recycling containers shall be screened from public view on all sides:

a. On 3 sides with a 6-to-8-foot fence or wall, and

b. On 1 side with a gate.

2. Screening required by this subsection shall be 100% opaque.

C. Screening of Outside Storage Areas.

1. All outside storage areas shall be screened from view from public road rights-of-way.

2. Screening may include a wall, fence, berm, or vegetation, or any combination of these. Vegetation shall meet the requirements of Chapter 18.74.

3. Screening required by this subsection shall be at least 80% opaque.

Chapter 18.74

LANDSCAPING & TREE PRESERVATION

Sections:

18.74.010 Purpose.
18.74.020 Applicability.
18.74.030 Landscaping plan required.
18.74.040 Alternative requirements.
18.74.050 Tree preservation.
18.74.060 Required landscaping.
18.74.070 Requirements for specific landscaping locations.
18.74.080 Landscaping installation & maintenance.

18.74.010 Purpose.

A. This section establishes specifications for planting and landscape areas.

B. The County finds that this section promotes the public health, safety, and general welfare by:

1. increasing compatibility with adjacent land uses by requiring a buffer or screen between uses;

2. reducing the effects of noise, glare, dust, and other objectionable activities generated by some land uses, including avoiding the increase in noise pollution created by the removal of buffer trees;

3. safeguarding and enhancing property values by promoting compatibility and avoiding the adverse aesthetic and ecological effects of tree removal;

4. preserving scenic views and/or otherwise enhancing the rural landscape as seen from perimeter roads;

5. minimizing soil erosion;

6. reducing flood hazards and managing storm water by providing leaf canopies that help reduce erosion caused by falling rain, porous surface areas where rain water lands and evaporates, and roots that take up water and create soil conditions that promote infiltration;

7. preserving the economic base attracted to the County by its natural beauty; and

8. promoting aesthetically pleasing developments that preserve the appearance and character of the community. (Ord. 167-3, Sec. 1, 2023)

18.74.020 Applicability.

A. This section applies:

1. where landscaping is required by the applicable zoning district [Note: The following zoning districts require landscaping: C-1, C-2, C-3, I-L, and I-H.]

2. to multiple-family land uses located in the R-3, C-1, or C-2 district.

3. to off-street parking areas containing 6 or more parking spaces and located in or adjacent to the A-CR, RH, R-L, R-1, or R-2 district.

4. to off-street parking areas containing 12 or more spaces that:

a. serve multiple-family uses located in the R-3, C-1, or C-2 district; or

b. are located in the C-3, I-L, I-H, or PUD district.

B. For Planned Unit Development (PUD) districts, landscaping standards are established as a condition of rezoning. Unless the conditions provide a different standard, at least 15% of a PUD site shall be landscaped in accordance with this section. (Ord. 167-3, Sec. 1, 2023)

18.74.030 Landscaping plan required. If this section requires landscaping, the department may require the applicant to provide a Landscaping Plan stamped by a registered Professional Landscape Architect. See Subtitle VII Submittal Requirements. (Ord. 167-3, Sec. 1, 2023)

18.74.040 Alternative requirements. The Land Use Manager may approve alternative landscaping requirements if:

A. the applicant preserves a unique native landscape such as a native prairie, oak savannah or woodland, and the decision maker determines that the native landscape has at least an equivalent area and durability as the landscaping normally required by this section; or

B. the applicant provides alternative landscape treatments that have a buffering or screen capacity equal to or greater than required by this section; or

C. the applicant demonstrates unique site constraints that inhibit compliance with this section and provides alternative landscape treatments appropriate to those constraints. (Ord. 167-3, Sec. 1, 2023)

18.74.050 Tree preservation.

A. Tree Preservation Encouraged. Property owners are encouraged to protect and retain existing trees, shrubs, and grasses not located in rights-of way, drainageways, vision triangles, and the like, and to protect and preserve trees during construction.

B. Preservation Credits. Preserving existing healthy, native, non-invasive vegetation should always take precedence over planting new vegetation and is encouraged by crediting preservation toward the landscaping requirements in this section. Preservation of existing trees or shrubs counts toward the landscaping required by this section if:

1. they meet the minimum plant sizes specified in Table 18.74.060-1; and

2. for road setback and parking area perimeter landscape areas, they meet an opacity of at least 80%.(Ord. 167-3, Sec. 1, 2023)

18.74.060 Required landscaping.

A. Generally.

1. Landscaping shall occupy the minimum percent of a lot as provided in the applicable zoning district. All of the road setback and parking area landscaping required by this section shall be provided, even if those requirements exceed the minimum percentage required in the zoning district.

2. Required landscape areas shall be planted with multiple varieties of perennial plants, woody shrubs, and/or trees, but excluding mowed turf grass.

3. Required landscape areas shall be planted at a sufficient density of plants to achieve 80% ground coverage within 3 full growing seasons.

4. The use of mulch or landscape stone is required in the first 3 years to prevent erosion, weed growth, and retain moisture and is encouraged thereafter.

B. Location of Landscape Areas.

1. Landscaping is required in road setback areas (street yards), parking area perimeters, and parking area interiors. This subsection does not prohibit landscaping in other locations.

2. Landscaping may overlap drainage and utility easements. However, plantings shall not:

a. impede the flow of water within a drainage easement, or

b. obstruct any portion of an existing or dedicated public road or right-of-way.

C. Planting Material Specifications.

1. Applicability. This subsection applies to all landscaping required by this section.

2. Generally. Size specifications and landscape materials shall conform to the American Standard for Nursery Stock.

3. Species and Materials.

a. The landscape area may contain any combination of preserved natural vegetation or newly installed plantings.

b. Landscape materials shall allow growth to the required height and opacity.

c. Landscape species shall be indigenous or proven adaptable to the climate but shall not be invasive species as identified by the Wisconsin Department of Natural Resources.

d. Landscape species should include a mix of trees and shrubs and may also include herbaceous materials such as grasses, vines, aquatic plants, wildflowers, tall-grass prairie, and other vegetative materials.

e. Landscape vegetation shall be selected for resilience with limited care or maintenance, including drought tolerance and, if near pavement or in drainageways, salt tolerance.

4. Plant Size. Minimum plant size shall be as specified in Table 18.74.060-1. To determine trunk size, caliper inches are measured 6 inches above ground level. (Ord. 167-3, Sec. 1, 2023)

Table 18.74.060-1 Plant Size

Plant Type	Minimum Size at Time of Planting
Trees	
Evergreen	4 feet in height
Deciduous Canopy	2-inch caliper
Deciduous Ornamental	1.5-inch caliper
Shrubs	
Evergreen or Deciduous, upright	18 inches in height
Evergreen or Deciduous, spreading	15 inches in diameter

18.74.070 Requirements for specific landscaping locations.

A. Road Setback Landscaping.

1. Applicability. A landscaped area shall be provided in the street setback for:

a. all uses located in a zoning district where landscaping is required and

b. multiple family uses located in any zoning district.

2. Location / Size. Road setback landscaping shall extend at least 10 feet in depth for at least half of the road right-of-way frontage.

3. Content. Road setback landscaping may include vegetated planting areas, berms, fences, or walls, subject to the design constraints of this section and Chapter 18.73.

4. Design.

a. The road setback area shall include at least 1 shade tree per 100 linear feet of road frontage.

b. plantings shall be appropriately spaced according to growth requirements of the species and shall not obscure road-facing windows or doors at maturity.

c. Road setback landscaping is limited to 2 feet in height within the vision clearance triangle of a driveway access or road/railroad intersection (see 18.71.050).

B. Parking Perimeter Landscaping.

1. Applicability. This subsection applies to all off-street parking areas that:

a. contain 6 or more parking spaces; and

b. are located in or within 75 feet of an A-CR, RH, R-L, R-1, or R-2 district.

2. Location. All required landscaping shall be planted within 10 feet of off-street parking areas.

3. Design & Materials.

a. Content. Parking perimeter landscaping shall include a minimum of 1 shade tree and 5 bushes for areas with up to 10 parking stalls and at least one more shade tree and 5 more bushes for each additional 10 stalls or fraction thereof.

C. Parking Interior Landscaping.

1. Applicability. This subsection applies to all off-street parking areas that:

a. contain 12 or more parking spaces; and

b. are located in the C-3, I-L, I-H, or PUD district; or

c. serve a multiple-family use located in the R-3, C-1, or C-2 district.

2. Number & Size. One landscape island at least 9 feet in width shall be provided for each 12 parking spaces.

3. Design & Materials.

a. Generally. Landscape islands shall be designed to create defined aisles and delineate the end of parking rows and aisle intersections and may also be located internal to the parking rows.

b. Content.

i. At least 1 indigenous shade tree is required per landscape island. The remainder of the island shall consist of shrubs and ground cover.

ii. Landscape islands may alternatively be designed and planted to serve as dual-purpose storm water treatment areas. When landscape islands are designed as a storm water treatment area, trees are not required as the primary landscaping material if the County determines that trees are incompatible with the native plantings proposed for use as a means of storm water treatment.

c. Curbs. Each landscape island shall be protected by vertical curbs or similar structures. (Ord. 167-3, Sec. 1, 2023)

18.74.080 Landscaping installation & maintenance.

A. Timing of Installation.

1. Landscaping shall be installed prior to issuance of a certificate of compliance.

2. The applicant may propose, and the approving authority may approve, alternative timing for installation of landscaping subject to a schedule specified as a condition of zoning, conditional use, or land use permit approval.

B. Maintenance.

1. The developer, its successor, and/or subsequent owners and their agents shall maintain landscaping on the property on a continuing basis for the life of the development.

2. Plant materials that exhibit evidence of insect pests, disease, and/or damage shall be appropriately treated. Dead plants shall be promptly removed and replaced.

3. All landscaping is subject to periodic inspection by the Land Use Manager or designee.

4. The property owner shall maintain landscape areas in good condition and in a way that presents a healthy, neat, and orderly appearance. This maintenance shall include weeding, watering, fertilizing, pruning, mowing, edging, mulching, or other maintenance, in accordance with acceptable horticultural practices.

5. The County may cause removal of any dead or diseased trees, plants, and shrubs on private property within the County, when those trees, plants, and shrubs constitute a hazard to life and/or property or harbor insects or disease which constitutes a potential threat to other trees, plants or shrubs within the County. If the Land Use Manager determines that removal of any diseased tree, plants, or shrubs is necessary, the Land Use Manager shall provide the property owner written notice of the required maintenance or removal. (Ord. 167-3, Sec. 1, 2023)

Chapter 18.75

LOT DEVELOPMENT

Sections:

18.75.010 Purpose.
18.75.020 Generally.
18.75.030 Lot area.
18.75.040 Lot width.
18.75.050 Setbacks & yards.
18.75.060 Reasonable accommodation for disabled persons.

18.75.010 Purpose. This section includes standards and rules of interpretation for applying the lot area, setbacks, and yard requirements for the zoning districts established in this title. (Ord. 167-3, Sec. 1, 2023)

18.75.020 Generally.

A. A lot, yard, or other open space provided for a building to comply with this title does not count as part of a lot, yard, or other open space required for another building.

B. Lots that were created through platting or certified survey map procedures and that are under single contiguous ownership are considered as separate lots of record. All restrictions or setbacks placed on the lots by the county or towns through the subdivision review process are enforceable under this subtitle.

C. Only buildable lots may be improved with a building. (Ord. 167-3, Sec. 1, 2023)

18.75.030 Lot area.

A. Generally. This section applies to any zoning district that establishes a minimum lot area requirement.

B. Lot Area. Lot area is the contiguous area within lot lines, excluding any street, highway, access easement, railroad right-of-way, or navigable body of water. Lots in the A-P, A-1, A-3, F-1 and F-2 Districts may include road rights-of-way in the calculation of minimum lot area. (Ord. 167-3, Sec. 1, 2023)

18.75.040 Lot width. All lots shall have a minimum frontage on a public road equivalent to the minimum lot width for the zoning district in which it lies, except for lots created through the subdivision review procedures. (Ord. 167-3, Sec. 1, 2023)

18.75.050 Setbacks & yards. The following standards apply to setbacks and yards within the applicable zoning districts where setbacks are established as indicated below:

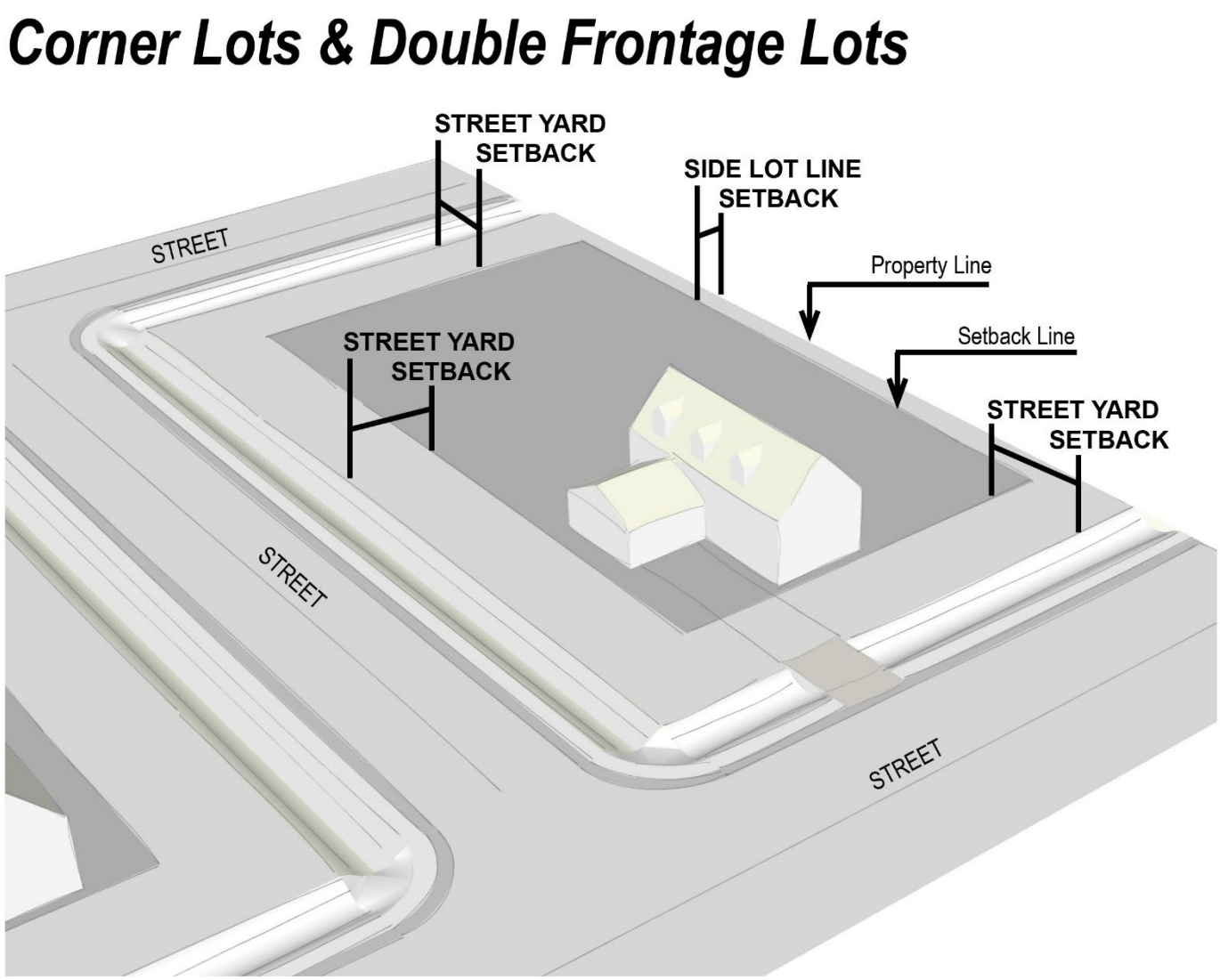
A. Generally. Every part of a required yard shall be open to the sky and unobstructed, except for permitted encroachments.

B. Measurement Yards and Setbacks. Required setbacks, as identified in the applicable zoning district in Subtitle II, are measured from the nearest point of the lot line in question. The space between the lot line and the required setback line is the yard.

Setback Averaging. In locations with two or more contiguous lots along a street, each with no more than 150 feet of street frontage, the required street yard setback may be reduced to the average of the two adjacent lots if either of those lots has a legal, nonconforming principal structure with less than the required street yard setback. If one of those lots does not have a structure, the required street yard setback for that lot shall be used to calculate the average.

C. Corner Lots & Double Frontage Lots. A corner lot and a double frontage lot are considered to have a street yard on each lot line abutting a street, and a side lot line abutting an interior lot.

Figure 18.75.050 Corner and Double Frontage Lots



E. Shoreland Overlay District. Steps and uncovered porches shall not encroach into the shoreland setback distance from the ordinary high-water mark of navigable water as regulated by Chapter 18.260.

F. Encroachments. The features designated and as conditioned below may encroach into a required yard subject to height limitations, vision triangle requirements (Table 18.81.050-1), and building code separation requirements. (Ord. 167-3, Sec. 1, 2023)

Table 18.81.050-1 Encroachments			
Feature	**Yards where encroachment is permitted**	**Maximum Encroachment**	**Minimum Setback from Property Line**
Arbors (maximum footprint of 80 sf and maximum height of 12 in)	Any	No restriction	--
Accessory buildings (not otherwise listed)	Rear	No restriction	5 ft
Basketball goal	Any	No restriction	--
Balconies (open) at second floor or higher levels, wing walls, stoops, landings, patios, and decks	Any	5 ft	--
Bird houses, dog houses	Any	No restriction	--
Ordinary projections of sills, belt courses, cornices, buttresses, eaves, chimneys, buttresses, eaves, spouts/gutters, brackets, pilasters, grill work, trellises and similar architectural features	Any	4 ft	--
Canopies having a roof area up to 60 sf	Street/Rear	4 ft	--
Clothes line (up to 2 poles)	Rear/Side	No restriction	--
Driveways	Any	No restriction	5 ft
Equipment, ancillary (Residential or Commercial districts)	Side/Rear	No restriction	--
Fences, walls, poles, posts and other customary yard accessories, ornaments, and furniture	Any	No restriction, except fence height, see Chapter 18.78	--
Open fire escapes / enclosed outside stairways / handicap ramps required by the building code	Any	4 ft	--
Flag Pole	Any	No restriction	--
Gates	Any	No restriction	--
Heating and cooling units	Any	4 ft	--
Landscaping, lawns, berms, trees, shrubs	Any	No restriction	--
Light Poles	Any	No restriction	--
Mailboxes	Any	No restriction	--
Playground equipment, trampolines	Any	No restriction	--
Open pools, screened or enclosed pools, spas, and uncovered decks or patios, up to 20 ft from a dwelling unit on an abutting lot	Rear/Side	No restriction	--
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Table 18.81.050-1 Encroachments			
Feature	**Yards where encroachment is permitted**	**Maximum Encroachment**	**Minimum Setback from Property Line**
Overhanging roof, pier, awnings, marquees, and second-story balconies, steps, structural overhangs or projections enclosing habitable living space, or similar architectural features	Any	Shall not extend within a planting strip or tree well area	5 ft
Parking spaces (except as otherwise permitted as part of an approved shared parking design for adjacent parcels)	Any	No restriction	Minimum 20 ft from street ROW, 5 ft from other property lines, and outside of required buffers
Porches, residential unenclosed and covered	Street/Rear	6 ft	--
Porches, residential unenclosed and uncovered; stoops; landings; with floor 3 ft or less above grade and open railing no higher than 4 feet above floor	Street/Rear	8 ft	--
Projecting overhangs on the ground floor not listed above	Any	No restriction	3 ft
Projecting windows such as bays, bows, oriels, or dormers	Any	5 ft	20 in or as required by building code
Ramps for citizens with disabilities	Any	No restriction	--
Retaining walls	Any	No restriction	--
Sidewalks	Any	No restriction	--
Solar collection units	Any	6 ft	--
Steps, uncovered	Street/Rear	No restriction	--
Storm water detention or retention facilities or ditches, unless the Land Use Manager finds that underground storm water management facilities are not currently available	Rear (R-3, C-3); Any yard (all other districts)	No restriction	--
Vending Machines, ATMs	Any	No restriction	--
sf = square feet | ft = feet | in = inches | "--" = not applicable			

18.75.060 Reasonable accommodation for disabled persons. Ramps, walkways, or decks to provide a disabled person with reasonable access to their property as required by the Federal Americans with Disabilities Act, the Federal Fair Housing Act and the Wisconsin Fair Housing Act are allowed by land use permit, subject to the following standards:

A. Only the minimum relaxation of dimensional or other standards needed to provide reasonable access may be approved.

B. No use, structure, or other relaxation of standards may be approved that would violate or undermine the stated purposes of this title.

C. The land use permit will expire and the structure removed once the property is no longer primarily used by a disabled person.

1. Subsequent landowners no longer needing disabled access shall not replace or expand the facilities.

2. Routine maintenance is allowed.

D. An affidavit describing the approved land use permit shall be executed and recorded with the County Register of Deeds by the property owner within 14 days after approval of the permit.

1. The affidavit shall state that the ramp, walkway, or deck must be removed as required above, and shall alert subsequent purchasers of the land of the requirements of the land use permit.

2. The permit is not effective until this affidavit is recorded. (Ord. 167-3, Sec. 1, 2023)

Chapter 18.76

OUTDOOR LIGHTING

Sections:

18.76.010 Purpose.
18.76.020 Applicability.
18.76.030 Exceptions.
18.76.040 Outdoor lighting standards.

18.76.010 Purpose. The purpose of this section is to protect and promote public health, safety, welfare, and quality of life by establishing regulations and a process for review of outdoor lighting that will accomplish the following:

A. Ensure that sufficient lighting can be provided where needed to promote safety and security on public and private property, and to allow for reasonable lighting for commercial properties and activities,

B. Permit appropriate lighting employing historic and current technology, evolving advancements, energy use and economic needs.

C. Protect against light pollution, thereby reclaiming the ability to view the night sky and thereby help preserve the quality of life and scenic value of this desirable visual resource throughout the region and nearby natural open spaces, including State and National Parks.

D. Help protect and enhance human health and wellness and wildlife habitation and migration by minimizing light pollution and its impact on all forms of life.

E. Promote lighting practices and systems to conserve energy, decrease dependence on fossil fuels, and limit greenhouse gas emissions. (Ord. 167-3, Sec. 1, 2023)

18.76.020 Applicability. All outdoor lighting installed or modified in the R-3, C-1, C-2, C-3, I-L, and I-H districts is subject to this section. (Ord. 167-3, Sec. 1, 2023)

18.76.030 Exceptions. The following are not regulated by this section:

A. Repairs to existing luminaires, including lamp, ballast, and lens replacements;

B. Emergency lighting;

C. Public roadway lighting;

D. Construction lighting;

E. Indoor lighting;

F. Lighting required by the building code;

G. Lighting solely for signs, which is regulated by Chapter 18.78;

H. Underwater lighting in swimming pools and other water features;

I. Low voltage pedestrian, landscape, and building lighting, provided it is shielded in such a way as to eliminate glare and light trespass;

J. Temporary lighting for permitted short-term events;

K. Temporary, seasonal, and holiday lighting;

L. Ornamental and architectural lighting of bridges, public monuments, statuary, and public buildings;

M. Lighting of sports facilities including, but not limited to, unconditioned rinks, open courts, fields, and stadiums;

N. Theme and amusement parks;

O. Correctional facilities. (Ord. 167-3, Sec. 1, 2023)

18.76.040 Outdoor lighting standards.

A. Shielding. All lighting must be fully shielded. "Fully shielded" means that all light emitted by the fixture, either directly from the lamp or a diffusing element or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal plane through the fixture's lowest light-emitting part.

B. Maximum Wattage per Square Foot. All lighting installations are limited to the watts per square foot allowances for the given activity as stated in the "Lighting Power Densities for Building Exteriors Table" from the most recent edition of the International Energy Conservation Code, which is part of the State Building Code (Wisconsin Administrative Code, Chapter SPS 363).

C. Maximum Mounting Height. The maximum mounting height above adjacent grade for a luminaire is:

1. A-P, A-1, A-2, A-3, R-1, R-2, or R-3 districts, or within 50 feet of one of those districts: 25 feet.

2. All other districts and locations: 35 feet.

D. Maximum Allowable Light Trespass.

1. All lighting shall be designed and implemented to mitigate light trespass onto adjacent properties. Table 18.82.040-1 specifies the maximum allowable light trespass.

Table 18.82.040-1 Maximum Allowable Light Trespass	
Zoning District of Adjacent Property	**Maximum Allowable Light Trespass**
A-P, A-1, A-2, A-3, R-1, R-2, or R-3	0.2 footcandles
C-1, C-2, C-3, I-L, or I-H	0.5 footcandles

2. Light trespass shall be measured at 5 feet above grade in the vertical plane of the property line on which the lighting in question is located. (Ord. 167-3, Sec. 1, 2023)

Chapter 18.77

PARKING & LOADING

Sections:

18.77.010 Purpose.
18.77.020 Applicability.
18.77.030 General provisions.
18.77.040 Required number of parking spaces.
18.77.050 On-Site loading spaces.

18.77.010 Purpose.

A. The purpose of this section is to promote public safety and welfare by reducing congestion on public streets and roads by requiring on each lot sufficient parking and loading space to accommodate the traffic generated by the use of the lot.

B. This section provides safety, comfort, and convenience to parking lot users, pedestrians, and motorists. These standards:

1. reduce the effect of parking demand on traffic movement on adjacent streets, and

2. prevent the occurrence of undesirable conditions caused by the construction of parking lots that would adversely affect adjacent property owners; and

3. establish minimum levels of parking to capture vehicular traffic while avoiding the undesirable effects of excessive parking, and

4. consistent with the Comprehensive Plan, discourage excessive paved surfaces, and

5. ensure that parking does not interfere with pedestrian, bicycle, or other modes of transportation. (Ord. 167-3, Sec. 1, 2023)

18.77.020 Applicability. All uses regulated by this title shall provide off-street parking and loading consistent with the standards established in this section. (Ord. 167-3, Sec. 1, 2023)

18.77.030 General provisions.

A. Size.

1. A parking space shall have a minimum area of 180 square feet.

2. A parking space shall be at least 9 feet in width and at least 18 feet in length and have adequate access and maneuvering area.

B. Location.

1. Required off-street parking facilities shall be located on the same lot as the use they serve, except as allowed for shared parking in subsection C.

2. All parking spaces shall have direct access to a street or alley.

3. In the commercial and industrial districts:

a. Parking is allowed in all yards, provided that in the street yard a 5-foot setback is maintained and, in all yards, barriers are provided to prevent encroachment of vehicles.

b. When abutting a residential district, side and rear setbacks shall be 10 feet from property lines.

4. In residential districts, parking in a required street yard is prohibited except for improved driveway areas.

C. Shared Parking.

1. In the C-1, C-2, C-3, I-L, and I-H districts, two or more uses on different, adjacent parcels may share off-street parking provided the number of spaces is not less than the sum of the requirements of the individual uses computed separately.

2. If the owners can demonstrate that hours of parking use will not overlap for certain land uses, the total number of stalls may be reduced to eliminate excess parking spaces, at the discretion of the Land Use Manager. Any such exception shall be documented in a shared parking plan filed with the land use permit.

3. A shared parking space shall be located no more than 400 feet from the use it is intended to serve.

D. Paving & marking.

1. In the R-3, commercial, and industrial districts, if the use requires five or more parking spaces as determined by this ordinance, the parking areas and access drives:

a. Shall be covered with a dust-free, bituminous or concrete surface that is designed to withstand the proposed vehicle use

b. Shall be designed for proper surface drainage

c. Shall have parking spaces clearly marked

2. Excluding those areas described in subsection 1, areas designated for car and truck traffic, including storage, staging, or excess parking, shall be provided with a gravel surface adequate for the proposed vehicle use and appropriate to the subsurface soil conditions, typically including a base of 3" stones with fines and topped with 3/4" crushed stone.

3. Notwithstanding the requirements of subsections 1 and 2, unpaved field areas may be used for special event parking up to 30 days per year and up to 9 consecutive days if the ground is dry and maintained with living vegetative ground cover (e.g., grass) to prevent erosion. Access to such field areas must be provided via an approved paved or gravel driveway to reduce the tracking of mud or other materials onto the public roadway. If vegetative ground cover cannot be maintained, a gravel surface shall be provided consistent with this section and as approved by the County.

E. Lighting. Lighting used to illuminate off-street parking areas shall be directed away from residential properties and public rights-of-way.

F. Use of Parking Spaces. Required parking spaces shall not be used for storage of goods or storage of vehicles that are inoperable or for sale or rent. (Ord. 167-3, Sec. 1, 2023)

18.77.040 Required number of parking spaces.

A. Off-street parking spaces are required at the minimum ratio identified in Table 18.77.040-1.

B. When applying for a building permit or a change in zoning district designation, an applicant may request a parking standard lower than the minimum ratio identified in Table 18.77.040-1. A different standard may be approved as an administrative land use permit, pursuant to the procedure in Chapter 18.102, if supported by data from similar uses in comparable locations within or outside the county that demonstrate the adequacy of the proposed standard in the proposed location.

C. For purposes of Table 18.77.040-1, "sf" means the entire building gross floor area, or the square footage reserved for the indicated use.
Outdoor areas are excluded from the calculation, unless otherwise indicated in the table.
For buildings with multiple distinct uses, the gross floor area is allocated by use and parking spaces are calculated accordingly.

D. Any use not specifically named shall be assigned to the most appropriate classification as provided in Chapter 18.33. If an appropriate classification is not apparent, the land use manager may consult the most current version of the Parking Generation Manual by the Institute of Transportation Engineers (ITE). (Ord. 167-3, Sec. 1, 2023).

Table 18.77.040-1 Parking Spaces Required	
Use Category	**Parking Spaces Required**
AGRICULTURE, FORESTRY, & NATURAL RESOURCES	
Agricultural & Horticultural:	
Agricultural Accessory Uses	--
Agricultural Processing	--
Agri-Tourism	--
Apiculture (Beekeeping)	--
Aquaculture	--
Community Garden	--
Crop Production	--
Equine Facilities, including Barns & Stables	--
Farmers' Markets	--
Horticulture & Floriculture, including Greenhouses	--
Keeping of Farm Animals	--
Keeping of Poultry	--
Livestock Facilities (no size limit)	--
Livestock Facilities (not to exceed 150 animal units)	--
Livestock Sales	--
Non-Commercial Raising of Animals & Birds	--
Forestry:	
Forest Management	--
Game Management	--
Forestry Support Activities	--
Conservation & Natural Resources:	
Fire-Control Functions	--

Table 18.77.040-1 Parking Spaces Required	
Use Category	**Parking Spaces Required**
AGRICULTURE, FORESTRY, & NATURAL RESOURCES CONT.	
Flowage Areas	--
Open Space	--
RESIDENTIAL	
Residences:	
Caretaker Residence	1 per dwelling
Dwelling, Accessory	1 per dwelling
Dwelling, Multiple-Family	1.5 per dwelling
Dwelling, Single-Family	2 per dwelling
Dwelling, Two-Family	2 per dwelling
Farm Residences, up to 2 Dwelling Units	2 per dwelling
Farm Residences, more than 2 Dwelling Units	2 per dwelling
Modular Home	2 per dwelling
Manufactured Home Community	2 per dwelling
Manufactured Home	2 per dwelling
Tiny Houses	1 per dwelling
Group Living:	
Community-Based Residential Facility	1 + 1 per 4 bedrooms
Community Living Arrangement (8 or fewer persons)	1 + 1 per 4 bedrooms
Community Living Arrangement (9-15 persons)	1 + 1 per 4 bedrooms
Community Living Arrangement (> 15 persons)	1 + 1 per 4 bedrooms
Continuing Care Retirement Community	0.75 per dwelling
Residential Care Apartment Complex	2 + 1 per 4 bedrooms
Residential Care Facility, including Retirement Homes and Nursing Homes	1 per 4 bedrooms
Rooming & Boarding House	1 per guest room
ACCOMMODATIONS & LODGING	
Bed & Breakfast Establishment	2 + 1 per guest room
Hotels & Motels	1 per guest room
Short-Term Rentals	1 per guest room
PUBLIC, CIVIC, & INSTITUTIONAL	
Assembly:	
Cemeteries & Mausoleums	--
Clubs & Fraternal Organizations	1 per 300 sf
Convention, Conference, or Exhibition Center	1 per 100 sf
Event Center	1 per 100 sf
Religious Institutions	1 per 100 sf
Education:	
Libraries	1 per 300 sf

Table 18.77.040-1 Parking Spaces Required	
Use Category	**Parking Spaces Required**
PUBLIC, CIVIC, & INSTITUTIONAL CONT.	
Schools (K-12, Public or Private)	4 per classroom or office; 1 per 150 sf of group seating area (auditorium, gymnasium, etc.)
Universities, Colleges, Technical, & Trade Schools	4 per classroom or office; 1 per 150 sf of group seating area (auditorium, gymnasium, etc.)
Medical:	
Hospitals	1 per 400 sf
Medical Offices & Clinics	1 per 300 sf
Government & Nonprofit Uses:	
Community Centers & Nonprofit Community Uses	1 per 100 sf
Government Facilities	1 per 300 sf
ARTS/CULTURE, ENTERTAINMENT, & RECREATION	
Adult Establishment	1 per 400 sf
Art Galleries, Artist Studios	1 per 300 sf
Commercial Recreation/Entertainment Facilities, Indoor	1 per 400 sf
Commercial Recreation/Entertainment Facilities, Outdoor	1 stall per 3 users (participants and spectators) at maximum capacity, plus 1 stall per 2 employees
Health & Fitness Club, Gym	1 per 400 sf
Museums, Historical Sites, & Similar Institutions	1 per 300 sf
Neighborhood Recreational Uses (e.g., golf, tennis, swim, trails)	1 stall per 3 users (participants and spectators) at maximum capacity, plus 1 stall per 2 employees
Playgrounds	1 per 400 sf
Private Race Tracks	1 stall per 3 users (participants and spectators) at maximum capacity
Private Recreational Uses & Structures	1 per 400 sf
Spectator Sports, including Racetracks	1 stall per 3 users (participants and spectators) at maximum capacity, plus 1 stall per 2 employees
Recreational & Vacation Camps	--
RV Parks & Campgrounds	1 per campsite
Theaters & Movie Theaters	1 per 100 sf
COMMERCIAL	
Animal Services:	
Animal Sales	1 per 200 sf
Kennels & Boarding Facilities	1 per 1,500 sf
Veterinarian Clinics, without outside runs	1 per 300 sf

Table 18.77.040-1 Parking Spaces Required	
Use Category	**Parking Spaces Required**
COMMERCIAL CONT.	
Veterinarian Clinics	1 per 300 sf
Automotive:	
Car Washes	--
Gas Stations	1 per 200 sf of retail area (each fueling position may count as 1 space)
Automobile, Light Truck, RV, Personal Watercraft, or Motorcycle Sales & Service	1 per 200 sf + 3 spaces per service bay
Day Care:	
Adult Day Care	1 per 350 sf
Day Care Centers & Nursery Schools	1 per 350 sf
Family Day Care Homes	1 per 350 sf
Financial Services:	
ATM, standalone	--
Banks, Banking Services	1 per 300 sf
Food & Beverage Sales/Service:	
Brew Pubs & Wine Pubs	1 per 100 sf
Breweries & Wineries	1 per 500 sf
Micro-breweries & Micro-wineries	1 per 500 sf
Nano-breweries & Nano-wineries	1 per 500 sf
Drinking Places	1 per 100 sf
Grocery Stores, Markets, & Delis (3,000 sf or less)	1 per 200 sf
Grocery Stores, Markets, & Delis (any size)	1 per 200 sf
Limited-Service Restaurants	1 per 100 sf
Full-Service Restaurants	1 per 100 sf
Mobile Food Services	
Restaurants, with drive-thrus/drive-ins	1 per 100 sf
Home-Based Businesses:	
Cottage Industry	1 per non-resident employee
Home Business	--
Home Occupation	--
Information & Media:	
Data Processing, Hosting, & Related Services	1 per 300 sf
Media & Information Production	1 per 300 sf
Offices:	
Contact Centers and Call Centers	1 per 300 sf
Leasing & Management Offices	1 per 300 sf

Table 18.77.040-1 Parking Spaces Required	
Use Category	**Parking Spaces Required**
COMMERCIAL CONT.	
Professional Offices	1 per 300 sf
Retail Sales:	
Agriculture-Related Retail	1 per 200 sf
Commercial Auctions, Flea Markets	1 per 200 sf
Drug Stores	1 per 200 sf
Lumberyards	1 per 200 sf
Mobile Home or RV Sales	1 per 200 sf
Open Sales Lots	1 per 200 sf
Retail, Non-Store	1 per 200 sf
Retail, General	1 per 200 sf
Services:	
Personal & Household Goods Repair & Maintenance	1 per 200 sf
Personal Instructional Services	1 per 200 sf
Services, General	1 per 200 sf
WAREHOUSING, STORAGE, & DISTRIBUTION	
Building & Landscaping Materials Suppliers	1 per 1,500 sf
Contractor's Office and Storage Yards	1 per 300 sf of office area + 1 per vehicle stored on-site
Distribution Facilities & Fulfillment Centers	1 per 1,500 sf
Flex Space	1 per 300 sf of office area + 1 per 1,500 sf of warehouse area
Fuel Storage	--
Fulfillment Center for Consumer Packages	--
Non-Farm Bulk Storage, Processing, and/or Distribution of Local Agricultural Products	1 per 1,500 sf
Non-Farm Storage and Sale of Seed, Feed, Fertilizer, Herbicides, and/or Pesticides	1 per 1,500 sf
Outside Storage of Equipment & Vehicles	1 per vehicle
Parking of trucks or delivery vehicles used in conjunction with Principal Use	1 per vehicle
Private, Non-Commercial Storage Buildings	--
Self-Storage Facilities	1 per 1,500 sf
Vehicle Towing & Storage Facilities	1 per 1,500 sf
Warehousing	1 per 1,500 sf
Wholesaling	1 per 1,500 sf

Table 18.77.040-1 Parking Spaces Required	
Use Category	**Parking Spaces Required**
INDUSTRIAL & PRODUCTION	
Asphalt & Concrete Batching, Ready-Mix Operations, or Concrete Crushing	1 per 500 sf
Gas & Oil Pipelines	--
Hazardous Waste Handling, Storage, & Disposal Facilities	1 per 500 sf
Industrial Services	1 per 500 sf
Machinery, Heavy Equipment, Heavy Truck, Agricultural Equipment, or Construction Equipment Sales & Service	1 per 500 sf
Manufacturing, Light	1 per 500 sf
Manufacturing, General	1 per 500 sf
Manufacturing, Intensive	1 per 500 sf
Nonmetallic Mineral Extraction Operations	--
Nonmetallic Mineral Mine Reclamation	--
Planned Industrial Parks	1 per 500 sf
Research & Development Facilities	1 per 500 sf
Resource Recovery Facilities	1 per 500 sf
Salvage Yards, Resource Recovery Processing Facilities, & Junkyards	--
Sawmills	1 per 500 sf
TRANSPORTATION & INFRASTRUCTURE	
Transportation, communications, pipeline, electric transmission, utility, or drainage uses not covered by Section 18.44	--
Communications Facilities:	
Wireless Communication Services & Other Telecommunications Facilities	--
Transportation & Parking:	
Airports & Related Facilities	--
Freight Terminals	1 per 1,500 sf
Ground Passenger Transportation Facilities	--
Highway Maintenance Shops & Yards	--
Parking Facilities (Public or Private)	--
Railroad Facilities	1 per 1,500 sf
Utilities:	
Essential Services and Ancillary Uses	--
Power Generation Facilities	--
Utility Buildings & Structures	--
Waste-Related:	
Commercial Composting Facility	--
Hazardous Waste Disposal	--
Landfills, Private	--
Landfills, Public	--
Recycling Drop-Off Stations & Municipal Waste Drop-Off Stations	--

Table 18.77.040-1 Parking Spaces Required	
Use Category	**Parking Spaces Required**
TEMPORARY & SEASONAL	
Model Homes & Real Estate Sales Offices	1 per 300 sf
Seasonal Sale of Agricultural Products Primarily Produced on Premises	--
Seasonal Structures	--
Special Events, Major 1,500 or fewer attendees	per approved Land Use Permit
Special Events, Minor 1,501 or more attendees	per approved Land Use Permit
Temporary Asphalt & Concrete Batching, Ready-Mix Operations, or Concrete Crushing	--
Temporary Construction Offices & Structures	1 per 300 sf
Temporary Farmers Markets	1 per 200 sf
Temporary Housing for Seasonal Farm Help	1 per dwelling
Temporary Seasonal Roadside Sales	--
ACCESSORY USES	
Accessory activities and uses not expressly listed here, but customarily associated with permitted or conditional principal uses	
Other:	
Mail Kiosks	1 per 10 mailboxes
Non-commercial alternative energy facilities: solar or wind energy	--
Non-commercial alternative energy facilities such as biofuels & methane digesters	--
Residential:	
Rental of principal or secondary residences in existence on a farm as of January 1, 2014 and no longer utilized in the operation of a farm	2 per dwelling unit
Accessory Dwelling Units, as specified under 18.47.010	2 per dwelling unit
Sales:	
Sale of Crafts or Related Products that are incidental to the primary agricultural use of the property	--
Storage:	
Storage of recreational or motor vehicles and agriculture equipment in accessory structures that were in existence as of January 1, 2014 as specified under 18.46.050	--
sf = square feet | "--" = not applicable	

18.77.050 On-site loading spaces.

A. Applicability. On-site truck loading spaces are required for any Commercial or Industrial & Production use that is subject to the minimum parking requirements in a commercial or industrial zoning district.

B. Number of On-Site Loading Spaces Required. All uses subject to this section shall have at least 1 loading berth for every 30,000 sq. feet of gross floor area, with a maximum of 3 berths required. Loading spaces shall be sufficiently sized for the uses they serve and shall provide space for maneuvering.

C. Location of On-Site Loading Spaces.

1. Off-street truck loading facilities shall be located on the same building site where the structure they serve is located.

2. Access, maneuvering area, ramps and other appurtenances shall be:

a. furnished off the street right-of-way, and

b. arranged so that vehicles are not required to back from the street into the loading area or to back from the loading area into the street.

D. Use of On-Site Loading Spaces. Required loading spaces shall not be used for storage of vehicles, goods, or other materials. (Ord. 167-3, Sec. 1, 2023)

Chapter 18.78

SIGNS

Sections:

18.78.010 Purpose.
18.78.020 Applicability.
18.78.030 Prohibited signs.
18.78.040 Permits & inspections.
18.78.050 General sign standards.
18.78.060 Sign standards by zoning district.
18.78.070 Sign standards by sign type.

18.78.010 Purpose.

A. This section is established to protect and promote health, safety, general welfare, and order through the establishment of comprehensive, uniform standards and procedures governing the construction, use, and style of signs.

B. In addition to the purposes established in Chapter 18.02, the purpose of this section is to:

1. Accommodate the rights of individuals to freedom of speech;

2. Recognize the need for effective, individualized identity and public awareness;

3. Regulate and reduce what otherwise might be confusing and objectionable clutter;

4. Promote the safety of persons and property by providing that signs neither create hazards due to collapse, fire, decay, or abandonment, nor obstruct firefighting or police surveillance;

5. Determine placement consistent with traffic safety, by reducing traffic hazards caused by distractions to motorists and impairment of sight lines; and

6. Preserve, protect, and promote the public health, safety, and general welfare. (Ord. 167-3, Sec. 1, 2023)

18.78.020 Applicability.

A. Generally.

1. This section applies to all signs in all zoning districts, including permanent, temporary, on-premise, and off-premise signs, unless otherwise provided by this section.

2. Any sign required by law is permitted in all districts.

B. Content Neutrality.

1. This section regulates only the sign structure or sign copy design, and not the sign's content.

2. Any sign authorized in this section may contain any non-commercial copy in lieu of any other copy. (Ord. 167-3, Sec. 1, 2023)

18.78.030 Prohibited signs.

A. Any sign not specifically authorized by this section is prohibited unless required by law.

B. The following signs and conditions are prohibited:

1. Signs that impede the vision triangle of an intersection or a driveway access to a property.

2. Signs that, by reason of sign shape, location, lighting, size, color, or intensity, create a hazard to the safe, efficient movement of vehicular or pedestrian traffic.

3. Signs that obstruct the view of any authorized traffic sign, signal, or other traffic control device or that, by reason of shape, color, or position interfere with or could be confused with any authorized traffic signal or device.

4. Signs attached to any public utility pole or structure, street light, fire hydrant, traffic sign, traffic control box or device, tree, fence, rock, bridge, curb, sidewalk, park bench, or other location on public property, except as provided in this section.

5. Signs that prevent or deter free movement from any door, window, or fire escape.

6. Signs that are erected, placed, or maintained in such a manner as to interfere with fire-fighting equipment or personnel.

7. Signs that flash, strobe, blink, revolve, or contain animation.

8. Roof signs.

9. Obsolete signs or signs that advertise an activity, product, or service that is no longer being produced or conducted on the premises. The property owner shall remove any obsolete sign within 90 days of the last date when the activity or service was produced or conducted.

10. Signs attached to a standpipe or fire escape.

11. A vehicle used as a sign or as the base for a sign where the primary purpose of the vehicle in that location is its use as a sign.

12. Rotating lights and beacons, except those associated with emergencies, hospitals, and aircraft facilities. (Ord. 167-3, Sec. 1, 2023)

18.78.040 Permits & inspections.

A. Permit Required.

1. It is unlawful for any person to erect or alter any sign without first obtaining a Land Use Permit, unless the sign is exempt from permitting requirements as described in subsection B.

2. A sign design and site plan shall be submitted prior to issuance of the Land Use Permit.

3. Permits shall be issued if the proposed sign meets the requirements of this section.

4. All signs requiring a permit shall display in a conspicuous manner the permit number and such other information required by law.

B. Permit Not Required. A permit is not required for the following types of signs that meet the criteria set out below. These signs are not considered in determining the allowable number or size of signs on a lot.

1. Incidental signs.

2. Incidental structure signs that do not exceed three (3) square feet in area per sign face and an aggregate area of six (6) square feet per structure (such as labels affixed to a gas pump, electric car charging station, or oil rack).

3. Interior signs located completely within a building and not visible from outside the building.

4. Flags.

5. Governmental signs erected by or on behalf of a government body to carry out an official duty or responsibility, including but not limited to posting legal notices, identifying public property, and indicating a public use.

6. Signs that are traffic control devices and are permitted or allowed by the Wisconsin Manual on Uniform Traffic Control Devices published by the Wisconsin Department of Transportation.

7. Hazard warning signs that are necessary to warn or furnish the public, tenants, and employees with information necessary to prevent property damage or ensure their health, welfare, and safety. (i.e., Hard Hat Area, Low Area, Low Clearance, Fire Lane, Rail Crossing, etc.)

8. Temporary signs, subject to 18.78.070.

9. Routine maintenance and minor repair of signs, including altering permitted changeable copy. Routine maintenance and minor repair does not include replacement of structural framing and supports, enlargement of the area of a sign face, or relocation of a sign.

C. Signs in the Public Right-of-Way.

1. No sign or its structural components shall be erected or temporarily placed within any public road, highway, right-of-way, easement, or upon any public property, except for the following, which may be placed without a permit:

a. Public signs erected by or on behalf of a government body for the purpose of carrying out an official duty or responsibility, including but not limited to:

i. posting legal notices,

ii. identifying property,

iii. directing or regulating pedestrian or vehicular movements, or

iv. pertaining to traffic control or safety.

b. Signs posted or placed by a public utility or communications franchise holder near one or more of its poles, lines, pipes, or facilities.

c. Signs erected by a governmental agency, a public utility company, or a contractor conducting authorized or permitted work within the public right-of-way, to ensure safety.

2. Unauthorized signs erected or temporarily placed within any public road, highway, right-of-way, easement, or upon any public property may be removed by the County or Town in which the sign is located at the sign owner's expense.

D. Inspections.

1. All signs for which a permit is required are subject to inspection by the department.

2. The department may enter any property during normal business hours to determine whether any sign complies with the provisions of this section.

3. The department shall order the removal of any sign that is not maintained in accordance with the provisions of this section. (Ord. 167-3, Sec. 1, 2023)

18.78.050 General sign standards.

A. Sign Construction, Repair, & Maintenance.

1. Sign construction shall comply with all applicable building codes and electrical codes.

2. All signs and sign structures shall be properly maintained in a safe, orderly condition.

3. All sign and sign structure parts and supports shall be properly painted at all times.

4. Signs or sign structures which are rotted, unsafe, or which have otherwise deteriorated or been defaced shall be repainted, repaired, or replaced by the owner of the property upon which the sign is located, or by his or her licensee.

B. Clearance. All signs located over a public or private access route (sidewalk, mall, etc.) shall be located at least 12 feet above grade level.

C. Intersection Visibility. All signs near intersections shall comply with the requirements of Section 18.71.050.

D. Illumination. All externally illuminated signs shall direct the source of light away from adjacent properties.

E. Double Frontage Lots. Double frontage lots are permitted to provide the maximum number and square footage of signs on each frontage.

F. Measurement of Sign Area.

1. Sign area is calculated as the area of a regular geometric shape (such as a rectangle or square) enclosing all elements of informational or representational matter and including the background or white space.

2. Structural supports not bearing information are not counted toward the sign area.

3. When a freestanding sign or sign structure has more than one display area:

a. If the display areas are parallel or the angle formed where the display areas meet is 30° or less, then:

i. the total sign area is equal to the area of one display area and

ii. the structure is counted as one sign.

b. If the angle formed where the display areas meet is greater than 30°, then:

i. the total area of all display areas added together shall constitute the total sign area and

ii. the total number of signs is equal to the number of display areas.

G. Measurement of Sign Height.

1. Sign height is measured from finished ground level to the top of the sign.

2. The height of a sign located below the grade of the street to which it is oriented (as declared by the sign owner) is measured from the street grade at the point nearest to the sign. (Ord. 167-3, Sec. 1, 2023)

18.78.060 Sign standards by zoning district.

A. Agricultural, Residential, Forestry, Commercial, and Industrial Districts. This section regulates signs located in agricultural, residential, forestry, commercial, and industrial zoning districts according to their size, height, number, and location on a lot. Section 18.78.070 establishes additional requirements for certain types of signs.

Table 18.78.060-1 Sign Standards by Zoning District

District(s)	Sign Type	Number	Sign Area (max)	Height (max)	Setback (min)	Projection (max)	EMC (number&size)
Agricultural, Residential, & Forestry Districts (A-P, A-1, A-2, A-3; A-CR RH, R-L, R-1, R-2, R-3; F-1, F-2)	pole or monument	1	12 sf	6 ft	10 ft		
Commercial Neighborhood District (C-1)	all signs	2 per lot	1 sf per 1 lf of street frontage				1 per lot
	pole or monument	2 per lot	32 sf per sign	7 ft	10 ft		up to 50% of display area
	wall, awning, or canopy		10% of usable wall area, 100 sf max			4 ft	up to 50% of display area
Commercial General District (C-2)	all signs		2 sf per 1 lf of street frontage				1 per lot
	pole or monument	1 per lot	75 sf	12 ft	10 ft		up to 50% of display area
	wall, awning, or canopy		20% of usable wall area, 200 sf max			4 ft	50 sf max

	projecting		0.5 sf per 1 lf of building frontage, 40 sf max			4 ft	
Commercial Highway District (C-3)	all signs		4 sf per 1 lf of street frontage				1 per lot
	pole or monument	2 per lot	200 sf total	15 ft	10 ft		up to 50% of display area
	wall, awning, or canopy		30% of usable wall area, 300 sf max			4 ft	50 sf max
	projecting		0.5 sf per 1 lf of building frontage, 40 sf max			4 ft	
	off-premises	1 per lot	750 sf, 55 ft length max	15 ft	same as zoning district setbacks		
Industrial Districts (I-L, I-H)	all signs	4	4 sf per 1 lf of street frontage				1 per lot
	pole or monument	2 per lot	200 sf total	15 ft	10 ft		up to 50% of display area
	wall, awning, or canopy		30% of usable wall area, 400 sf max			6 ft	up to 50% of display area
	projecting		0.5 sf per 1 lf of building frontage, 40 sf max			6 ft	
	off-premises	1 per lot	750 sf, 55 ft length max	15 ft	same as zoning district setbacks		
Additional Sign Allocations in Any District							
Subdivision Entry and Mobile Home Park Entry	pole or monument	1 per entrance	32 sf	6 ft	15 ft		
Multi-Family Entry	pole or monument	1 per entrance	32 sf	7 ft	15 ft		
Multi-tenant retail centers	wall		2.2 sf per lf of building frontage				
	pole or monument	1 per lot	200 sf	30 ft			
sf = square feet | lf = linear feet | max = maximum allowed | min = minimum required | EMC = electronic message center							

A. Planned Unit Development Districts. For PUD (Planned Unit Development) zoning districts, the applicant may apply the sign standards from any of the district sign standards described above or provide a unique sign package for the PUD with the application submittal. (Ord. 167-3, Sec. 1, 2023)

18.78.070 Sign standards by sign type.

A. Pole Signs on Lots Adjacent to Controlled Access or County Trunk Highways. Where pole signs are permitted (see Section 18.78.060), the following additional provisions apply to pole signs located on lots immediately adjacent to a controlled access or county trunk highway:

1. Up to one of the allowed pole signs may be a highway pole sign.

2. Highway pole signs may be up to 30 feet in height by right. Additional height may be approved within 2 miles of an interchange with the controlled access highway, up to 55 feet with department approval, and up to 75 feet by conditional use permit. Approval of a CUP requires a finding that the sign:

a. is only as tall as necessary to be visible from the highway relative to structures and mature trees

b. does not confuse motorists by competing with public signage in the right-of-way

c. is at least 40 feet from the side lot line and 80 feet from any other pole sign

B. Off-Premises Signs. Where off-premises signs are permitted (see Section 18.78.060), the following additional provisions apply:

1. Spacing. There shall be a minimum of 300 feet of separation between off-premises signs on the same street facing the traffic flow.

2. Exclusionary Areas. No off-premises sign shall be erected or maintained within 100 feet of a residential, agricultural, or forestry district boundary, or within 500 feet of a public park.

C. Electronic Message Center (EMC) Signs. Where EMC signs are permitted (see Section 18.78.060), the following additional provisions apply:

1. Spacing. There shall be a minimum of 200 feet of separation between EMC signs.

2. Exclusionary Areas. No EMC sign shall be erected or maintained within 100 feet of any traffic control signal.

3. Digital Copy. A text message may scroll or appear to travel horizontally or vertically on the sign face at a constant speed, but no part of the message or display shall flash, blink, or use any other form of animation, nor shall the background for such message use any form of animation.

4. Hold Time. Static displays on EMC signs shall be displayed for at least two seconds and the change or transition from one display or message to the next shall occur instantaneously.

5. Brightness.

a. EMC signs shall not operate at brightness levels of more than 0.3 footcandles above ambient light at the property line, as measured using a footcandle meter.

b. Prior to the issuance of a sign permit, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory pre-set not to exceed seven thousand (7,000) nits and that the intensity level is protected from end-user manipulation by password-protected software or other method as deemed appropriate by the land use manager.

6. Light Sensing Device. Each EMC sign must have a light sensing device that will adjust the brightness as ambient light conditions change.

D. Temporary Signs.

1. In agricultural, residential, and forestry districts (A-P, A-1, A-2, A-3, A-CR, RH, R-L, R-1, R-2, R-3, F-1, and F-2), the maximum total sign area is six (6) square feet. In commercial and industrial districts (C-1, C-2, C-3, I-L, and I-H):

a. The maximum total sign area is equal to 120% of the sign area allowed in 18.78.060.

b. Use of temporary signs is limited to a maximum of 2 occasions within any 12-month period, for up to 30 days duration each.

2. Election campaign signs are permitted as described in Wis. Stat. § 12.04. (Ord. 167-3, Sec. 1, 2023)

Chapter 18.79

SOUND

Sections:

18.79.010 Purpose.
18.79.020 Applicability.
18.79.030 Exceptions.
18.79.040 Sound performance standards.

18.79.010 Purpose. The purpose of this section is to prevent excessive sound, which may jeopardize the health and welfare or safety of citizens or degrade quality of life. (Ord. 167-3, Sec. 1, 2023)

18.79.020 Applicability. This section applies to sound produced by all land uses located in the C-1, C-2, C-3, I-L, and I-H districts. (Ord. 167-3, Sec. 1, 2023)

18.79.030 Exceptions.

A. Non-commercial public speaking and public assembly activities conducted on any public space or public right-of-way is exempt from this section.

B. The sound produced by the following uses and activities is presumed to be reasonable and therefore is exempt from this section:

1. Emergency signaling devices,
2. Agricultural activities,
3. Refuse collection,
4. Air conditioning units and other necessary mechanical equipment,
5. Airplanes, and
6. Railway locomotives. (Ord. 167-3, Sec. 1, 2023)

18.79.040 Sound performance standards.

A. Maximum Allowable Sound Levels. No person shall conduct or permit any activity that produces sound beyond their property line exceeding the levels specified in Table 18.79.040-1.

Table 18.79.040-1 Maximum Allowable Sound Levels		
Zoning District in which Sound Originates	**Time of Day**	**Sound Level (max)**
C-1, C-2, Home occupation in any Residential District	7 a.m. to 10 p.m.	60 dBA
	10 p.m. to 7 a.m.	55 dBA
C-3, I-L	7 a.m. to 10 p.m.	65 dBA
	10 p.m. to 7 a.m.	60 dBA
I-H	7 a.m. to 10 p.m.	70 dBA
	10 p.m. to 7 a.m.	65 dBA
max = maximum allowed | dBA = A-weighted sound level		

B. Measurement of Sound.

1. Sound shall be measured using either a sound level meter that meets or exceeds the ANSI requirement of the American Standard Specification for Sound Level Meters or an Octave Band Analyzer.

2. Measurements of sound shall occur at or beyond the property line of the property on which the sound originates or at or within the property line of the property on which the sound is perceived, as appropriate.

3. Measurements shall be taken 5 feet above the ground and at least 3 feet from reflecting surfaces, such as the walls of buildings. (Ord. 167-3, Sec. 1, 2023)

SUBTITLE V SUBDIVISION REGULATIONS

Chapters:

18.85	General Provisions
18.86	Procedures
18.87	Design & Construction Standards
18.88	Conservation Subdivision
18.89	Required Improvements
18.90	Definitions

Chapter 18.85

GENERAL PROVISIONS

Sections:

18.85.010	Purpose.
18.85.020	Applicability.
18.85.030	Land suitability.
18.85.040	Survey monuments.
18.85.050	Environmentally sensitive areas.
18.85.060	Floodplains.
18.85.070	Public access to waterways required.
18.85.080	Street dedications.
18.85.090	Nonliability.
18.85.100	Reserved.

18.85.010 Purpose. The purpose of this subtitle is to regulate and control the division of land within the unincorporated areas of the county in order to:

A. promote the public health, safety, prosperity, aesthetics, economic well-being, environmental quality, and general welfare of the county; and

B. implement the policies of the comprehensive plan, land and water resource management plan, and farmland preservation plan.

18.85.020 Applicability.

A. Applicability.

1. This subtitle applies within all unincorporated areas of Eau Claire County, including those towns that have not adopted the Eau Claire County Zoning Ordinance.

2. This subtitle applies to any division of a lot, parcel, or tract of land, including divisions under land contract, for the purpose of transfer of ownership or building construction where the act of division creates a Lot of less than 40 contiguous acres excluding one quarter (1/4) of one quarter (1/4) section as defined as the original Public Land Survey System and condominium developments, all located within the unincorporated areas of the county .

3. Any land division that results in a subdivision, certified survey, condominium plat, or replat, as defined in this title, and all construction of streets and other physical improvements of land shall comply with all applicable requirements, including, but not limited to:

a. all Eau Claire County land use regulations, including Titles 17, 18, and 20 and all other applicable regulations of the county code of general ordinances;

b. applicable procedural requirements specified in Title 18, Subtitle VI, Procedures;

c. Wis. Stat. ch. 236;

d. Wis. Stat. § 703.11;

e. Wis. Stats. §§ 59.73 and 59.74;

f. Wis. Admin. Code ch. Trans 233;

g. Wis. Admin. Code Chapter A-E

h. other applicable Wisconsin Statutes, Codes, and Administrative Rules; and

i. town and municipal ordinances.

B. Exceptions. This subtitle does not apply to land divisions that create 4 or fewer lots pursuant to:

1. Transfers of interests in land by will or pursuant to court order;

2. Leases for a term not to exceed 10 years, mortgages, or easements;

3. The sale or exchange of parcels of land between adjoining property owners, if:

a. additional lots are not created, and

b. the resulting lots are not reduced below the minimum sizes required by this title or other applicable laws and ordinances, and

c. all structures still meet the setback requirements of this title, or in the case of an existing nonconforming setback the change does not increase the nonconformity.

C. Relationship to Town Ordinances.

1. Towns may adopt and enforce ordinances related to subdivision and land development, whether subject or not subject to the Eau Claire County zoning ordinance.

2. In the event of inconsistency between town ordinances and the Eau Claire County subdivision regulations, the more restrictive ordinance applies.

3. In any town that has adopted a subdivision ordinance under Wis. Stat. § 236.45, the county may enter into a cooperative agreement under Wis. Stats. §§ 236.10(4) and 66.0301 for the cooperative exercise of authority to approve or review plats.

D. Relationship to Other Laws, Ordinances, Statutes, Codes, & Administrative Rules. Where more than one governing body or other agency has authority to approve or to object to a plat and the requirements of such bodies or agencies conflict, the most restrictive requirements apply. (Ord. 168-53, Sec. 9, 2025; Ord. 167-3, Sec. 1, 2023)

18.85.030 Land suitability.

A. Criteria for Determination of Suitability for Proposed Use.

1. As part of the review of certified survey maps and preliminary plats, the committee, town board, and department will determine whether the land is suitable for the proposed use, based on the following factors:

a. Contiguous Buildable Area.

i. All Lots 1 acre and greater in lot area shall have a minimum contiguous buildable area of at least one-half (1/2) of an acre;

ii. All Lots smaller than 1 acre in lot area shall have contiguous buildable area of at least 55 percent of the lot area required by the zoning district.

b. Floodplain Elevations.

i. Floodplain elevations shall be determined by studies and maps prepared by the U.S. Department of Homeland Security or the Federal Insurance Administration.

ii. If no such data is available, the committee may require the subdivider to conduct hydrologic studies to determine floodplain elevations.

c. Wastewater Treatment Systems.

i. Lands filled with organic materials within the last 10 years shall not be served by soil absorption wastewater treatment systems.

ii. Land requiring the use of a private wastewater treatment system shall meet the requirements of Wis. Admin. Code ch. SPS 383, and Chapter 8.12 of the county code of general ordinances.

d. Drainage.

i. Land drained by farm drainage tiles or farm ditch systems shall not be divided into building sites.

ii. Land which has inadequate drainage or may cause severe erosion or other detriment shall not be divided into building sites.

B. Determination of Suitability for Proposed Use.

1. If the committee, town board, or department finds the land is not suitable for the proposed use, it shall state in writing the particular facts on which it bases its conclusion.

2. The subdivider may present evidence demonstrating that the land is suitable for the proposed use.

3. Thereafter, the committee may affirm, modify, or withdraw its determination of unsuitability.

C. Restrictive Covenants. The committee may require restrictive covenants to be filed with the final plat or certified survey map that will have the effect of protecting environmentally sensitive areas, such as steep slopes, wetlands, and watercourses from erosion, siltation, and other damage. (Ord. 167-3, Sec. 1, 2023)

18.85.040 Survey monuments.

A. The subdivider shall install all survey monuments in accordance with Wis. Stat. § 236.15, and the county code of ordinances.

B. The town board may waive this requirement for a reasonable period of time on the condition that the subdivider execute a surety bond to ensure the placing of such monuments within the time required. (Wis. Stat. § 236.15(1)(h)) (Ord. 167-3, Sec. 1, 2023)

18.85.050 Environmentally sensitive areas.

A. Environmentally sensitive areas shall be identified, legally described, and monumented on all subdivision plats and certified surveys.

B. No development or land disturbance activity shall be allowed within any environmentally sensitive area except after issuance of a permit or approval from the county, such permit or approval only to be issued if the owner demonstrates the proposed development or land disturbance activity is expressly allowed under either of the following:

1. Title 17
2. Title 18,

C. In lieu of monumenting environmentally sensitive areas as required in subsection A. above, the surveyor may choose to identify, legally describe, and monument a contiguous buildable area as required in 18.85.030 A.1.a. on lots created in a subdivision plat or in a certified survey.

1. Areas not included in the contiguous buildable area are not available for development unless an amendment is reviewed and approved by the committee and a correction affidavit is filed in the register of deeds office.
2. Each lot shall have a driveway access that connects the contiguous buildable area to a public or private road from which the lot takes access. (Ord. 167-3, Sec. 1, 2023)

18.85.060 Floodplains. Any proposed subdivision, plat, certified survey map or manufactured home community featuring a buildable lot as defined in this section shall include regional flood elevation and floodway data. (Ord. 167-3, Sec. 1, 2023)

18.85.070 Public access to waterways required.

A. Any subdivision abutting a navigable river, lake or stream shall, according to Wis. Stat. § 236.16 (3), provide public access at least 60 feet wide from the low-water mark to a public road.

B. Such access points shall be located at a minimum of 1/2-mile intervals.

C. The committee, town, and subdivider shall select the access suitable for public use. (Ord. 167-3, Sec. 1, 2023)

18.85.080 Street dedications.

A. Street rights-of-way and the improvements required thereon by this title and town road ordinances shall be dedicated to the town.

B. Private roads may be allowed only in planned development districts and must be approved by the committee and town board at the time of final plat approval. (Ord. 167-3, Sec. 1, 2023)

18.85.090 Nonliability. The county does not guarantee, warrant, or represent that only those areas designated as floodplains will be subject to periodic inundation, and thereby asserts that there is no liability on the part of the county, its agencies, or employees for sanitation and water supply problems or structural damages that may occur as a result of reliance upon, and conformance with this subtitle. (Ord. 167-3, Sec. 1, 2023)

18.85.100 Reserved. (Ord. 167-3, Sec. 1, 2023)

Chapter 18.86

PROCEDURES

Sections:

18.86.010 Concept maps.
18.86.020 Certified survey maps.
18.86.030 Preliminary plats.
18.86.040 Final plats.
18.86.050 Replats & reconfigurations.
18.86.060 Subdivision regulations waiver.

18.86.010 Concept maps.

A. Purpose.

1. A concept map is an informal process that allows the applicant to meet with the department to gain an understanding of the applicable comprehensive plan(s), the regulations in this title, and approval processes.

2. The intent of this procedure is to:

a. assist the subdivider in preparing a plan that meets the requirements of this title, and

b. permit the processing of the certified survey map, preliminary plat, and final plat in an expeditious manner.

B. Applicability.

1. This section applies to all applications for concept map review.

2. An applicant is encouraged to submit a concept map before a certified survey map application or preliminary plat application is filed.

C. Initiation.

1. A concept map should be submitted for review with the department at least 45 days prior to submittal of a certified survey map application or preliminary plat application.

2. A pre-application meeting is not required, but the applicant and the department may meet in person following submittal of a concept map for review.

D. Completeness. Not Applicable.

E. Notice. No public notice is required for a concept map.

F. Decision.

1. The concept map procedure is for informational purposes, and no formal decisions are made.

2. The department shall request input from the Eau Claire City-County Health Department on those elements of a concept map related to groundwater management and drinking water supply.

3. The department may request input on the concept map from other county departments, town boards, state agencies, utility providers, and other reviewing agencies.

4. If requested by the department, the applicant shall attend a meeting to:
    a. Review the concept map;
    b. Discuss the extent to which the proposed land division conforms to Title 18, other applicable provisions of the code of general ordinances, and other applicable regulations; and
    c. Discuss possible modifications to the proposal, if warranted.

G. Approval criteria.
1. A concept map review is not a formal process.
2. The department and any reviewing agencies will consult the standards in this title and the comprehensive plan in providing their comments to the applicant.
3. The Eau Claire City-County Health Department shall assess compliance with Wis. Admin. Code § SPS 383 and Wis. Admin. Code § NR 812.

H. Subsequent applications. There is no limit on subsequent applications.

I. Appeals. Not applicable.

J. Scope of approval.
1. The concept map is not binding on either the applicant or the county.
2. After receiving the department's comments, the applicant may file an application for certified survey map or preliminary plat approval.

K. Recordkeeping. The department may maintain a record of any written comments provided by reviewing agencies during the concept map review. (Ord. 167-3, Sec. 1, 2023)

18.86.020 Certified survey maps

A. Purpose.
1. The certified survey map process examines the major features and elements of a proposed land division that results in 4 or fewer lots and establishes the process to approve certified survey maps for recording with the Eau Claire County Register of Deeds.
2. This process determines whether the plat conforms to this title and any conditions of approval.

B. Applicability.
1. This section applies to all applications for certified survey map approval.
2. The certified survey map process may be used to create a maximum of 4 Lots from a lot of record within a 5-year period. Additional lots must be created through the preliminary and final plat processes.

C. Initiation.
1. An application for certified survey map approval is filed with the department.
2. A pre-application meeting is not required.

D. Completeness. See Section 18.98.

E. Notice. No public notice is required for a certified survey map.

F. Decision.
1. Consideration of Application.
    a. Certified survey maps that do not contain dedications to the public may be reviewed and approved by the department.
    b. The department shall refer the certified survey map to the committee and the town board for review if:
        i. dedications are present or
        ii. unusual conditions exist.

2. Time to Act Upon Application.

a. Department Review.

i. The department shall approve, approve with conditions, or disapprove the application within 40 days of receipt of a complete Application.

ii. If the department does not act within 40 days of receipt of a complete application, the application is deemed approved.

b. Committee Review.

i. If referred to the committee, the committee shall approve, approve with conditions, or disapprove the application within 40 days of receipt of a complete application.

ii. If the committee does not act within 40 days of receipt of a complete application, the application is deemed approved.

iii. This timeframe may be extended by mutual agreement of the applicant and the committee.

c. Town Board Review.

i. If referred to the town board, the board shall approve, approve with conditions, or disapprove the application within 30 days of receipt of a complete application.

ii. If the board does not act within 30 days of receipt of a complete application, the application is deemed approved.

iii. This timeframe may be extended by mutual agreement of the applicant and the board.

3. Determination in Writing. If the certified survey map is conditionally approved or disapproved, the department, committee, or town board, as applicable, shall state the conditions of approval or reasons for disapproval in writing and shall transmit that to the applicant. If reviewed by the committee and town board, the meeting minutes shall also reflect the conditions of approval or reasons for disapproval.

4. Requests for Additional Information. Before approving an application for a certified survey map, the department, committee, or town board may require the applicant to furnish further relevant information (see Subtitle VII, Submittal Requirements).

F. Approval criteria. Approval, conditional approval, or disapproval of a certified survey map shall be based on compliance with:

1. Wis. Stat. Ch. 236;
2. Subtitle V, Subdivision Regulations;
3. Title 18;
4. Eau Claire County code of general ordinances; and
5. applicable town and municipal ordinances and official maps.

G. Subsequent applications.

1. When a certified survey map application is withdrawn or denied, the same application for the same property shall not be resubmitted for a period of 1 year from the date of withdrawal or denial.

2. A new application showing major modifications and/or revisions to the withdrawn or denied application may be submitted at any time.

H. Appeals.

1. Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal therefrom, as provided in Wis. Stat. § 236.13(5), within 30 days of notification of the rejection of the plat.

2. Where failure to approve is based on an unsatisfied objection, the objecting agency shall be made a party to the action. The court shall direct that the plat be approved if it finds that the action of the approving or objecting agency has been arbitrary, unreasonable, or discriminatory.

I. Scope of approval.

1. Approval of a certified survey map constitutes acceptance of the subdivision and authorizes recording of the map.

2. No improvements shall take place in the subdivision prior to approval and recording of the certified survey map.

3. Certified survey map approval is effective for a period of 6 months.

4. Prior to recording the certified survey map, the subdivider shall:

a. satisfy any conditions of approval applied by the department, committee, and town board;

b. execute any performance guarantees required by the town board;

c. if the certified survey map includes public dedications, obtain the signatures on the owner's certificate, mortgagee's certificate, and certification of approval by the town board in substantially the same form as required by Wis. Stat. § 236.21(2)(a); and

d. obtain the signatures on the accompanying certificates as required by Wis. Stat. Ch. 236.34. The certificate of approval by the department shall be the last signature obtained prior to recording.

J. Recordkeeping. A certified survey map shall be recorded with the Register of Deeds office within 6 months of approval. Certified survey maps that are not timely recorded are null and void. (Ord. 167-3, Sec. 1, 2023)

18.86.030 Preliminary plats

A Purpose.

1. The preliminary plat process examines the major features and elements of a proposed land division that results in 5 or more lots.

2. This process determines whether the plat conforms to this title and any conditions of approval.

B. Applicability.

1. This section applies to all applications for preliminary plat approval.

2. The committee must approve a preliminary plat before a final plat application is filed.

C. Initiation.

1. An application for preliminary plat approval is filed with the department at least 25 days prior to the committee meeting at which the plat will be reviewed.

2. A pre-application meeting is not required.

D. Completeness. See Chapter 18.98.

E. Notice. The notice required by Table 18.86.030-1 applies to any preliminary plat.

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Table 18.86.030-1 Notice Required for Preliminary Plats			
Type	**Required?**	**To Whom?**	**When?**
Publication	No	--	--
Mail	No	--	--
Electronic Transmission by Eau Claire County	No	--	--
Mail or Electronic Transmission by Applicant	Yes	Town clerk of each town affected by the proposed preliminary plat	At the time of application submittal
		City or village clerk of each municipality that has extraterritorial plat approval jurisdiction	
		Wisconsin Department of Administration (which is required to provide notice to other state agencies per Wis. Stat. §236.12)	

F. Decision.

1. Consideration of Application.

a. The committee on planning & development shall review the application for a preliminary plat when it is complete.

b.. The committee may require review of the preliminary plat by the land conservation commission (see subsection D.).

2. Time to Act Upon Application.

a. The committee shall approve, approve with conditions, or disapprove the application within 60 days of receiving a complete application.

b. If the committee does not act within 60 days of receipt of a complete application, the application is deemed approved.

c. This timeframe may be extended by mutual agreement of the applicant and the committee.

3. Determination in Writing. If the plat is conditionally approved or disapproved, the committee shall state the conditions of approval or reasons for disapproval in writing and shall notify the applicant. The meeting minutes shall also reflect the conditions of approval or reasons for disapproval.

4. Requests for Erosion & Sedimentation Control Plans.

a. Before approving an application for a preliminary plat, the committee may require the subdivider to provide erosion and sedimentation control plans and specifications prepared by a registered engineer, if the committee determines that the soil, slope, vegetation and drainage characteristics of the site may require substantial cutting, clearing, grading, or other earthmoving operations, or otherwise constitute a severe erosion hazard.

b. The erosion and sedimentation control plans shall be reviewed and approved, approved with conditions, or disapproved by the land conservation commission or its designee.

5. Requests for Additional Information. Before approving an application for a preliminary plat, the committee may require the applicant to furnish further relevant information (see Subtitle VII, Submittal Requirements).

G. Approval criteria.

1. Approval, conditional approval, or disapproval of a preliminary plat shall be based on compliance with:

a. Wis. Stat. Ch. 236;

b. Subtitle V, Subdivision Regulations;

c. Title 18;

d. Eau Claire County code of general ordinances; and

e. applicable town and municipal ordinances and official maps; and

f. resolution or non-resolution of objections by objecting agencies.

2. If any groundwater within the proposed development is found by the Eau Claire City-County Health Department to be substantially at risk of being contaminated in excess of Wis. Admin. Code NR 140 health standards from an identified contamination source or any proposed septic system, the committee may:

a. disapprove the preliminary plat or

b. conditionally approve the preliminary plat, subject to application of one or more of the following conditions:

i. Installation of a common or shared well system for the affected area,

ii. Installation of a buffer zone or green area to provide additional protection,

iii. Relocation of proposed sanitary systems and wells,

iv. Remedy by State-approved treatment:

(a). Water treatment systems may be subject to approval by the DNR and the Wisconsin Department of Commerce.

(b). Treatment for removal of nitrates from individual wells is at the option of the property owner/developer.

v. Modification of the proposed subdivision.

H. Subsequent applications.

1. When a preliminary plat application is withdrawn or disapproved, the same application for the same property shall not be resubmitted for a period of 1 year from the date of withdrawal or denial.

2. A new plat application showing major modifications and/or revisions to the withdrawn or denied plat application may be submitted at any time.

I. Appeals.

1. Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal therefrom, as provided in Wis. Stat. § 236.13(5), within 30 days of notification of the rejection of the plat.

2. Where failure to approve is based on an unsatisfied objection, the objecting agency shall be made a party to the action. The court shall direct that the plat be approved if it finds that the action of the approving or objecting agency has been arbitrary, unreasonable, or discriminatory.

J. Scope of approval.

1. Approval of a preliminary plat does not constitute acceptance of the subdivision but authorizes preparation of the final plat.

2. No improvements shall take place in the subdivision prior to approval and recording of the final plat.

3. Approval or conditional approval of a preliminary plat does not constitute automatic approval of the final plat.

4. Preliminary plat approval is effective for a period of 36 months, except as provided below.

a. Where a final plat for the subdivision is not submitted for approval within the 36-month time period, the preliminary plat becomes null and void and the Applicant shall resubmit a new preliminary plat application for approval subject to the then effective regulations.

b. The 36-month time period may be extended for up to 6 months by mutual agreement between the committee and the applicant.

c. When a preliminary plat application indicates the anticipated development or phasing pattern for the subdivision, the final plat may constitute only that portion of the approved preliminary plat that the applicant proposes to record at that time. If the final plat for each phase is submitted in accordance with the original phasing plan, then

i. final plat approvals which involve only a portion of the preliminary plat shall extend the approval period for the remainder of the preliminary plat for 1 year from the last date of approval.

K. Recordkeeping.

1. A preliminary plat is not recorded.

2. The department shall maintain for seven years a record of all preliminary plats, including any attachments, and documentation of approval conditions or the reasons for disapproval.

3. The applicant must maintain a copy of the approved preliminary plat, including any attachments. (Ord. 167-3, Sec. 1, 2023)

18.86.040 Final plats.

A. Purpose. This section establishes the process to approve final plats for recording with the Eau Claire County Register of Deeds.

B. Applicability.

1. This section applies to all applications for final plat approval.

2. Final plat applications are filed after the preliminary plat is approved.

C. Initiation.

1. An application for final plat approval is filed with the department at least 25 days prior to the committee meeting at which the plat will be reviewed.

2. A pre-application meeting is not required.

D. Completeness. See Chapter 18.98.

E. Notice. The notice required by Table 18.86.040-1 applies to any Final Plat.

Table 18.86.040-1 Notice Required for Final Plats			
Type	**Required?**	**To Whom?**	**When?**
Publication	No	--	--
Mail	No	--	--
Electronic Transmission by Eau Claire County	No	--	--
Mail or Electronic Transmission by Applicant	Yes	Wisconsin Department of Administration (which is required to provide notice to other state agencies per Wis. Stat. § 236.12)	At the time of application submittal
		Town clerk of each town affected by the proposed final plat	
		City of village clerk of each municipality that has extraterritorial plat approval jurisdiction	

F. Decision.

1. Consideration of Application. The committee shall review the application for a final plat when it is complete.

2. Time to Act Upon Application.

a. The committee shall approve, approve with conditions, or disapprove the application within 60 days of receiving a complete application.

b. If the committee does not act within 60 days of receipt of a complete application, the application is deemed approved, unless the applicant has not satisfied all objections by objecting agencies.

c. This timeframe may be extended by mutual agreement of the applicant and the committee.

3. Determination in Writing.

a. One copy of the final plat shall be returned to the applicant with the committee's action and date indicated on the face of the plat.

b. If the plat is conditionally approved or disapproved, the committee shall state the conditions of approval or reasons for disapproval in writing and shall provide a copy to the applicant. The meeting minutes shall also reflect the conditions of approval or reasons for disapproval.

4. Requests for Additional Information. Before approving an application for a final plat, the committee may require the applicant to furnish further relevant information (see Subtitle VII, Submittal Requirements).

G. Approval criteria.

1. If the final plat substantially conforms to the approved preliminary plat, including any conditions of that approval, and to local plans and ordinances adopted as authorized by law, it is entitled to approval (Wis. Stat. § 236.11(1)(b)).

2. The committee shall not approve the final plat if there are unsatisfied objections by objecting agencies.

3. If the final plat is substantially different than the preliminary plat, the committee may require resubmission of the preliminary plat.

H. Subsequent applications. An applicant may submit a new final plat application showing major modifications and/or revisions to a withdrawn or disapproved final plat application at any time.

I. Appeals.

1. Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal therefrom, as provided in Wis. Stat. § 236.13(5), within 30 days of notification of the rejection of the plat.

2. Where failure to approve is based on an unsatisfied objection, the objecting agency shall be made a party to the action. The court shall direct that the plat be approved if it finds that the action of the approving or objecting agency has been arbitrary, unreasonable, or discriminatory.

J. Scope of approval.

1. Approval of a final plat constitutes acceptance of the subdivision and authorizes recording of the map.

2. No improvements shall take place in the subdivision prior to approval and recording of the final plat.

3. A final plat may include a portion of a subdivision if the approved preliminary plat indicates the anticipated development or phasing pattern for the subdivision. If a final plat for a portion of the subdivision is submitted, then:

a. Approval of a final plat for only a portion of the preliminary plat shall extend the 36-month preliminary plat approval time period for 1 year from the date of approval of the partial final plat.

b. Subsequent final plat approvals which involve only a portion of the preliminary plat shall extend the approval period for the remainder of the preliminary plat for 1 year from the last date of approval.

4. Prior to recording the final plat with the register of deeds, the subdivider shall:

a. satisfy any conditions of approval applied by the department, committee, and town board;

b. execute any performance guarantees required by the town board;

c. if the final plat includes public dedications, obtain the signatures on the owner's certificate, mortgagee's certificate, and certification of approval by the town board in substantially the same form as required by Wis. Stat. § 236.21(2)(a);

d. obtain the signatures on the accompanying certificates as required by Wis. Stat. §§ 236.21 and 236.25; and

e. obtain, on the face of the final plat, certifications by the department, surveyor, town board, committee and all other approving agencies. The certification by the committee shall be the last certification obtained.

5. After the subdivider provides public improvement assurances, if required by the town board, and records the final plat, the subdivider may construct the improvements shown on the plat and proceed to the building permit approval process.

K. Recordkeeping.

1. A final plat shall be submitted to the register of deeds within 36 months of the date of the first certification required by 18.86.040 J. and within 12 months of the last certification required by 18.86.040 J.

2. Failure to submit the final plat within the time limit shall render the plat null and void, unless the time limit is extended by the committee.

3. The department shall maintain for seven years a record of all final plats, including any attachments, and documentation of approval conditions or the reasons for disapproval.

4. The applicant must maintain a copy of the approved final plat, including any attachments. (Ord. 167-3, Sec. 1, 2023)

18.86.050 Replats & reconfiguration

A. Purpose. The replatting and reconfiguration process examines proposed alterations of a previously-recorded subdivision plat. This process determines whether the plat conforms to this title and any conditions of approval.

B. Applicability.

1. This section applies to all replats and reconfigurations of previously-recorded subdivisions.

2. Replats follow the procedures for certified survey maps or preliminary and final plats, depending on the number of lots affected by the replat.

3. Reconfigurations follow the procedures for certified survey maps if the reconfiguration:

a. affects 4 or fewer lots or outlots within a recorded subdivision, assessor's plat, or certified survey map;

b. does not result in a State-defined subdivision;

c. creates parcels that comply with local ordinances, Wis. Stat. Ch. 236 minimum layout requirements, and, if served by private sewerage facilities, Wis. Admin. Code SPS 383 & 385;

d. does not change areas previously dedicated to the public; and

e. does not change a restriction or easement placed on the platted land.

C. Initiation.

1. Replats that alter areas dedicated to the public.

a. If the proposed replat alters areas dedicated to the public, the recorded plat shall first be vacated in accordance with Wis. Stat. §§ 236.36 through 236.445.

b. Once the recorded plat is vacated, the provisions of subsection B. apply.

2. Replats & reconfigurations that do not alter areas dedicated to the public.

a. If the proposed replat does not alter areas dedicated to the public, the applicant submits a certified survey map application (see Section 18.86.020) or preliminary plat application (see Section 18.86.040), as applicable.

b. A pre-application meeting is required (see Chapter 18.97).

D. Completeness. See Chapter 18.98.

E. Notice. See 18.86.020 E. (Certified Survey Maps), 18.86.030 E. (Preliminary Plats), or 18.86.040 E. (Final Plats), as applicable.

F. Decision. See 18.86.020 F. (Certified Survey Maps), 18.86.030 F. (Preliminary Plats), or 18.86.040 F. (Final Plats), as applicable.

G. Approval criteria. See 18.86.020 F. (Certified Survey Maps), 18.86.030 G. (Preliminary Plats), or 18.86.040 G. (Final Plats), as applicable.

H. Subsequent applications. See 18.86.020 G. (Certified Survey Maps), 18.86.030 H. (Preliminary Plats), or 18.86.040 H. (Final Plats), as applicable.

I. Appeals. See 18.86.020 H. (Certified Survey Maps), 18.86.030 I. (Preliminary Plats), or 18.86.040 I. (Final Plats), as applicable.

J. Scope of approval. See 18.86.020 I. (Certified Survey Maps), 18.86.030 J. (Preliminary Plats), or 18.86.040 J. (Final Plats), as applicable.

K. Recordkeeping. See 18.86.020 J. (Certified Survey Maps), 18.86.030 K. (Preliminary Plats), or 18.86.040 K. (Final Plats), as applicable. (Ord. 167-3, Sec. 1, 2023)

18.86.060 Subdivision regulation waivers.

A. Purpose. This section creates a flexible, streamlined process where applicants can seek exceptions from subdivision regulations Chapters 18.87, 18.88, and 18.89 where the regulation would create hardships, or where the exception would result in superior design.

B. Applicability. This section applies to a request for a waiver from the requirements of Chapters 18.87, 18.88, and 18.89.

C. Initiation. An applicant requests a waiver prior to or at the time of filing an application for a certified survey map, preliminary plat, replat, or reconfiguration.

D. Completeness. See Chapter18.98.

E. Notice. No public notice is required for a waiver.

F. Decision.

1. Consideration of Application.

a. The committee shall review a request for a waiver, except when the department is authorized to review the request under paragraphs 2. and 3. below.

b. The department shall review a request for a waiver when it accompanies a complete land division application that is associated with:

i. transfer of interest in land by will or court order, or the sale or exchange of parcels of land between adjoining property owners; and

ii. the waiver is from the provisions of Chapters 18.87, 18.88, and 18.89 only as those provisions apply to 18.85.030 (Land Suitability).

c. The department shall review a request for a waiver when it accompanies a complete land division application that is associated with a reconfiguration.

2. Time to Act Upon Application.

a. Committee Review.

i. If reviewed by the committee, the committee shall approve, approve with conditions, or disapprove the application within 40 days of receipt of a complete application.

ii. If the committee does not act within 40 days of receipt of a complete application, the application is deemed approved.

ii. This timeframe may be extended by mutual agreement of the applicant and the committee.

b. Department Review.

i. The department shall approve, approve with conditions, or disapprove the application within 40 days of receipt of a complete application.

ii. If the department does not act within 40 days of receipt of a complete application, the application is deemed approved.

3. Determination in Writing.

a. If the waiver is conditionally approved or disapproved, the department or committee, as applicable, shall state the conditions of approval or reasons for disapproval in writing and shall provide a copy to the applicant. If reviewed by the committee, the meeting minutes shall also reflect the conditions of approval or reasons for disapproval.

b. The department will maintain a record of approved waivers. The applicant must maintain a copy of the approved waiver, including any attachments.

4. Requests for Additional Information. Before approving an application for a waiver, the department or committee may require the applicant to furnish further relevant information (see Submittal Requirements, Subtitle VII).

G Approval criteria. Approval or conditional approval of a waiver shall be based on a determination by the committee or department that each of the following criteria are satisfied:

1. Strict application of Chapters 18.87, 18.88, or 18.89 would result in hardship for the applicant.

2. The land division with the waiver is consistent with the purpose statement of the subdivision regulations, Subtitle V, including consistency with the Comprehensive Plan, Land and Water Resources Plan, and Farmland Preservation Plan.

3. The land division will not be a detriment to the public good.

H. Subsequent applications.

1. When a waiver application is withdrawn or disapproved, the same application for the same property shall not be resubmitted for a period of 1 year from the date of withdrawal or denial.

2. A new application showing major modifications and/or revisions to the withdrawn or denied waiver application may be submitted at any time.

I. Appeals. A subdivision regulation waiver decision is appealable to the board of land use appeals as provided in Chapter 18.108.

J. Scope of approval.

1. Approval of a waiver authorizes an exception to or modification of an otherwise applicable standard.

2 A subsequent application for subdivision approval may reflect the exception or modification or may adhere to the otherwise applicable standard.

K. Recordkeeping.

1. The department shall maintain for seven years a record of approved waivers.

2. The applicant must maintain a copy of the approved waiver, including any attachments. (Ord. 167-3, Sec. 1, 2023)

Chapter 18.87

DESIGN & CONSTRUCTION STANDARDS

Sections:

18.87.010 **Street arrangement.**
18.87.020 **Street design & construction standards.**
18.87.030 **Blocks & lots.**
18.87.040 **Utility easements.**

18.87.010 Street arrangement.

A. Generally.

1. Streets shall be designed considering the topography and bearing capacity of the land and potential for erosion and obstruction to flow of surface water, and least disturb the existing terrain, flora, fauna, and water regimen.

2. Care should be taken to ensure adequate provision for public services, such as access for police and fire vehicles, snowplowing, and for pedestrian traffic.

B. Conformance with Official Maps or Comprehensive Plans.

1. In any new subdivision, the street, block, and lot layouts shall conform to the arrangement, width, and location indicated on any applicable official map or comprehensive plan of a municipality, town, or the county.

2. In areas where no such plan exists, the street layout shall recognize the functional classification system and shall be developed in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, to the proposed use of the land and to the most advantageous development of adjoining property.

C. Coordination with Highway Department. New Road Access Permits to the County Road system shall be coordinated with the Highway Department.

D. Subdivisions Containing or Adjacent to an Arterial Road or Highway.

1. Whenever a proposed subdivision contains or is adjacent to an arterial road or highway, adequate protection of residential properties, limitation of access and separation of through traffic shall be provided by reversed frontage lots.

2. Provisions for screen plantings, non-access reservations, and frontage roads shall be used to protect the integrity of the arterial road or highway.

E. Subdivisions Containing or Adjacent to a Limited Access Highway or Railroad Right-of-Way. Whenever a proposed subdivision contains or is adjacent to a limited access highway or railroad right-of-way, the design shall provide the following treatment:

1. When lots within a proposed residential subdivision back upon the right-of-way of an existing or proposed limited access highway or railroad, a planting strip at least 30 feet in depth in addition to the normal lot depth shall be provided. The strip shall be a part of the platted Lots but shall have the following restriction lettered on the face of the plat: "This strip reserved for the planting of trees and shrubs and the building of all structures, except for public and private utility structures, hereon is prohibited."

2. Plats within commercial and industrial districts shall provide, on each side of the limited access highway or railroad, frontage roads approximately parallel to and at a suitable distance from such Highway or railroad for the appropriate use of the land between the limited access highway or railroad and the frontage road.

F. Streets to Terminate at Tract Boundary. Proposed streets shall extend to the boundary lines of the tract being subdivided unless:

1. prevented by topography or other physical conditions or

2. the committee or town board finds that such extension is not necessary or desirable for the coordination of the layout of the subdivision or for the advantageous development of the adjacent tracts.

G. Reserve Strips. Reserve strips shall not be provided on any plat to control access to streets, except where control of such strips is placed with the town or county under conditions approved by the committee or town board to protect the integrity of a highway or street.

H. Alleys.

1. In industrial, commercial, residential districts, alleys may be provided for off-street loading and service access.

2. Dead-end alleys are prohibited.

I. Street Names.

1. Street names shall be approved by the town board and shall not duplicate or be similar to existing street names.

2. New streets which are continuations or extensions of existing streets shall have the same name as the existing street.

3. Street names shall be identified on the recorded plat or survey map.

J. Addressing.

1. The range of addresses that can be assigned on all new streets or other new public right-of-ways shall be determined as part of the final approval of a subdivision plat.

2. The subdivider shall contact the agency responsible for assigning addresses in the municipality where the subdivision Plat is located to determine the range of addresses for the streets and public right- of-ways.

3. The subdivision plat may also indicate the address assigned to each lot.

(Ord. 167-3, Sec. 1, 2023)

18.87.020 Street design & construction standards.

A. Purpose. The purposes of these design and construction standards are to:

1. provide for town streets of suitable location, width, and improvement; and

2. accommodate anticipated traffic and afford satisfactory access to police, firefighting, snow removal, sanitation, and road maintenance equipment.

B. Street Classification. Street classification shall be determined by the committee, if not indicated on an official map or plan adopted by the town or county.

C. Elevations.

1. Streets passing through floodplain areas shall be situated at least 2 feet above the 50-year recurrence flood level.

2. Such streets shall be constructed in a manner that will not impede the flow of floodwaters.

D. Grading.

1. The subdivider shall grade all roadways to subgrade and ditches to the gradient shown on approved plans.

2. Cut and fill lands shall be graded to the lesser of:

a. a maximum slope of 1:4 or

b. the soils angle of repose.

3. All unpaved graded areas shall be sodded or seeded and mulched with appropriate permanent vegetation.

E. Alignment.

1. When a continuous street centerline deflects at any point by more than 10°, a circular curve shall be introduced having a centerline radius of 200 feet.

2. A tangent at least 100 feet in length shall be provided between reverse curves.

F. Intersections.

1. Streets shall intersect each other at as nearly right angles as topography and other limiting factors permit.

2. No more than two streets shall converge at an intersection.

3. The number of street intersections along arterial and collectors roads shall be held to a minimum. Whenever practical, the distance between such intersections shall not be less than 1,325 feet.

G. Half Streets. The platting of half streets is prohibited, except where an existing dedicated or platted half street is adjacent to the tract being subdivided. In such instances, the other half of the street shall be dedicated by the subdivider.

H. Temporary Cul-de-Sacs.

1. Temporary cul-de-sacs may be required by the committee to ensure continuity of the road pattern between adjoining subdivisions.

2. Maximum length and turnaround dimensions and design shall be determined by the committee.

I. Town Review & Approval Required.

1. Road construction, including width and type and depth of base course and paving material, is subject to town board approval. The town board has the authority to maintain standards that differ from these standards and to inspect material for conformance to standards contained in its applicable ordinances.

2. The town board may require the subdivider to construct concrete curb and gutters in accordance with the plans and standard specifications approved by the town board.

J. Street Design Standards. New town streets shall conform to the standards specified in Table 18.87.020-1 if the Town Board approves the use of these standards during the review process for each project. (Ord. 167-3, Sec. 1, 2023)

Table 18.87.020-1 Street Design Standards				
Improvement	**Residential**		**Commercial / Industrial**	
	With C/G	**Without C/G**	**With C/G**	**Without C/G**
ROW Width (min.)*				
Local Street	66 ft	66 ft	66 ft	66 ft
Collector Street	66 ft	66 ft	66 ft or as determined by the Committee	
Arterial Street	66 ft	66 ft	66 ft or as determined by the Committee	
Base Course Width (min.)				
Local Street	30 ft	28 ft	32 ft	32 ft
Collector Street	32 ft	32 ft	40 ft	50 ft
Arterial Street	40 ft	34 ft	40 ft	50 ft
Pavement Width (min.)				
Local Street	30 ft	22 ft	32 ft	32 ft
Collector Street	32 ft	22 ft	40 ft	40 ft
Arterial Street	40 ft	24 ft	40 ft	40 ft
Grade (min.)	0.5%			
Grade (max.)				
Local Street	10%	10%	8%	8%
Collector Street	8%	8%	6%	6%
Arterial Street	6%	6%	6%	6%
Curve Radius (min.)				
Local Street	100 ft	100 ft	200 ft	200 ft
Collector Street	100 ft	100 ft	200 ft	200 ft
Arterial Street	300 ft	300 ft	400 ft	400 ft
Corner Radius at Intersections (min.)	15 ft	30 ft	15 ft	30 ft
Length of Vertical Curve (min.)				
Local Street	100 ft, but not less than 20 ft for each algebraic difference in grade			
Collector Street	200 ft, but not less than 50 ft for each 1%			
Arterial Street	300 ft, but not less than 50 ft for each algebraic difference in grade			
Length of Tangents between Reverse Curves (min.)				
Local Street	100 ft	100 ft	200 ft	200 ft
Collector Street	100 ft	100 ft	200 ft	200 ft
Arterial Street	200 ft	200 ft	300 ft	300 ft
Sight Distance (min.)				
Local Street	200 ft	200 ft	250 ft	250 ft
Collector Street	240 ft	240 ft	250 ft	250 ft
Arterial Street	275 ft	275 ft	300 ft	300 ft
Design Speed				
Local Street	30 mph			
Collector Street	35 mph			
Arterial Street	40 mph			

Cul-de-Sacs (permanent)**				
Length (max.)	1,000 ft			
ROW Radius (min.)	60 ft			
Base Course Radius (min.)	40 ft	48 ft	40 ft	48 ft
Pavement Radius (min.)	40 ft			

C/G = curb & gutter | ROW = right-of-way | ft = feet | min. = minimum required | max. = maximum allowed | mph = miles per hour

* Unless specified by a comprehensive plan or official map, town roads shall have a right-of-way width as specified in this table.

** Permanent Cul-de-Sacs shall be classified only as Local Streets.

18.87.030 Blocks & lots.

A. Blocks

1. Generally. The width, length, and shape of blocks shall be suited to the planned use of the land, zoning requirements, need for convenient access control and safety of street traffic, and topography.

2. Length. In residential districts, blocks shall not be shorter than 600 feet nor longer than 1,500 feet in length unless otherwise dictated by exceptional topography or other limiting factors of good design.

3. Width. Blocks shall have sufficient width to allow two tiers of lots of appropriate depth except where greater depth is required to separate residential development from through traffic, public parks, cemeteries, railroad rights-of-way, bulkhead lines, shorelines or waterways, or extreme topography.

4. Pedestrian Ways. In blocks over 900 feet long, the committee may require pedestrian ways through blocks as deemed necessary for access to streams, lakeshores, public parks, schools, neighborhood amenities, or other public and quasi-public areas.

B. Lots

1. Generally. The size, shape, and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

2. Lots Abutting a Lake or Stream. In any plat or certified survey abutting a lake or stream, lands lying between the meander line and the water's edge and any otherwise unplattable land which lies between the proposed subdivision and the water's edge shall be included as parts of lots, or public dedications.

3. Future Re-Subdivision. Whenever a tract is divided into lots of 5 acres or less in area and more than twice the minimum required for the zoning district in which the lots are located, the committee may require such lots to be arranged and dimensioned so as to allow re-subdivision.

4. Access.

a. All Lots shall have access to a public street or, in a planned development district, an approved private street.

b. Access to a public or private street may be provided through a shared driveway, if:

i. an access (ingress/egress) easement is recorded with the Eau Claire County Register of Deeds in conjunction with the final plat, and

ii. the access easement provides a mechanism for perpetual maintenance of the shared driveway by all property owners that access their lot through the shared driveway.

5. Dimensions.

a. Lot Area. Lot area shall conform to all applicable zoning district requirements (see Subtitle II), except within unzoned towns, outside of the shoreland overlay district, where the minimum lot area is 1.5 acres.

b. Lot Depth.

i. Lots shall have a minimum average depth of 100 feet.

ii. Excessive lot depth in relation to lot width shall be avoided.

(a) For 5 acres or less, the ratio of depth to width shall not exceed 3:1.

(b) For lots greater than 5 acres, the ratio of depth to width shall not exceed 4:1 inclusive of the road right-of-way.

c. Lot Width.

i. All lots shall have a minimum lot frontage equal to the minimum lot width required by the zoning district in which the lot is located.

ii. In an unzoned town, the minimum lot width and minimum lot frontage is 100 feet.

iii. Lots located on cul-de-sacs shall have the full lot frontage within 50 feet of the street right-of-way line.

d. Dimensions of Lots Designed for Commercial and Industrial Use. lot area, lot depth, and lot width of lots designed for commercial or industrial use shall be adequate to provide for off-street parking and loading.

6. Side Lot Lines. Side lot lines shall generally be at right angles to street lines or radial to curved streets or cul-de-sacs.

7. Corner Lots. When located in a zoning district that permits lot widths of 100 feet or less, corner lots shall be platted with at least 15 feet of width over the minimum required for the zoning district.

8. Double Frontage Lots. Double frontage lots are prohibited except where necessary to:

a. provide separation from heavily traveled streets, or

b. overcome specific disadvantages of topography and orientation.

9. Flag Lots. Flag lots are prohibited except where necessary to:

a. address topographic challenges,

b. respond to existing development patterns,

c. preserve agricultural land, or

d. minimize land use conflicts. (Ord. 167-3, Sec. 1, 2023)

18.87.040 Utility easements.

A. The committee may require easements for electric power, communication facilities, storm and sanitary sewers, gas, water, and other utility lines.

B. Easements shall be of sufficient width for the proposed use and shall be placed wherever feasible along lot lines.

C. All easements shall be noted on the final plat followed by a reference to the use or uses for which they are intended. (Ord. 167-3, Sec. 1, 2023)

Chapter 18.88

CONSERVATION SUBDIVISION

Sections:

18.88.010 Purpose.
18.88.020 Applicability.
18.88.030 Size & location of site.
18.88.040 Lot layout.
18.88.050 Dimensional standards.
18.88.060 Open space & conservation areas.
18.88.070 Conservation subdivision design process.

18.88.010 Purpose.

A. Conventional subdivisions typically assign all land area to individual private owners, each of whom maintains that land as they prefer, often including the creation of large lawns. The purpose of this section is to provide flexibility in site design in order to allow subdividers to preserve common open space, rural vistas, and natural resources.

B. Conservation subdivisions should achieve the following objectives:

1. Allow for the continuation of agricultural uses in those areas best suited for such activities and when adjoining residential uses are compatible with such activities.

2. Permanent protection for unique and environmentally sensitive natural features such as woodlands, river and stream corridors, drainageways, wetlands, closed depressions, floodplains, shorelands, prairies, steep slopes, and critical species habitat.

3. Connect common open space areas between adjacent properties and create environmental corridors throughout the county.

4. Preserve scenic views and minimize views of new development from existing homes and roads.

5. Permit active and passive recreational use of common open space by residents of the development and/or the public.

6. Reduce erosion and sedimentation by retaining existing vegetation and minimizing development on steep slopes. (Ord. 167-3, Sec. 1, 2023)

18.88.020 Applicability. This section applies to any subdivision application meeting the requirements of this section and that is designated a “Conservation Subdivision” by the applicant. (Ord. 167-3, Sec. 1, 2023)

18.88.030 Size & location of site. There is no minimum or maximum size for a conservation subdivision provided, however, that the minimum open space and conservation area requirements may limit the availability of this option for some property owners. (Ord. 167-3, Sec. 1, 2023)

18.88.040 Lot layout. In order to provide undivided open space, direct views, and access:

A. not less than 40% of the lots within a conservation subdivision shall abut open space and conservation areas, and

B. direct pedestrian access to the open space from lots not abutting the open space shall be provided through a system of sidewalks or footpaths. (Ord. 167-3, Sec. 1, 2023)

18.88.050 Dimensional standards. Residential lots within a conservation subdivision shall be zoned Rural Homes (RH) and are subject to the unique standards for conservation subdivisions described in that district. (Ord. 167-3, Sec. 1, 2023)

18.88.060 Open space & conservation areas.

A. A minimum of 40% of the total tract area shall be designated as open space and conservation areas.

B. Open space and conservation areas may include:

1. unimproved land in its natural state;
2. agricultural land;
3. passive recreation areas, such as pedestrian and bicycle trails, areas for wildlife observation, and picnic areas;
4. active recreation areas, such as playgrounds and tennis courts, limited to 5% of the total open space and conservation areas; and
5. up to 50% of the acreage of:
    a. storm water detention ponds or basins and
    b. land within rights-of-way for underground or overhead utilities.

C. The following areas shall be designated as conservation areas:

1. Environmentally sensitive areas;
2. wildlife habitat areas if the presence of any federally-listed endangered or threatened species have been verified;
3. historic, archaeological, or cultural features listed (or eligible to be listed) on national, state, or county registers or inventories; and
4. scenic views into the property from existing public roads.

D. Open space and conservation areas shall abut existing open space and conservation areas located on adjacent parcels, public parks, or properties owned by or leased to private land conservation organizations.

E. Lands designated as open space and conservation areas:

1. shall not be further subdivided; and
2. shall be permanently protected through a restrictive covenant or a conservation easement held by a land trust or conservancy. The covenant or easement shall prohibit further development of the open space. (Ord. 167-3, Sec. 1, 2023)

18.88.070 Conservation subdivision design process. The following step-by-step approach shall guide the design of conservation subdivisions. All preliminary plats submitted for conservation subdivision approval shall include documentation of this design process in determining the layout of proposed open space, house sites, streets, and lot lines. Following this approach shall not exempt conservation subdivisions from meeting all relevant zoning and land development regulations adopted by Eau Claire County.

Step 1: Identifying Potential Open Space & Conservation Areas

All natural resources and potential open space and conservation areas (including viable agricultural lands; FEMA-regulated and unregulated floodplains; wetlands, lakes, ponds, and waterways; natural drainage swales; and natural plant communities) that are present on the site shall be identified, delineated, and set aside. The minimum percentage and acreage of required open space shall be calculated by the applicant and submitted as part of the preliminary plat application in accordance with this title.

Step 2: Locating House Sites

The conservation and open land pattern derived from Step 1 shall be used as the basis for guiding the location of development on the property. Once open space and conservation areas are identified, potential house sites shall be tentatively located to take best advantage of the open space and scenic views, while maintaining a respectful distance from the resources to be protected.

Step 3: Designing Street and Footpath Alignments

Upon designating the house sites, a street plan shall be designed to provide vehicular access to each house site. The street system shall avoid, to the maximum extent possible, crossing through identified open space and conservation areas and any other sensitive natural resource areas. The design should provide interconnection of streets and plan connections to adjoining vacant land in anticipation of future connections, as applicable. An informal footpath system shall be included to connect the various part of the neighborhood and to provide opportunities for residents to walk through and enjoy the open space.

Step 4: Drawing in Lot Lines

Upon completion of the three preceding steps, lot lines shall be drawn as required to delineate the boundaries of individual residential lots. (Ord. 167-3, Sec. 1, 2023)

Chapter 18.89

REQUIRED IMPROVEMENTS

Sections:

18.89.010 Erosion control & storm water management.
18.89.020 Water supply & sanitary sewer facilities.
18.89.030 Utilities.
18.89.040 Subdivision improvement guarantees.

18.89.010 Erosion control & storm water management. All land divisions shall comply with the requirements of Eau Claire County Ordinances Chapters 17.05 and 17.06. (Ord. 167-3, Sec. 1, 2023)

18.89.020 Water supply & sanitary sewer facilities.

A. Connection to Existing Facilities. When a public water system and/or public sanitary sewer facilities are available to the subdivision, the subdivider shall construct all water main laterals and appurtenances and sanitary sewer facilities necessary for the provision of adequate water and/or sewer service to each lot.

B. Size of Facilities. The size of the facilities to be installed shall be determined by the committee, taking into account the water system service area, sewer system service area, adopted water plans, adopted sewer plans, existing and planned land use, and zoning.

C. Costs of Extension. Costs for the extension shall be borne by the subdivider. However, if an area larger than the subdivision is to be served by the extension, and larger facilities required, the cost of excess capacity shall be borne by:

1. the town or
2. water district, or
3. sanitary district, or
4. assessed by the governmental unit against the additional territory for which the excess capacity is required.

D. Alternative Options for Water Supply and Sewage Disposal Systems. When a connection to a public water system and/or public sanitary sewer facility are not feasible, the subdivider shall submit an alternative plan for supplying drinking water and disposing of residential wastewater. When individual lots are proposed to be less than 1 acre in size, the applicant is encouraged to consider strategies to reduce the potential for well contamination.

E. Plan Review. Plans for sewer facilities shall be reviewed by the town board and the governmental agency with jurisdiction over the water and/or sewer extension. (Ord. 167-3, Sec. 1, 2023)

18.89.030 Utilities.

A. Provision of Utilities. The subdivider shall cause electrical power and telephone facilities to be installed in such a manner as to make adequate service available to each lot.

B. Location of Utilities.

1. Within all newly platted subdivisions containing 5 or more lots, all new electrical or communication lines shall be installed underground unless the committee finds that the:

a. location, soil, vegetation, or other physical barriers would make underground installation unreasonable; or

b. lots can be served directly from existing overhead facilities.

2. Associated equipment and facilities such as substations, pad-mounted sectionalizing switches, and pedestal-mounted terminal boxes may be located above ground.

C. Plan Approval Required. Plans indicating the proposed location of all gas, electrical power, and telephone distribution and transmission lines required to serve the subdivision shall be approved by the department. (Ord. 167-3, Sec. 1, 2023)

18.89.040 Subdivision improvement guarantees.

A. Purpose. It is the intent of this section to ensure that all subdivision improvements required by the committee or the town are installed in a timely fashion at the expense of the subdivider.

B. Commencement of Construction. No construction or installation of improvements shall commence and no land use permit shall be issued until the final plat has been approved by all reviewing authorities and recorded in the office of the register of deeds.

C. Improvement Guarantees.

1. At the time of final certified survey map and plat approval, the committee shall, upon advice of the corporation counsel:

a. approve an instrument guaranteeing installation of the required improvements, or

b. accept a letter from the town board of the town in which the land is located indicating that an instrument guaranteeing installation of the required improvements has been filed with and approved of by the town.

2. Duration, Amount, & Form of Performance Guarantee.

a. Duration. The duration of the guarantee shall be until the installation is completed and accepted by the town and county.

b. Amount. The amount of the guarantee shall be sufficient to cover the cost of improvements, as estimated by the subdivider and approved by the committee.

c. Form. The performance guarantee shall be in the form of one or more of the instruments listed below:

i. Surety Performance Bond.

(a) The subdivider may obtain a security bond from a surety bonding company authorized to do business in the state.

(b) The bond shall be payable to the county.

ii. Escrow Account.

(a) The subdivider may deposit cash or other instruments readily convertible to cash at face value, including real estate, either with the county treasurer or in an approved bank escrow account.

(b) The use of any instrument other than cash shall be subject to approval by the committee when its value is insufficient or unsubstantiated.

(c) In the case of an escrow account, the subdivider shall file with the department an agreement between the bank or county treasurer and subdivider guaranteeing that funds in or from the account will be held in trust until released by the committee and may not be pledged by the subdivider as security in any other matter during that period.

(d) In the case of failure on the part of the subdivider to complete required improvements, the bank or county treasurer shall immediately make the funds available to the county for use in the completion of the required improvements. Any unused funds shall be returned to the subdivider.

iii. Letter of Credit. The subdivider shall provide, from a bank or other reputable institution or individual subject to the approval of the committee, a letter of credit and shall execute and file with the department documents guaranteeing the following:

(a) The creditor guarantees funds in the amount equal to the cost of completing all required improvements;

(b) In case of failure on the part of the subdivider to complete the specified improvements within the required time period, the creditor shall pay to the county treasurer and without further action, such funds as are necessary to finance the completion of improvements up to the limit of credit stated in the letter;

(c) The letter of credit may not be withdrawn or reduced in amount, until released by the committee.

D. Completion of Required Improvements.

1. Time Limit.

a. The subdivider and the committee shall agree upon a deadline for the completion of all required improvements, not to exceed 2 years from the date of final plat approval.

b. Extensions of the time limit may be made only upon mutual agreement between the subdivider and the committee.

2. Subdivider Responsibilities. Upon completion of any work required within the subdivision, the subdivider shall:

a. notify the department and

b. submit an as-built plan prepared by a registered engineer that affirms the improvements were constructed according to the approved plans for the improvement or other requirements made by the committee.

3. Satisfactory Completion of Required Improvements. If the subdivider has completed the work in a satisfactory manner, the Committee or the town shall release any performance guarantees placed on the subdivision.

4. Incomplete or Unsatisfactory Completion of Required Improvements.

a. If, upon the day immediately following the required completion date, the subdivider has not completed the required improvements or has installed the improvements in an unsatisfactory manner, the committee shall cause the performance guarantee to be forfeited.

b. Upon forfeiture of the performance guarantee, the department shall use them, or receipts from their sale, to finance the construction or correction of required improvements.

c. The county shall return unused portions of the performance guarantee to the subdivider, bonding company, or crediting institution, as appropriate. (Ord. 167-3, Sec. 1, 2023)

Chapter 18.90

DEFINITIONS

Section:

18.90.010 Definitions.

18.90.010 Definitions.

A. This Section defines key words and phrases used throughout this subtitle. These definitions apply only within this subtitle and supersede any similar definitions found elsewhere in Title 18.

1. “Alley” A public way used as a secondary vehicular access to the side or rear of abutting property.

2. “Applicant” Any person who files an application.

3. “Application” Any application filed pursuant to Subtitle VI, including any application or request for a Land Use Permit, Conditional Use permit, rezoning, appeal or variance of the zoning regulations, Concept Map, Preliminary Plat, Final Plat, Replat, Certified Survey Map.

4. “Arterial Road” A street used, or intended to be used, primarily for fast or heavy through traffic. "Arterial street" includes freeways and expressways as well as standard arterial streets, highways, and parkways.

5. “Block” A platted tract of land bounded by streets or by a combination of streets and public parks or other recognized lines of demarcation.

6. “Building” A structure, including a roof supported by walls designed or built for the support, enclosure, shelter or protection of persons, animals, chattels, or property of any kind. Unless otherwise indicated, a “building” refers any part of a building.

7. “Certified Survey Map” A map of a parcel of land, dividing the parcel into not more than 4 lots any of which is less than a government protracted quarter-quarter section, or the division of a lot, block, or outlot within a recorded subdivision into not more than 4 lots, including any remnant of the original lot, without changing the original exterior boundaries of the lot, block, or outlot. Certified Survey Maps are prepared by a professional land surveyor and meet the requirements of Wis. Stat. Ch. § 236.34 and this Title.

8. “Collector Road” A road used, or intended to be used, to carry traffic from local roads to Arterial Roads and includes entrance roads to large subdivisions.

9. “Committee” The committee on planning and development.

10. “Contiguous” Lots or parcels shall be considered contiguous if they share a common boundary. Lots or parcels that only meet at a single point are not considered contiguous. Lots or parcels divided by public roads shall not be considered contiguous.

11. “Contiguous Buildable Area” The area of a Lot for building use exclusive of environmentally sensitive areas, zoning and wetland setbacks, navigable waterways, drainage ways, road rights-of-way, and easements.

12. “Corporation Counsel” The Eau Claire County Corporation Counsel.

13. “Cul-de-Sac” A street with only one outlet and having an appropriate terminus for the safe and convenient reversal of traffic movements.

14. “Department” The department of planning and development.

15. “Development” Any artificial change to improved or unimproved real estate including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings or structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

16. “Dimensional Standards” The requirements of this Title that establish the minimum or maximum lot area, yard, density, coverage, or height for buildings or uses, or the area and height requirements for signs.

17. “Director” The Eau Claire County Planning & Development Department Director, or his or her designee.

18. “Drainageway” A natural or artificial watercourse including, but not limited to, streams, rivers, creeks, ditches, channels, canals, conduits, culverts, waterways, gullies, ravines or washes in which water flows in a definite direction or course, either continuously or intermittently, or in which runoff water accumulates permanently or temporarily, including any adjacent area subject to inundation by overflow or floodwater.

19. “Dwelling Unit” A residential structure or portion thereof, containing a separate and complete living area, for one family, not including boarding houses, camping trailers, hotels, motor homes, or motels.

20. “Environmentally Sensitive Areas” Any of the following areas:

a. Wetlands, as defined and designated as wetlands on the most recent version of the Wisconsin Wetlands Inventory as depicted on the WDNR Surface Water Data Viewer, or through observable field evidence.

b. Floodplains, as identified on the official maps and revisions and regulated by Section 18.200 of this code.

c. Slopes of 20% or greater, measured over a horizontal distance of 50 feet. Slopes shall be measured as the change in elevation over the horizontal distance between consecutive contour lines and expressed as a percent.

21. “Erosion Control Plan” A plan that describes how the permit holder and other responsible party will minimize, to the maximum extent practicable, soil erosion and the transport of sediment from land disturbing activities to waters of the state or other property.

22. “Farm” All contiguous land under common ownership that is primarily devoted to agricultural use.

23. “Federal Emergency Management Agency (FEMA)” The federal agency that administers the National Flood Insurance Program.

24. “Final-Plat” means the map of a subdivision and accompanying data, as required in Section 18.86.040, necessary for final approval of the proposed subdivision by the committee and recording in the office of the register of deeds.

25. “Flood or Flooding” A general or temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:

a. The overflow or rise of inland waters.

b. The rapid accumulation or runoff of surface waters from any source.

c. The sudden increase caused by an unusually high-water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.

26. “Flood Protection Elevation” An elevation of two feet of freeboard above the water surface profile elevation designated for the regional flood.

27. “Floodplain” Land which has been or may be covered by floodwater during the regional flood. It includes the floodway and the flood fringe and may include other designated floodplain areas for regulatory purposes.

28. “Frontage” the width of a lot as measured on a public street, road or highway and having access to said street, road or highway.

29. “Frontage Road” A minor street auxiliary to and located adjacent to an Arterial Road for control of access and for service to the abutting development.

30. “Highway” All public ways and thoroughfares and all bridges on the same. It includes the entire width between the boundary lines of every way open to the use of the public as a matter of right for the purposes of vehicular travel. "Highways" do not include Private Streets or Roads. (Wis. Stat. 990.01(12) and 340.01(22)) For purposes of this ordinance, Title 18, Highway is synonymous with road and street.

31. “Highway, Controlled Access: A highway on which abutting property owners have no right or only a limited right of direct access and on which the type and location of all access connections are determined and controlled by the highway authorities. Also referred to as a "Controlled Access Highway." (Wis. Stat. § 990.01(5r))

32. “Highway, Limited Access” See Highway, Controlled Access.

33. “Land Use” Any nonstructural use made of unimproved or improved real estate.

34. “Lot” A saleable parcel of land on record with the Register of Deeds.

35. “Lot Area” That area located within lot lines, not including any part of a street, highway, alley or railroad right-of-way or access easement, except when the street right-of-way is explicitly allowed to be counted as part of the area as described in this ordinance.

36. “Lot, Corner” A lot situated at the intersection of 2 streets, roads or highways.

37. “Lot Depth” The shortest horizontal distance between the front street lot line and the rear lot line measured at a 90º angle from the road right-of-way.

38. “Lot, Double Frontage” A Lot, other than a Corner Lot, with frontage on two streets, roads, or highways. Also referred to as a "Through Lot."

39. “Lot, Flag” A Lot with its widest point set back from the road, and having a thin, long strip ("the flagpole") of land connected to the road to provide legal access and frontage.

40. “Lot Frontage” The width of a lot as measured along a street right-of-way.

41. “Lot, Reversed Frontage” a double-frontage lot for which the boundary along one of the streets is established as the front lot line and the boundary along the other street is established as the rear lot line and, typically, access to the latter street is restricted.

42. “Lot, Through” See Lot, Double Frontage.

43. “Lot Width” The horizontal distance between the side lot lines at the street yard building setback line.

44. “Maintenance” The act or process of restoring to original soundness, including redecorating, refinishing, nonstructural repairs, or the replacement of existing fixtures, systems or equipment with equivalent fixtures, systems or structures.

45. “National Geodetic Vertical Datum (NGVD)” Elevations referenced to mean sea level datum 1929 adjustment.

46. “Navigable Waters” All natural inland lakes, flowage and other waters within the territorial limits of this county. Under Wis. Stat. § 281.31, notwithstanding any other provision of law or administrative rule promulgated thereunder, if:

a. Such lands are not adjacent to natural navigable stream or river;

b. Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and

c. Such lands are maintained in nonstructural agricultural use.

47. “Obstruction to Flow” Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in the regional flood height.

48. “Open Space Use” Those uses having a relatively low flood damage potential and not involving structures.

49. “Outlot” A parcel of land located in a plat or certified Survey Map that is not included in a Block or Lot.

50. “Owner or Property Owner” Any Person having legal title to or sufficient proprietary interest in a parcel of land. The term includes, but is not limited to, mortgagees and vendors under contract for deed.

51. “Person” An individual, or group of individuals, firm, corporation, partnership, association, municipality, or state agency.

52. “Plat” A map depicting the division or Subdivision of land into lots, blocks, parcels, tracts, units, or other portions thereof.

53. “Private Sewage System” A sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located on the same parcel as the structure. This term also means an alternative sewage system approved by the Department of Safety and Professional Services, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.

54. “Public Improvement” Any sanitary sewer, storm sewer, open channel, water main, roadway, park, parkway, public access sidewalk, pedestrian way, planting strip, or other facility for which the County or town may ultimately assume the responsibility for maintenance or operation.

55. “Quarter Section and Quarter-Quarter Sections” A division of a section of land according to the rules of the original United States Government Public Land Survey.

56. “Reconfiguration” The process of changing, or the map or plat that changes, the interior boundaries of a recorded Subdivision Plat or part thereof. Reconfigurations do not change the exterior boundaries of a recorded Subdivision Plat.

57. “Replat” The process of changing, or the map or plat that changes, the exterior boundaries of a recorded subdivision Plat or part thereof. The legal dividing of a large Block or Lot within a recorded subdivision plat without changing the exterior boundaries of said Block, Lot, or Outlot, and which does not affect the layout of a road or other public land shall not be considered a Replat.

58. “Road” See Street or Road or Highway.

59. “Shorelands” Lands within the following distances from the ordinary high-water mark of navigable waters: 1,000 feet from a lake, pond or flowage; 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

60. “Street or Road” A thoroughfare that provides the principal means or movement of pedestrian and vehicular access to abutting property.

61. “Street or Road, Private” A Street or Road:

a. that is not dedicated to the public;

b. has vehicular access to two or more parcels or Lots, or that crosses a property line;

c. that is owned and maintained by a private entity; and

d. that is used for vehicular, bicycle, and pedestrian travel only by the Owner and those having express or implied permission from the Owner.

62. “Street or Road, Public” A Street or Road that is owned and maintained by a governmental entity for use by the general public.

63. “Storm Water Permit: A written authorization by the Land Conservation Division to the Applicant to conduct land disturbing or land development activities in accordance with the requirements of Chapter 17.05. A Storm Water Permit regulates both construction site erosion and post-construction storm water runoff from a site.

64. “Structure” Any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.

65. “Subdivider” Any Person that creates a Subdivision.

66. “Subdivision” The division of a parcel of land into 5 or more Lots each of which is less than a government protracted quarter-quarter section or where an act of division creates 5 or more parcels of less than a government protracted quarter-quarter section from a Lot of Record within a 5-year period.

67. “Title” Refers to Title 18 - "Zoning Ordinance" - of the Eau Claire County Code of Ordinances.

68. “Utilities” Any public or private facilities such as water wells, water and sewage distribution systems, power and communications transmission lines, pipelines, microwave radio relays, telephone and telegraph exchanges, and other related systems, including their attendant facilities.

69. “Waiver” A process for waiving or modifying a specific requirement of Chapters 18.87, 18.88, and 18.89.

70. “Watershed” The entire region or area contributing runoff or surface water to a particular watercourse or body of water.

71. “Wetlands” Those areas where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and having soils indicative of wet conditions.

72. “Zoning District’ A specific area designated with reference to this code and the official zoning maps within which the regulations governing the use and erection of structures and the use of premises are uniformly applied.

73. “Zoning Ordinance” Title 18 of the Eau Claire County Code of Ordinances. Also referred to as the "Zoning Code." (Ord. 168-53, Sec. 10, 2025; Ord. 167-3, Sec. 1, 2023)

SUBTITLE VI PROCEDURES

Chapters:

18.95	General Provisions
18.96	General Procedural Requirements & Authority
18.97	Pre-Application
18.98	Completeness Review
18.99	Notice Provisions
18.100	Public Hearings
18.101	Town Recommendations
18.102	Land Use Permits
18.103	Conditional Use Permits
18.104	Certificates of Compliance
18.105	Text Amendments
18.106	Rezonings
18.107	Planned Unit Development (PUD) Rezonings
18.108	Appeals
18.109	Variances

Chapter 18.95

GENERAL PROVISIONS

Sections:

18.95.010	Purpose.
18.95.020	Applicability.
18.95.030	Permits & licenses.

18.95.010 Purpose. This subtitle:

A. Establishes the workflows associated with zoning and subdivision plat processes; and

B. Ensures the processes comply with state law; and

C. Assigns decision-making authority, completeness review, and deadlines to ensure the processes are efficient and fair to applicants; and

D. For discretionary or legislative decisions, provides notice and an opportunity to be heard by persons affected by the application. (Ord. 167-3, Sec. 1, 2023)

18.95.020 Applicability. This subtitle is part of the Eau Claire County Zoning Ordinance and is subject to town approval as provided in Wis. Stat. § 59.69. It applies to any application for zoning or subdivision plat approval in Eau Claire County. (Ord. 167-3, Sec. 1, 2023)

18.95.030 Permits & licenses. If a use is subject to this subtitle, no permit, license, or other document of approval shall be issued by any county department, agency, or board until the department certifies that it complies with this title. (Ord. 167-3, Sec. 1, 2023)

Chapter 18.96

GENERAL PROCEDURAL REQUIREMENTS & AUTHORITY

Sections:

18.96.010 Common procedures.
18.96.020 Summary.

18.96.010 Common procedures.

A. This subtitle sets up rules for procedures, such as pre-application, neighborhood notification, notices, and public hearings. It then describes the process for specific land use decisions.

B. The procedures all have a common workflow and description, as follows: (Ord. 167-3, Sec. 1, 2023)

Table 18.96.010-1 Procedures Workflow & Description

Element	What does this mean?
Applicability	The type of development or situation that is subject to the process.
Initiation	This is how the applicant begins the process, including which department or official receives the application.
Completeness	This is how Eau Claire County determines that the application has sufficient information to be processed.
Notice	This describes the type of notice, and how it is provided.
Decision	This states who approves the application, and the type of proceeding that leads to the decision.
Approval Criteria	These are any standards that apply to the application. All applications are subject to this title and zoning district regulations.
Subsequent Applications	If an application is denied, some processes have a waiting period before that type of application can be re-filed for the property.
Appeals	This provides a way to review an application that is denied, or that have conditions the applicant disagrees with.
Scope of Approval	This states the activities that the application authorizes. For example, some approvals send the applicant to the next step in the overall process, while others authorize construction or use.
Recordkeeping	This states how the formal decision of approval is maintained.

18.96.020 Summary.

The processes established in this subtitle are summarized below:

Table 18.96.020-1 General Procedural Requirements*								
Process	**Agency**				**Notice**			**Reference**
	ZA	**PDC**	**CB**	**LUA**	**Publication**	**Mail**	**Electronic**	
ZONING-RELATED								
Land Use Permit	D			A-PH				18.102
Conditional Use Permit	D				*	*		18.103
Text Amendment	I	R-PH	D		*	*		18.105
Rezoning	I	R-PH	D		*	*		18.106
Appeal	I			D-PH	*	*		18.108
Variance	I			D-PH	*	*		18.109
SUBDIVISION-RELATED								
Sketch Plan								18.86.010
Certified Survey Map	I-D	D						18.86.020 I.
Preliminary Plat	I	D					*	18.86.030
Final Plat	I	D					*	18.86.040
Replats & Reconfigurations	I							18.86.050
Waiver	I-D	D						18.86.060

ZA = Zoning Administrator |PDC = Planning & Development Committee | CB = County Board of Supervisors | LUA = Board of Land Use Appeals

I = Intake, Review, & Referral | R = Recommendation | D = Decision | A = Appeal | PH = Public Hearing

* = required

* This table is a general summary. Refer to the referenced sections for the specific procedure. If there is any conflict between the text section referenced here and Table 18.96.020-1, the text section controls.

Note: Building permits and certificates of compliance are issued by the county and the towns, subject to the applicable building code.

Chapter 18.97

PRE-APPLICATION

Sections:

18.97.010 Applicability.
18.97.020 Timing.
18.97.030 Meeting contents.
18.97.040 Documentation.

18.97.010 Applicability.

A. This section applies to any of the following applications:

1. Rezoning,
2. PUD rezoning,
3. Conditional use permits,
4. Appeals or variances, and
5. Replats or reconfigurations.

B. The department may waive the pre-application meeting upon finding the applicant has sufficient familiarity with the approval process that a pre-application meeting would not serve a valid purpose. (Ord. 167-3, Sec. 1, 2023)

18.97.020 Timing.

A. The pre-application meeting should occur at least 10 days before the application is filed.

B. Prior to the scheduled pre-application meeting, the applicant may submit to the department a copy of plans and information relevant to the application. (Ord. 167-3, Sec. 1, 2023)

18.97.030 Meeting contents.

A. The pre-application meeting is for informational purposes, and no formal decisions are made.

B. The applicant shall provide a brief overview of the project, including proposed location, uses, densities, project layout, and design features.

C. The department will provide information and comments at the pre-application meeting but will not take formal action on the application. In addition to providing verbal information, the department may provide a pre-application meeting checklist.

D. The applicant’s and department's comments are for purposes of information but are not binding on either the county or the applicant.

E. A submittal item may be waived as part of this review if determined to be unnecessary, already known, or needed at a future stage.

F. The pre-application meeting may include the following:

1. Discussion of the extent to which the proposed application conforms to title 18, other applicable provisions of the code of general ordinances, and other applicable regulations.

2. A discussion of technical studies, plans, and other information deemed relevant to the specific application request;

3. A discussion regarding possible modifications to the application, if warranted;

4. Discussion of the anticipated level of citizen interest;

5. Identification of public hearing or town meeting requirements, if applicable; and

6. A discussion of the general project consistency with the comprehensive plan.

G. The department may request input on the proposed application from other county departments, town boards, state agencies, utility providers, city-county health department, and other reviewing agencies. (Ord. 167-3, Sec. 1, 2023)

18.97.040 Documentation. The department may record in writing (paper or electronic) any pertinent information concerning the project scope, as described by the applicant, as well as a brief record of written or verbal guidance provided by county staff. (Ord. 167-3, Sec. 1, 2023)

Chapter 18.98

COMPLETENESS REVIEW

Sections:

18.98.010 General requirements.
18.98.020 Completeness review process.

18.98.010 General requirements.

A. Applications filed under this title must include the information required by subtitle VII, Submittal Requirements, including checklists maintained by the Department. All applications shall be made on forms prepared by the Department. Eau Claire County will not process incomplete applications.

B. An application is not complete until all required items are submitted (see subtitle VII, Submittal Requirements).

C. Review for completeness of application forms is solely to determine whether preliminary information required for submission with the application is sufficient to allow further processing. It does not constitute a decision as to whether an application complies with this title.

D. An application is not complete unless it is accompanied by the required fee. The county board may establish fees for all applications required in this subtitle by resolution. (Ord. 167-3, Sec. 1, 2023)

18.98.020 Completeness review process.

A. When applications are filed, the department will review them for completeness.

B. The department will determine whether the application contains all the information required on the initial checklist and will notify the applicant of that determination within 10 days of filing.

C. If the department determines that additional information is necessary, the department will provide to the applicant a list and description of the information necessary to complete the review. The department and the decision-making agency are not obligated to further review the application until the required information is provided.

D. The department or the decision-making agency may provide submission deadlines for materials required in support of any application provided for in Subtitle VII, Submittal Requirements. Compliance with those deadlines is required to have the application placed on an agenda to be heard by the decision-making agency. (Ord. 167-3, Sec. 1, 2023)

Chapter 18.99

NOTICE PROVISIONS

Sections:

18.99.010 Generally.
18.99.020 Required information.
18.99.030 Failure to provide notice.

18.99.010 Generally.

A. State law establishes various requirements for public notice. Unless otherwise provided, the notice established in this subtitle is as provided in Table 18.99.010-1 below.

B. This section does not prohibit the department from providing additional notice not required by this subtitle or state law. (Ord. 167-3, Sec. 1, 2023)

Table 18.99.010-1 Type & Description of Notice

Type of Notice	Description
Publication	Class 2 notice under Wis. Stat. ch. 985, unless otherwise provided.
Mail	The department will mail the notices. Regular mail is sufficient unless certified mail is required by a specific process or state law. In some cases, the applicant is required to provide mailed notice.
Electronic Transmission	The county may communicate with the applicant or persons requesting notice by electronic transmission. Electronic transmission may include email, or communication through social media, or online notification procedures established by the director. In some cases, the applicant is required to provide electronic notice.

18.99.020 Required information.

A. Generally.

1. Notice shall include the following information, unless the process includes a different requirement:

a. A brief summary of the proposed ordinance or application;

b. Time, date, and place of the public hearing or meeting;

c. The type of land use or development decision that is being considered;

d. A telephone point of contact within the department;

e. The department's website address (URL); and

f. The address or location of the subject parcel.

2. If the proposed ordinance or application has the effect of changing the allowable use of any property, the notice shall also include a map showing the affected property or a statement that a map may be obtained from the department.

B. Notice to Affected Towns & County Supervisors. Notice to the town clerk, chair of the town board, and county supervisor of any affected district shall include the following information in addition to that required by subsection A:

1. any applicable staff recommendations on the matter and

2. a copy of the application for the permit or appeal. (Ord. 167-3, Sec. 1, 2023)

18.99.030 Failure to provide notice. The failure of Eau Claire County to provide any notice not otherwise required under state law does not affect the validity of any action undertaken pursuant to this title, and no person may challenge an action for lack of notice where the county has complied with the applicable state law governing notice. (Ord. 167-3, Sec. 1, 2023)

Chapter 18.100

PUBLIC HEARINGS

Sections:

18.100.010 Public hearing procedures.

18.100.010 Public hearing procedures.

A. A public hearing gives interested parties an opportunity to be heard.

B. The specific processes for providing testimony and conducting the hearing are established by the agency that conducts the hearing. (Ord. 167-3, Sec. 1, 2023)

Chapter 18.101

TOWN RECOMMENDATIONS

Sections:

18.101.010 Purpose.
18.101.020 Applicability.
18.101.030 Submittal.
18.101.040 Time of recommendation.

18.101.010 Purpose. This section establishes a process for towns to review and submit a recommendation on applications. (Ord. 167-3, Sec. 1, 2023)

18.101.020 Applicability. This section applies to any of the following applications:

A. Rezoning,

B. Conditional use permits, and

C. Variances. (Ord. 167-3, Sec. 1, 2023)

18.101.030 Submittal. A town may provide a written recommendation on the application. (Ord. 167-3, Sec. 1, 2023)

18.101.040 Time of recommendation.

A. A town's recommendation should be submitted at or before the public hearing.

B. If a town fails to submit a recommendation, the public hearing shall occur without a town recommendation. (Ord. 167-3, Sec. 1, 2023)

Chapter 18.102

LAND USE PERMITS

Sections:

18.102.010 Purpose.
18.102.020 Applicability.
18.102.030 Initiation.
18.102.040 Completeness.
18.102.050 Notice.
18.102.060 Decision.
18.102.070 Approval criteria.
18.102.080 Subsequent applications.
18.102.090 Appeals.
18.102.100 Scope of approval.
18.102.110 Recordkeeping.

18.102.010 Purpose.

A. Land use permits are required to provide for the administrative review of compliance with this title, and where specifically required by individual sections of this title.

B. Land use permits do not require a public hearing but are appealable to the board of land use appeals. (Ord. 167-3, Sec. 1, 2023)

18.102.020 Applicability.

A. This section applies to all land use permit applications.

B. A land use permit is required when:

1. Any building or structure is erected, moved, or structurally altered; and

2. Any use of a building, structure, or land is changed to another use, including the development or use of vacant land. (Ord. 167-3, Sec. 1, 2023)

18.102.030 Initiation. An application for approval of a land use permit is filed with the department. (Ord. 167-3, Sec. 1, 2023)

18.102.040 Completeness. See Chapter18.98. (Ord. 167-3, Sec. 1, 2023)

18.102.050 Notice.

A. Except as provided in section B, notice of the application is not required, unless specifically required for the use or situation by this title.

B. For commercial and industrial developments located within the extraterritorial jurisdiction of the City of Eau Claire and within 1,000 feet of key arterial corridors into the metropolitan area as depicted on the Highway Corridor Site Plan Review Area Map of the Eau Claire County Comprehensive Plan, including: Interstate 94 and Highway 12 (Town of Union), Highway T (Town of Union), Highway 53 (Town of Washington), Highway 93 (Town of Washington);, and Highway 37 (Town of Brunswick), notice is required as follows:

1. The department shall provide a complete copy of the application, including site plan, to the City of Eau Claire Department of Community Development and the town board chair or designated agent of the applicable town for an advisory review of the application.

2. Within ten days of the submittal of the application for review, the department of community development and the town board chair or designated agent shall forward, in writing, suggested modifications or conditions as they may deem necessary to carry out the purpose of these regulations and ensure that the external design and site plan for commercial or industrial developments are in accordance with the provisions of this title. (Ord. 167-3, Sec. 1, 2023)

18.102.060 Decision.

A. Consideration of Application. The department shall review the application for a land use permit when it is complete.

B. Referral to Committee. The department may refer to the committee land use permit applications that pose complex or unusual problems. In the event that the application is referred to the committee, the department shall prepare a report and recommendation for the committee's consideration.

C. Time to Act Upon Application.

1. Unless otherwise provided for the specific use or situation, the department or committee shall approve the site plan with or without conditions, deny it, or defer it for further study within 45 days of receipt of the application.

2. If no decision is made by the department or committee within the 45-day period, the site plan shall be considered approved.

D. Determination in Writing. The department or committee, as applicable, shall state the approval or reasons for disapproval in writing.

E. Requests for Additional Information. Before acting on an application for a land use permit, the department or committee may require the applicant to furnish further relevant information (see Subtitle VII, Submittal Requirements). (Ord. 167-3, Sec. 1, 2023)

18.102.070 Approval criteria.

A. When acting upon an application, the department or committee shall consider the proposed site plan in relation to the advisory reviews of the City of Eau Claire and the town in which the project is located in accordance with 18.102.050, along with the provisions of this title.

B. The department or committee shall review the site plan per the following considerations:

1. Compliance with the requirements of this title;

2. The suitability of the location of buildings and structures to the physical character of the site and adjacent land uses including but not limited to site coverage, paved areas, landscaped areas, building scale, setbacks, and open spaces;

3. The existing natural topographic and landscape features of a site shall be incorporated into a development plan. Such plan shall include all prudent and necessary steps required to protect environmentally sensitive areas of the site and surrounding area during and after construction;

4. The layout of the site relative to public street access, arrangement and improvement of interior roadways, overall circulation, parking and loading;

5. Driveways to the site shall be located in a manner to minimize traffic congestion and difficult turning movements;

6. The adequacy of the proposed water supply and sanitary disposal;

7. The adequacy of the drainage pattern or storm sewers to accommodate storm water runoff both on site and on nearby properties based on plans submitted to the land conservation division meeting the requirements of Chapter 17.06;

8. The adequacy of erosion control plans to prevent construction erosion from leaving the site. The plans shall conform with Chapter 17.05; and

9. Outdoor activity areas, parking lots, storage yards, trash areas, recyclable materials storage areas, and other exterior features or uses shall be of sufficient size to meet the needs of the development and shall be adequately landscaped or screened to minimize any potential nuisance features of the use of the site on existing or potential adjacent land uses.

C. The department or committee shall approve a land use permit if the proposed use complies with all applicable standards of the zoning district, the development standards, and any applicable use regulations. (Ord. 167-3, Sec. 1, 2023)

18.102.080 Subsequent applications. There are no limits on refiling a land use permit application. (Ord. 167-3, Sec. 1, 2023)

18.102.090 Appeals. A land use permit is appealable to the board of land use appeals as provided in Chapter 18.108. (Ord. 167-3, Sec. 1, 2023)

18.102.100 Scope of approval.

A. Generally. The structures permitted and the use approved apply only to the structures, use, and property described in the approved land use permit application, subject to any modifications or conditions approved by the department.

B. Submittal of Final Plan. Following approval of the site plan and prior to issuance of the building and land use permits, the applicant shall submit to the department 3 copies of the final approved plan, which shall include all changes or other pertinent information required by the department or committee.

C. Changes to Approved Land Use Permits.

1. An applicant who wishes to change an approved site plan must contact the department.

2. If the proposed changes are of a nature that the revised site plan will be substantially similar to the approved plan, the department may approve the site plan change.

3. If the proposed changes substantially alter the site plan, the changes shall be reviewed and decided upon in the same manner as prescribed within this section for new land use permits.

D. Commencement of Construction or Use. Construction of the permitted structure shall commence, or the approved land use shall be established, within 6 months of land use permit application approval. After this time, a land use permit becomes null and void.

E. Completion of Construction.

1. Construction of the permitted structure shall be completed within 2 years of land use permit application approval. After this time, a land use permit becomes null and void.

2. Upon completion of construction, the applicant shall notify the department in accordance with Chapter 18.104, certificates of compliance.

F. Termination. Where a use or structure does not continue in conformity with the conditions of the original approval, the department may initiate an enforcement action (see subtitle X, Enforcement). (Ord. 167-3, Sec. 1, 2023)

18.102.110 Recordkeeping. The department shall retain for seven years a record of any approved use or development, including the site plan, along with all conditions of approval. (Ord. 167-3, Sec. 1, 2023)

Chapter 18.103

CONDITIONAL USE PERMITS

Sections:

18.103.010 Purpose.
18.103.020 Applicability.
18.103.030 Initiation.
18.103.040 Completeness.
18.103.050 Notice.
18.103.060 Decision.
18.103.070 Approval criteria.
18.103.080 Subsequent applications.
18.103.090 Appeals.
18.103.100 Scope of approval.
18.103.110 Recordkeeping.

18.103.010 Purpose.

A. Within each district certain uses which are deemed mutually compatible are permitted. In addition to such permitted uses, it is recognized that there are other uses which may be desirable within a given district, but because of their potential influence upon neighboring uses, public facilities, or the environment, these uses need to be carefully regulated with respect to their location and operation. Such uses are classified as conditional uses.

B. This section provides a public hearing by the committee to determine whether they meet the criteria of this title. (Ord. 167-3, Sec. 1, 2023)

18.103.020 Applicability. This section applies to any use designated as a conditional use by the applicable zoning district, or any other situation designated by this title as a conditional use. (Ord. 167-3, Sec. 1, 2023)

18.103.030 Initiation.

A. An application for approval of a conditional use permit is filed with the department.

B. Conditional use permit applications can include single parcels of land or groupings of parcels contiguous or noncontiguous. (Ord. 167-3, Sec. 1, 2023)

18.103.040 Completeness.

See Chapter 18.98. (Ord. 167-3, Sec. 1, 2023)

18.103.050 Notice.

A. The notice required by Table 18.103.050-1 applies to any conditional use permit application.

B. The department shall notify the district office of the Wisconsin Department of Natural Resources (DNR) of any conditional use application involving lands in a shoreland or floodplain district, by sending the DNR:

1. a copy of the hearing notice published for the application at least 10 days prior to the committee hearing, and

2. the disposition of the application through a copy of the committee's written decision.

C. The public hearing notice for a conditional use permit for a nonmetallic mining operation under Chapter 18.49 shall include the proposed transportation haul route(s) (Ord. 167-3, Sec. 1, 2023)

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Table 18.103.050-1 Notice Required for Conditional Use Permits

Type	Required?	To Whom?	When?
Publication	Yes - class 2	--	Two consecutive weeks, the second at least 1 week prior to hearing
Written (Mail or Electronic Transmission)*	Yes	▪ All property owners within 660 feet of the property, ▪ Clerk of any municipality with extraterritorial jurisdiction, ▪ Town clerk and chair of the town board in which the proposed conditional use is located, ▪ County supervisor of any affected district, and ▪ Incorporated lake districts in which the proposed conditional use is located.	At least 10 days prior to hearing
* Failure of any of these parties to receive the notice or attend the hearing shall not invalidate the proceedings.			

18.103.060 Decision.

A. Public Hearing. The committee shall hold at least 1 public hearing. Upon the hearing, a party may appear in person or by agent or attorney.

B. Action.

1. The committee shall act on an application in the manner described above within 30 days of the public hearing unless information is required by the committee as provided below.

2. After the hearing is closed, the committee may approve, approve with conditions, or deny the conditional use permit, subject to the requirements of Wis Stats. § 59.69(5e).

C. Majority Rule. A majority vote of the committee is required to decide in favor of the applicant.

D. Written Decision.

1. The conditions of approval or reasons for disapproval shall be stated in writing by the committee and made a permanent part of the minutes.

2. The committee shall reduce its decision in writing within 10 days after its decision, stating its reasons for the action. The Zoning Administrator shall provide the written decision to the applicant.

E. Conditions.

1. The committee may attach certain conditions to the permit, in order to achieve the criteria of 18.103.070.

2. These conditions may include, but are not limited to:

a. changes in building design,
b. lot or building setback lines in excess of district regulations,
c. landscaping,
d. screening,
e. hours of operation,
f. number of employees,
g. sign and lighting limitations,
h. increased parking,
i. sedimentation and erosion control measures, and
j. duration, transfer, or renewal requirements for the permit.

F. Requests for Additional Information. Before acting on an application for a conditional use, the committee may require the applicant to furnish further relevant information (see Subtitle VII, Submittal Requirements). The requirement may apply to specific points or may include technical plans or studies as described in Chapter 18.122. (Ord. 167-3, Sec. 1, 2023)

18.103.070 Approval criteria.

A. The committee shall approve a conditional use if it finds, based on substantial evidence, that it complies with all of the following standards or can be made to comply with reasonable conditions:

1. The proposed use is in conformance with the purpose of the zoning district in which it is located;

2. The use will not be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted;

3. That adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided;

4. Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use;

5. Adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result;

6. Soil conditions are adequate to accommodate the proposed use;

7. Proper facilities and access points are provided which would eliminate any traffic congestion or hazard which may result from the proposed use.

B. Standards for approval of conditional uses. When reviewing conditional use permit requests for the A-P district, the committee shall consider the following factors:

1. The use and its location in the farmland preservation zoning district are consistent with the purposes of the A-P Agricultural Preservation zoning district;

2. The use and its location in the A-P Agricultural Preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law;

3. The use is reasonably designed to minimize conversion of land, at and around the site of the use, from agricultural use or open space use;

4. The use does not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use;

5. Construction damage to land remaining in agricultural use is minimized and repaired, to the greatest extent feasible;

6. The availability of local units of government to provide services without unreasonable burden; and

7. The effect of the proposed use on water and air pollution, soil erosion, sedimentation and other possible environmental damage. (Ord. 167-3, Sec. 1, 2023)

18.103.080 Subsequent applications. There are no limits on refiling a conditional use permit. (Ord. 167-3, Sec. 1, 2023)

8.103.090 Appeals.

A. A conditional use permit decision may be appealed to the Board of Land Use Appeals.

B. An applicant or aggrieved party not satisfied by a decision of the Board of Land Use Appeals may commence an action pursuant to Wis. Stat. § 59.694(10). (Ord. 167-3, Sec. 1, 2023)

18.103.100 Scope of approval.

A. Generally. The land use and structures permitted and the conditional use approved apply only to the structures, use and property described in the approved conditional use permit application, subject to any modifications approved by the committee.

B. Terms of Permit.

1. Unless otherwise specified in the permit, a conditional use permit issued under this section shall remain in effect as long as the authorized use continues.

2. Any use that is discontinued for 12 consecutive months shall be deemed to be abandoned.

3. Prior to the reestablishment of an abandoned use, a new conditional use permit shall be obtained under the terms of this section.

C. Alterations to Permit. Any alteration of a site plan or established conditions of an approved conditional use permit shall require the approval of the committee after a public hearing has been held. Minor alterations can be approved by the department with notification sent to the committee at its next meeting.

D. Termination. Where a use does not continue in conformity with the conditions of the original approval, the department or committee may initiate an enforcement action (see Subtitle X). (Ord. 167-3, Sec. 1, 2023)

18.103.110 Recordkeeping. The department shall retain for seven years a record of any approved conditional use, along with all conditions of approval. (Ord. 167-3, Sec. 1, 2023)

Chapter 18.104

CERTIFICATES OF COMPLIANCE

Sections:

18.104.010 Purpose.
18.104.020 Applicability.
18.104.030 Initiation.
18.104.040 Completeness.
18.104.050 Notice.
18.104.060 Decision.
18.104.070 Approval criteria.
18.104.080 Subsequent applications.
18.104.090 Appeals.
18.104.100 Scope of approval.
18.104.110 Recordkeeping.

18.104.010 Purpose. The purpose of a certificate of compliance is to certify that a building or premises and the proposed use conform to the provisions of this title. (Ord. 167-3, Sec. 1, 2023)

18.104.020 Applicability.

A. A certificate of compliance is required:
   1. In the R-3, C-1, C-2, C-3, I-H, and I-2 districts for:
      a. All uses requiring a conditional use permit and
      b. All uses or structures that have obtained a variance, pursuant to Chapter 18.109.
   2. For all development in a floodplain.

B. Certificates shall be issued whenever:
   1. Vacant land is occupied,
   2. Structures are erected, or
   3. A principal use is changed to another principal use. (Ord. 167-3, Sec. 1, 2023)

18.104.030 Initiation. An application for a certificate of compliance is filed with the department at the same time as the application for land use permit approval (see Chapter 18.102). (Ord. 167-3, Sec. 1, 2023)

18.104.040 Completeness.
See Chapter 18.98. (Ord. 167-3, Sec. 1, 2023)

18.104.050 Notice. Notice of the application is not required, unless specifically required for the use or situation by this title. (Ord. 167-3, Sec. 1, 2023)

18.104.060 Decision.
A. Consideration of Application. The department shall review the application for a certificate of compliance when it is complete.
B. Notification by Applicant. The applicant shall notify the department upon completion of the permitted work.
C. Certificates of Compliance in the Floodplain Overlay. Prior to issuance of a certificate of compliance for a use or structure located in the Floodplain Overlay Chapter 18.200 the applicant shall submit to the department certification by a registered engineer or architect that the fill, lowest floor, and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or architect that the requirements of Chapter 18.200 are met.
D. Inspection by Department. The department shall inspect the premises within two working days after notification by the applicant that the permitted work is complete.
E. Time to Act Upon Application. The department shall issue or deny a certificate of compliance within 10 days after written notification that the permitted work is completed.
F. Denial of certificate of compliance. If the certificate of compliance is denied, the department shall state the reasons for denial in writing.
G. Requests for Additional Information. Before issuing a certificate of compliance, the department may require the applicant to furnish further relevant information (see Subtitle VII, Submittal Requirements). (Ord. 167-3, Sec. 1, 2023)

18.104.070 Approval criteria.
A. The department shall issue a certificate of compliance if the permitted work complies with:
1. all applicable standards of the zoning district, and
2. the development standards, and
3. any applicable use regulations, and
4. all conditions of approval, if applicable, for planned unit development districts, conditional uses, and variances; and
5. all applicable floodplain regulations. (Ord. 167-3, Sec. 1, 2023)

18.104.080 Subsequent applications. There are no limits on refiling an application for a certificate of compliance. (Ord. 167-3, Sec. 1, 2023)

18.104.090 Appeals. A certificate of compliance is appealable to the board of land use appeals as provided in Chapter 18.108. (Ord. 167-3, Sec. 1, 2023)

18.104.100 Scope of approval.

A. Generally. The issuance of a certificate of compliance authorizes the use or occupancy of the property, subject to the issuance of all other required permits and approvals.

B. Terms of Certificate. Unless otherwise specified in the certificate, a certificate of compliance issued under this section shall remain in effect as long as the authorized use or structure continues. (Ord. 167-3, Sec. 1, 2023)

18.104.110 Recordkeeping. The department shall retain a record of all certificates of compliance issued. (Ord. 167-3, Sec. 1, 2023)

Chapter 18.105

TEXT AMENDMENTS

Sections:

18.105.010 Purpose.
18.105.020 Applicability.
18.105.030 Initiation.
18.105.040 Completeness.
18.105.050 Notice.
18.105.060 Decision.
18.105.070 Approval criteria.
18.105.080 Subsequent applications.
18.105.090 Appeals.
18.105.100 Scope of approval.
18.105.110 Recordkeeping.

18.105.010 Purpose.

A. This section establishes processes for the county board to amend this title. Three (3) major steps occur:

1. The committee on planning & development holds a public hearing and makes recommendations to the county board.

2. The county board votes on the proposal. The county board's vote is subject to a protest petition, which triggers a supermajority voting requirement.

3. In the case of amendments to general zoning outside shoreland and floodplain areas, the affected town board can veto an amendment adopted by the county board.

B. The procedures in this section are subject to state law, including Wis. Stats. §§ 59.69, 87.30 and subchapter V of Ch. 91. (Ord. 167-3, Sec. 1, 2023)

18.105.020 Applicability.

A. Generally. This section applies to:

1. Any amendment to the text of this title, or
2. Any comprehensive revision, as defined in paragraph B. below.

B. Comprehensive Revisions.

1. A comprehensive revision may be adopted as a single ordinance by the county board, following its normal amendment procedure.
2. For purposes of this section, a "comprehensive revision" is defined in Wis. Stat. § 59.69(5)(d). (Ord. 167-3, Sec. 1, 2023)

18.105.030 Initiation.

A. A petition for amendment to this title may be filed by:

1. any property owner in the area affected by the amendment,
2. the town board of any town where title is in effect,
3. any member of the county board, or
4. any member of the committee on planning & development.

B. The applicant shall present the petition to the department.

C. The department shall refer the petition to the committee with notice to the county board.

D. Upon receipt of the petition, the committee shall set a time and place for a public hearing on the petition and shall publish notice of the application. (Ord. 167-3, Sec. 1, 2023)

18.105.040 Completeness.

See Chapter 18.98. (Ord. 167-3, Sec. 1, 2023)

18.105.050 Notice.

A. The notice required by Table 18.105.050-1 applies to any text amendment.

B. If the text amendment applies to properties located in an airport affected area, as defined in Wis Stat. § 62.23 (6) (am) 1. b., the department shall mail a copy of the notice to the owner or operator of the airport bordered by the airport affected area(Ord. 167-3, Sec. 1, 2023)

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Table 18.105.050-1

Type	Required?	To Whom?	When?
Publication	Yes - class 2	--	Once each week for 2 consecutive weeks, with the last notice at least 1 week before the hearing
Mail	Yes - certified mail	Town clerk of each town affected by the proposed amendment	At least 10 days before the committee hearing and 7 days after adoption subject to Section 18.105.100
	Yes	All property owners within 660 feet of the property and county supervisor of any affected district	At least 10 days before the committee hearing
Electronic Transmission	Optional	--	--

18.105.060 Decision.

A. Committee Action

1. Public Hearing. The committee shall conduct a public hearing and shall recommend approval, approval with modifications, or disapproval of the proposed amendment.

2. Committee Recommendation

a. If the committee action is favorable to the proposed amendment as originally sought in the petition or with modifications, it shall submit a proposed ordinance with its recommendations to the county board.

b. If the committee action is unfavorable to the petition, the committee shall report its recommendations of denial to the county board along with a statement of its reasons.

c. The report to the county board shall contain the committee recommendations, proof of publication of the notice of public hearing, proof of notice of hearing to town clerks, and copies of all town board resolutions that were received.

d. A copy of the committee's findings and recommendations on every proposed shoreland amendment shall be sent to the district office of the Department of Natural Resources within 10 days after the submission of those findings and recommendations are sent to the county board.

B. Town Board Disapproval of Committee Action

1. If the town board of a town affected by a proposed text amendment submits a certified copy of an adopted resolution disapproving the proposed change, the committee shall not recommend approval. The committee may only recommend disapproval or approval with modifications.

2. The resolutions must be filed with the committee at the time of or within 10 days after the public hearing.

3. This subsection does not apply to amendments to this section affecting the Shoreland or Floodplain Overlay districts.

C. County Board Action. The county board shall:

1. refuse to deny the petition as recommended by the committee and refer the petition to the committee with instructions to draft an ordinance approving the petition and report the ordinance back to the county board, which may then adopt or reject the proposed ordinance.

2. refuse to adopt the ordinance submitted or amended by the committee, or

3. adopt the ordinance submitted by the committee or with amendments, or

4. A protest petition may be processed, and has the effect, as provided in Wis. Stat. § 59.69(5)(g).

Town Board Disapproval of County Board Action. The county clerk shall provide notice of text amendments that do not affect Shoreland or Floodplain Overlay districts notice to the town clerks of all towns affected by the proposed change. Disapproval or approval of the proposed change shall occur by action of a majority of the town boards subject to and affected by the amending ordinance. (Ord. 167-3, Sec. 1, 2023)

18.105.070 Approval criteria.

A. An amendment to this title is approved at the county board's legislative discretion, and subject to any applicable requirements of state or federal law.

B. The zoning amendment shall be consistent with the Eau Claire County Comprehensive Plan. [See Wis. Stat. § 66.1001(3)(j)] (Ord. 167-3, Sec. 1, 2023)

18.105.080 Subsequent applications. There are no limits on refiling a text amendment application. (Ord. 167-3, Sec. 1, 2023)

18.105.090 Appeals. A text amendment is not appealable. (Ord. 167-3, Sec. 1, 2023)

18.105.100 Scope of approval.

A. Generally. The following procedures apply to all amendments specified in Wis. Stat. § 91.38, or that affect district boundary lines and provisions other than the Shoreland or Floodplain Overlay districts:

1. If the amending ordinance makes only the change sought in the petition and if the petition was not subject to a disapproval resolution by the town boards of a majority of the towns affected at or within 10 days of the hearing before the committee, the ordinance is effective on passage.

2. The county clerk shall submit all other amending ordinances that affect district boundary lines to the town clerk of each town with land affected by the amendment.

a. Two copies of the ordinance shall be submitted by certified mail within 7 days after adoption.

b. The ordinance is effective 40 days after adoption unless the town boards of a majority of towns affected file with the county clerk a certified copy of a resolution disapproving the ordinance.

c. If a majority of town boards approve the ordinance, the ordinance is effective upon the receipt of the approving town boards resolution by the county clerk.

B. Comprehensive Revision.

1. A comprehensive revision (see Section 18.105.020) may provide that the existing county zoning ordinance remains in effect for the shorter of 1 year or until the revision is approved by the town board.

2. If a town board fails to approve the comprehensive revision within 1 year, neither the comprehensive revision nor the prior county zoning is effective in that town. (Ord. 167-3, Sec. 1, 2023)

18.105.110 Recordkeeping.

A. The county clerk shall:

1. record in its office the date when amending ordinances become effective; and

2. notify the town clerk of all towns of the effective dates; and

3. make a report to the county board, which shall be printed in the proceedings of the county board.

B. Amending ordinances that affect portions of this section which apply to shorelands and floodplains shall be printed in the proceedings of the county board. (Ord. 167-3, Sec. 1, 2023)

Chapter 18.106

REZONINGS

Sections:

18.106.010 Purpose.
18.106.020 Applicability.
18.106.030 Initiation.
18.106.040 Completeness.
18.106.050 Notice.
18.106.060 Decision.
18.106.070 Approval criteria.
18.106.080 Subsequent applications.
18.106.090 Appeals.
18.106.100 Scope of approval.
18.106.110 Recordkeeping.

18.106.010 Purpose.

A. This section establishes processes for the county board to amend the zoning map for a specific property or area.

B. Three (3) major steps occur:

1. The board of the town in which the proposed rezoning is located holds a public hearing and makes recommendations to the County Committee on Planning & Development

2. The County Committee on Planning & Development holds a hearing and makes recommendations to the County Board of Supervisors. This hearing and recommendation may occur even if the town has not held a public hearing or made a recommendation.

3. The county board votes on the proposal. The county board's vote is subject to a protest petition, which triggers a supermajority voting requirement.

4. In the case of amendments to general zoning outside shoreland and floodplain areas, the affected town board can veto an amendment adopted by the county board.

C. The procedures in this section are subject to state law, including Wis. Stats. §§ 59.69, 87.30 and 91.48. (Ord. 167-3, Sec. 1, 2023)

18.106.020 Applicability.

A. This section applies to any change in the zoning district boundaries (also referred to as a "rezoning"), other than a comprehensive revision as defined in Chapter 18.105.

B. The procedure for rezoning to a PUD district is established in Chapter 18.107. (Ord. 167-3, Sec. 1, 2023)

18.106.030 Initiation.

A. A rezoning is initiated by filing a petition for amendment to this title. A petition for amendment to this title may be filed by:

1. any property owner in the area affected by the amendment,
2. the town board of any town where this title is in effect,
3. any member of the county board, or
4. any member of the committee on planning & development.

B. The applicant shall present the petition to the Eau Claire County Planning & Development Department.

C. The county clerk shall refer the petition to the committee with notice to the county board.

D. Upon receipt of the petition, the committee shall set a time and place for a public hearing on the petition and shall publish notice of the application. (Ord. 167-3, Sec. 1, 2023)

18.106.040 Completeness.

See Chapter 18.98. (Ord. 167-3, Sec. 1, 2023)

18.106.050 Notice.

A. The notice required by Table 18.106.050-1 applies to any rezoning.

B. A written notice of the public hearing on any proposed shoreland amendment shall be submitted to the district office of the Department of Natural Resources at least 10 days prior to the committee hearing.

C. If the rezoning applies to property in an airport affected area, as defined in Wis Stat. § 62.23 (6) (am) 1. b., the department shall mail a copy of the notice to the owner or operator of the airport bordered by the airport affected area. (Ord. 167-3, Sec. 1, 2023)

Table 18.106.050-1 Notice Required for Rezonings

Type	Required?	To Whom?	When?
Publication	Yes - class 2	--	Once each week for 2 consecutive weeks, with the last notice at least 1 week before the hearing
Mail	Yes - certified mail	Town clerk of each town affected by the proposed rezoning	At least 10 days before the committee hearing and 7 days after adoption subject to Section 18.106.100
	Yes	▪ All property owners within 660 feet of the property, ▪ Chair of the town board of each town affected by the proposed rezoning, and ▪ County supervisor of any affected district	At least 10 days before the committee hearing
Electronic Transmission	Optional	--	--

18.106.060 Decision.

A. Committee Action.

1. Public Hearing. The committee on planning & development shall conduct a public hearing and shall recommend approval, approval with modifications, or disapproval of the proposed amendment.

2. Committee Recommendation

a. If the committee action is favorable to the proposed amendment as originally sought in the petition or with modifications, it shall submit a proposed ordinance with its recommendations to the county board.

b. If the committee action is unfavorable to the petition, the committee shall report its recommendations of denial to the county board along with a statement of its reasons.

c. The report to the county board shall contain the committee recommendations, proof of publication of the notice of public hearing, proof of notice of hearing to town clerks, and copies of all town board resolutions that were received.

d. A copy of the committee's findings and recommendations on every proposed shoreland amendment shall be sent to the district office of the Department of Natural Resources within 10 days of when they are sent to the county board.

3. Town Board Disapproval of Committee Action.

a. If the town board of a town affected by a proposed rezoning submits a certified copy of an adopted resolution disapproving the proposed change, the committee shall not recommend approval. The committee may only recommend disapproval or approval with modifications.

b. The resolutions must be filed with the committee at the time of or within 10 days after the public hearing.

c. This subsection does not apply to amendments to this title affecting the Shoreland or Floodplain Overlay districts.

4. County Board Action.

a. The board may notice and conduct a hearing on the proposed rezoning.

b. The county board shall:

i. adopt the ordinance submitted by the committee or with amendments, or

iii. refuse to adopt the ordinance submitted or amended by the committee, or

iii. refuse to deny the petition as recommended by the committee and refer the petition to the committee with instructions to draft an ordinance approving the petition and report the ordinance back to the county board, which may then adopt or reject the proposed ordinance.

c. A protest petition may be processed, and has the effect, as provided in Wis. Stat. § 59.69(5)(e)5g.

5. Town Board Disapproval of County Board Action. See Section 18.106.100. (Ord. 167-3, Sec. 1, 2023)

18.106.070 Approval criteria.

A. Generally

1. A rezoning is approved at the county board's legislative discretion, and subject to any applicable requirements of state or federal law.

2. The rezoning shall be consistent with the Eau Claire County Comprehensive Plan. [See Wis. Stat. § 66.1001(3)(j)]

B. Agricultural Preservation District (A-P)

1. The following standards apply to any petition to rezone land out of the A-P district, consistent with Wis. Stat. § 91.48:

a. The land is better suited for a use not allowed in the A-P Agricultural Preservation zoning district based on a review of soil types, historical productivity, location, and adjacent land uses; and

b. The rezoning is consistent with any applicable comprehensive plans; and

c. The rezoning is substantially consistent with the certified Eau Claire County Farmland Preservation Plan; and

d. The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use; and

2. These standards shall be read into the record of the meeting of the committee, the county board, and the town board before votes may be taken to approve the rezoning. The report accompanying the county board ordinance and the town board resolution of approval, or the ordinance and resolutions themselves, shall contain findings that the rezoning meets standards in paragraph 1 above. (Ord. 167-3, Sec. 1, 2023)

18.106.080 Subsequent applications. There are no limits on refiling a rezoning application. (Ord. 167-3, Sec. 1, 2023)

18.106.090 Appeals. A rezoning is not appealable. (Ord. 167-3, Sec. 1, 2023)

18.106.100 Scope of approval. The following procedures apply to all amendments specified in Wis. Stat. § 91.38, or that affect district boundary lines and provisions other than the shoreland or floodplain overlay districts:

A. If the rezoning ordinance makes only the change sought in the petition and if the petition was not subject to a disapproval resolution by the town boards of a majority of the towns affected at or within 10 days of the hearing before the committee, the ordinance is effective on passage.

B. The county clerk shall submit all other amending ordinances that affect district boundary lines to the town clerk of each town with land affected by the amendment.

1. Two copies of the ordinance shall be submitted by certified mail within 7 days after adoption.

2. The ordinance is effective 40 days after adoption unless the town boards of a majority of towns affected file with the county clerk a certified copy of a resolution disapproving the ordinance.

3. If a majority of town boards approve the ordinance, the ordinance is effective upon the receipt of the approving town boards resolution by the county clerk.

C. In cases where the land to be rezoned is also proposed for division the county board may make the rezoning contingent on recording of the land division. (Ord. 167-3, Sec. 1, 2023)

18.106.110 Recordkeeping.

A. The county clerk shall:

1. record in its office the date when rezoning ordinances become effective; and

2. notify the town clerk of all towns of the effective dates; and

3. make a report to the county board, which shall be printed in the proceedings of the county board.

B. Rezoning ordinances affecting portions of this title that apply to shorelands and floodplains shall be printed in the proceedings of the county board. (Ord. 167-3, Sec. 1, 2023)

Chapter 18.107

PLANNED UNIT DEVELOPMENT (PUD) REZONINGS

Sections:

18.107.010 Purpose.
18.107.020 Applicability.
18.107.030 Initiation.
18.107.040 Completeness.
18.107.050 Notice.
18.107.060 Decision.
18.107.070 Approval criteria.
18.107.080 Subsequent applications.
18.107.090 Appeals.
18.107.100 Scope of approval.
18.107.110 Recordkeeping.

18.107.010 Purpose.

A. This section establishes the process for approval of Planned Unit Development (PUD) zoning districts.

B. Planned Unit Developments require a general development plan (GDP) to establish the standards that will be applied to the development and a specific implementation plan (SIP) that demonstrates compliance with those standards.

C. Four major steps occur:

1. The committee on planning & development holds a hearing and makes recommendations to the County Board of Supervisors.

2. The county board votes on the proposal. The county board's vote is subject to a protest petition, which triggers a supermajority voting requirement.

3. In the case of amendments to general zoning outside shoreland and floodplain areas, the affected town board can veto an amendment adopted by the county board.

4. After or concurrent with approval of the PUD rezoning and general development plan, and prior to issuance of a building permit for any portion of the PUD, the applicant files a specific implementation plan for approval by the department. (Ord. 167-3, Sec. 1, 2023)

18.107.020 Applicability. This section applies to any change in the zoning district boundaries (also referred to as a "rezoning") to a PUD district. (Ord. 167-3, Sec. 1, 2023)

18.107.030 Initiation.

A. A PUD rezoning is initiated by filing a petition for amendment to this title. A petition for amendment to this title may be filed by the property owner or designated agent.

B. The applicant shall present the petition to the department, which shall be accompanied by a general development plan. For simple projects with one phase, applicants may submit the general development plan and specific implementation plan together or as a single document for concurrent approval.

C. The county clerk shall refer the petition to the committee with notice to the county board.

D. Upon receipt of the petition, the committee shall set a time and place for a public hearing on the petition and shall publish notice of the application. (Ord. 167-3, Sec. 1, 2023)

18.107.040 Completeness.

A. Additional Information Required for PUD Rezonings. In addition to the requirements of Section 18.98, the following information shall be filed by the applicant with the zoning administrator with the petition for PUD rezoning:

1. Information Statement.

a. Total area to be included in the PUD, area of open space, proposed number and type of dwelling units, proposed number and size in square feet of other building types.

b. Any proposed departures from the standards of development as set forth in Title 18.

c. The expected date of commencement of physical development as set forth in the proposal and also an outline of any development staging which is planned.

2. General Development Plan.

a. A map of the subject property included in the proposed PUD and its relationship to surrounding properties.

b. Existing topography on the site with contours at no greater than two-foot intervals.

c. The configuration of any lots, outlots and/or public rights-of-way within the proposed PUD.

d. The approximate proposed size and location of any individual buildings or building sites within the PUD area.

e. General landscape treatment.

f. The proposed location of facilities for wastewater treatment, water supply, and stormwater management, and indication of whether they are to be public or private.

B. Specific Implementation Plan.

1. For simple projects with one phase, applicants may submit the general development plan and specific implementation plan together or as a single document for concurrent approval.

2. After or concurrent with approval of the general development plan, the applicant shall file a specific implementation plan with the department.

3. Unless and until the department approves a specific implementation plan, no building permit shall be issued for any construction within said PUD district.

4. Specific implementation plans shall include the following information:

a. A precise description of the proposed uses, including the type, number and size of dwelling units, the amount of square feet devoted to commercial or industrial uses, the character and volume of truck and automobile traffic generated from the site, and the sources and characteristics of any sound generated on the site that could be audible at the site boundary.

b. A detailed site plan of the development showing the location of all buildings, pavement areas, signs, and outdoor lighting.

c. A final plat or certified survey map of the entire development area showing detailed lot layout and the intended use of each lot or parcel of land, public dedications, public and private streets, driveways, walkways, and parking facilities.

d. A detailed landscape plan showing the location and treatment of open space areas and the location, species, and size of landscape material.

e. Location of all utility installations.

f. A detailed grading plan.

g. Any agreements, bylaws, provisions, or covenants that govern the organizational structure, use, maintenance and continued protection of the PUD and any of its common services, open areas or other facilities.

h. Any other plans, documents or schedules required by the Planning & Development Committee. (Ord. 167-3, Sec. 1, 2023)

18.107.050 Notice.

A. The notice required by Table 18.107.050-1 applies to any rezoning.

B. A written notice of the public hearing on any proposed shoreland amendment shall be submitted to the district office of the Department of Natural Resources at least 10 days prior to the committee hearing.

C. If the rezoning applies to property in an airport affected area, as defined in Wis Stat. § 62.23 (6) (am) 1. b., the department shall mail a copy of the notice to the owner or operator of the airport bordered by the airport affected area. (Ord. 167-3, Sec. 1, 2023)

Table 18.107.050-1 Notice Required for PUD Rezonings

Type	Required?	To Whom?	When?
Publication	Yes - class 2	--	Once each week for 2 consecutive weeks, with the last notice at least 1 week before the hearing
Mail	Yes - certified mail	Town clerk of each town affected by the proposed rezoning	At least 10 days before the committee hearing and 7 days after adoption subject to Section 18.106.100
	Yes	▪ All property owners within 660 feet of the property, ▪ Chair of the town board of each town affected by the proposed rezoning, and ▪ County supervisor of any affected district	At least 10 days before the committee hearing
Electronic Transmission	Optional	--	--

18.107.060 Decision.

A. Committee Action

1. Public Hearing. The committee on planning & development shall conduct a public hearing and shall recommend approval, approval with modifications, or disapproval of the proposed PUD rezoning.

2. Committee Recommendation

a. If the committee action is favorable to the proposed PUD rezoning as originally sought in the petition or with modifications, it shall submit a proposed ordinance with its recommendations to the county board.

b. If the committee action is unfavorable to the petition, the committee shall report its recommendations of denial to the county board along with a statement of its reasons.

c. The report to the county board shall contain the committee recommendations, proof of publication of the notice of public hearing, proof of notice of hearing to town clerks, and copies of all town board resolutions that were received.

d. A copy of the committee's findings and recommendations on every proposed shoreland amendment shall be sent to the district office of the Department of Natural Resources within 10 days of when they are sent to the county board.

3. Town Board Disapproval of Committee Action

a. If the town board of a town affected by a proposed PUD rezoning submits a certified copy of an adopted resolution disapproving the proposed change, the committee shall not recommend approval. The committee may only recommend disapproval or approval with modifications.

b. The resolutions must be filed with the committee at the time of or within 10 days after the public hearing.

c. This subsection does not apply to amendments to this title affecting the Shoreland or Floodplain Overlay districts.

4. County Board Action

a. The board may notice and conduct a hearing on the proposed PUD rezoning.

b. The county board shall:

i. adopt the ordinance submitted by the committee or with amendments, or

ii. refuse to adopt the ordinance submitted or amended by the committee, or

iii. refuse to deny the petition as recommended by the committee and refer the petition to the committee with instructions to draft an ordinance approving the petition and report the ordinance back to the county board, which may then adopt or reject the proposed ordinance.

c. A protest petition may be processed, and has the effect, as provided in Wis. Stat. § 59.69(5)(e)5g.

5. Town Board Disapproval of County Board Action. See Section 18.107.100. (Ord. 167-3, Sec. 1, 2023)

18.107.070 Approval criteria.

A. Generally. A PUD rezoning is approved at the county board's legislative discretion, and subject to any applicable requirements of state or federal law.

B. Approval Criteria for PUD Rezonings. The following standards apply to any petition to rezone land to the PUD district:

1. The proposed use and approximate density or intensity of use is consistent with the county and town comprehensive plans. [See Wis. Stat. § 66.1001(3)(j)]

2. The proposed development is compatible with the physical nature of the site, with particular concern for protection of surface water and groundwater resources.

3. There is adequate service and infrastructure capacity to support the development, including roads, water, and wastewater.

4. The proposed zoning will result in development that is aesthetically and ecologically desirable, economically viable, and functionally practical.

C. Approval Criteria for General Development Plan. Approval, conditional approval, or disapproval of a general development plan shall be based on the following criteria:

1. The proposed development is consistent with the comprehensive plan.

2. Departures from the standards of development as set forth in Title 18 will not negatively affect the aesthetic desirability, ecological function, economic stability, or functional practicality of the development.

3. The development is compatible with the site, with particular concern for preservation of natural features, tree growth, and open space.

D. Approval Criteria for Specific Implementation Plan. Approval, conditional approval, or disapproval of a specific implementation plan shall be based on consistency with the general development plan.

E. Agricultural Preservation District (A-P)

1. The following standards apply to any petition to rezone land out of the A-P district:

a. The standards of Wis. Stat. § 91.48; and

b. The land is better suited for a use not allowed in the A-P Agricultural Preservation zoning district based on a review of soil types, historical productivity, location, and adjacent land uses; and

c. The rezoning is consistent with any applicable comprehensive plans; and

d. The rezoning is substantially consistent with the certified Eau Claire County Farmland Preservation Plan; and

e. The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use; and

f. There are adequate public facilities to serve the proposed and potential land use changes that would be enabled by the rezoning; and

g. The burdens on the county or town for providing the needed services to the proposed and potential land use changes that would be enabled by the rezoning are reasonable; and

h. The development will not cause unreasonable air or water pollution, soil erosion, or adverse effects on valued natural areas; and

i. The soil productivity rating has been considered in the location of the area proposed for rezoning.

2. These standards shall be read into the record of the meeting of the committee, the county board, and the town board before votes may be taken to approve the rezoning. The report accompanying the county board ordinance and the town board resolution of approval, or the ordinance and resolutions themselves, shall contain findings that the PUD rezoning meets standards in paragraph 1 above. (Ord. 167-3, Sec. 1, 2023)

18.107.080 Subsequent applications. There are no limits on refiling a PUD rezoning application. (Ord. 167-3, Sec. 1, 2023)

18.107.090 Appeals. A PUD rezoning is not appealable. (Ord. 167-3, Sec. 1, 2023)

18.107.100 Scope of approval.

A. Specific Implementation Plan. A specific implementation plan must be approved by the zoning administrator prior to the issuance of a building permit for any portion of the PUD.

B. PUD Rezoning Ordinance Effective Date. The following procedures apply to all amendments specified in Wis. Stat. § 91.38, or that affect district boundary lines and provisions other than the shoreland or floodplain overlay districts:

1. If the PUD rezoning ordinance makes only the change sought in the petition and if the petition was not subject to a disapproval resolution by the town boards of a majority of the towns affected at or within 10 days of the hearing before the committee, the ordinance is effective on passage.

2. The county clerk shall submit all other amending ordinances that affect district boundary lines to the town clerk of each town with land affected by the amendment.

a. One copy of the ordinance shall be submitted by certified mail within 7 days after adoption.

b. The ordinance is effective 40 days after adoption unless the town boards of a majority of towns affected file with the county clerk a certified copy of a resolution disapproving the ordinance.

c. If a majority of town boards approve the ordinance, the ordinance is effective upon the receipt of the approving town boards resolution by the county clerk.

C. Coordination with Land Division. When a Planned Unit Development requires a land division, the specific implementation plan shall be conditionally approved contingent on approval and recording of the applicable land division document, and approval of the land division shall be contingent on approval of a specific implementation plan. (Ord. 167-3, Sec. 1, 2023)

18.107.110 Recordkeeping.

A. The department shall maintain for seven years a record of the general development plan and specific implementation plan, including any attachments, and documentation of approval conditions or the reasons for disapproval.

B. The department will revise the county zoning map to show PUD zoning when a general development plan is approved. (Ord. 167-3, Sec. 1, 2023)

Chapter 18.108

APPEALS

Sections:

18.108.010 Purpose.
18.108.020 Applicability.
18.108.030 Initiation.
18.108.040 Completeness.
18.108.050 Notice.
18.108.060 Decision.
18.108.070 Approval criteria.
18.108.080 Subsequent applications.
18.108.090 Appeals.
18.108.100 Scope of approval.
18.108.110 Recordkeeping.

18.108.010 Purpose. This section establishes a process for the board of land use appeals to consider an appeal from the decision of an administrative official in administering or enforcing this title. (Ord. 167-3, Sec. 1, 2023)

18.108.020 Applicability. Appeals to the board may be taken by any person aggrieved, or by any officer, department, board, or committee of the county, affected by any decision of the zoning administrator, or other administrative officer. (Ord. 167-3, Sec. 1, 2023)

18.108.030 Initiation.

A. An appeal shall be taken within 30 days after the written decision is filed, by filing with the officer from whom the appeal is taken and with the board a notice of appeal specifying the grounds for the appeal.

B. The officer from whom the appeal is taken shall immediately transmit to the board all the papers constituting the record upon which the action appealed was taken.

C. In accordance with Wis. Stat. § 59.694 (5), an appeal shall stay all legal proceedings of the action appealed unless the officer from whom the appeal is taken certifies to the board that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such cases, proceedings shall not be stayed except by a restraining order, which may be granted upon application to the board of adjustment or by petition to a court of record, with notice to the officer from whom the appeal is taken. (Ord. 167-3, Sec. 1, 2023)

18.108.040 Completeness.
See Chapter 18.98. (Ord. 167-3, Sec. 1, 2023)

18.108.050 Notice. The notice required by Table 18.108.050-1 applies to any appeal. (Ord. 167-3, Sec. 1, 2023)

Table 18.108.050-1 Notice Required for Appeals

Type	Required?	To Whom?	When?
Publication	Yes - class 2	--	Once each week for 2 consecutive weeks, with the last notice at least 1 week before the hearing
Mail	Yes	▪ Adjacent property owners, ▪ Town clerk and chair of the town board of the town in which the affected property is located, and ▪ County supervisor of any affected district	At least 10 days before the hearing
Electronic Transmission	Optional	--	--

18.108.060 Decision.

A. Public Hearing. The board of land use appeals shall hold at least one public hearing and render a decision as provided below.

B. Action.

1. After the hearing is closed, the board may affirm, reverse, vary, or modify the order, requirement, decision, or determination appealed, in whole or part, or shall dismiss the appeal for lack of jurisdiction or prosecution.

2. The board shall render its decision within 30 days after the public hearing.

3. A majority vote of the board is required to reverse any order, requirement, decision, or determination of any administrative official, or to decide in favor of the applicant.

C. Written Decision.

1. The final disposition of an appeal shall be in the form of a written resolution or order signed by the secretary of the board.

2. Such resolution or order shall state the specific findings of fact and conclusions of law that are the basis for the board's determination.

D. Conditions.

1. In approving an appeal, the board may prescribe appropriate conditions and safeguards that conform with the purposes of this title.

2. Violations of such conditions, when made part of the terms under which the appeal is approved, shall be deemed a violation of this title (see Subtitle X, Enforcement). (Ord. 167-3, Sec. 1, 2023)

18.108.070 Approval criteria. The board of land use appeals may approve an appeal if the decision subject to the appeal:

A. Is the result of an incorrect interpretation of this section, or

B. Would violate Wisconsin or federal statues, or

C. Would violate the applicant's state or federal constitutional rights. (Ord. 167-3, Sec. 1, 2023)

18.108.080 Subsequent applications. There is no limit on subsequent appeals. However, findings of fact from prior appeals for the same application that were not reversed by a higher tribunal (such as on appeal to a court with subject matter jurisdiction) are binding on successive appeals. (Ord. 167-3, Sec. 1, 2023)

18.108.090 Appeals.

A. A board of land use appeals decision is not appealable to a county agency.

B. An applicant or aggrieved party may commence an action pursuant to Wis. Stat. § 59.694(10). (Ord. 167-3, Sec. 1, 2023)

18.108.100 Scope of approval.

A. Approved Appeals. If the appeal is approved:

1. the applicant may apply for any permits or approvals required for development or establishment of the use, building, or structure, as provided in this title and any order, requirement, decision, or determination of the board; or

2. if the appeal challenges an administrative action, the administrative action is terminated or reversed in accordance with the order, requirement, decision, or determination of the board.

B. Termination. Where a use, building, or structure does not continue in conformity with the conditions of the original approval, the department or board may initiate an enforcement action (see Subtitle X). (Ord. 167-3, Sec. 1, 2023)

18.108.110 Recordkeeping. The department, applicant, and appellant shall retain a record of any approved appeal. (Ord. 167-3, Sec. 1, 2023)

Chapter 18.109

VARIANCES

Sections:

18.109.010 Purpose.
18.109.020 Applicability.
18.109.030 Initiation.
18.109.040 Completeness.
18.109.050 Notice.
18.109.060 Decision.
18.109.070 Approval criteria.
18.109.080 Subsequent applications.
18.109.090 Appeals.
18.109.100 Scope of approval.
18.109.110 Recordkeeping.

18.109.010 Purpose. This section establishes a process for the board of land use appeals to vary a standard of this title that is proven to create unnecessary hardship. (Ord. 167-3, Sec. 1, 2023)

18.109.020 Applicability. This section applies to any request for a variance from this title. (Ord. 167-3, Sec. 1, 2023)

18.109.030 Initiation. A variance application shall be filed as an appeal (see 18.108.030). (Ord. 167-3, Sec. 1, 2023)

18.109.040 Completeness.

See Chapter 18.98. (Ord. 167-3, Sec. 1, 2023)

18.109.050 Notice.

A. The notice required by Table 18.109.050-1 applies to any variance application.

B. When the matter concerns the Shoreland Overlay or Floodplain Overlay, the board shall submit to the Wisconsin Department of Natural Resources:

1. a copy of the notice and application so that it is received at least 30 days before the hearing, and

2. a copy of the decision within 10 days after it is rendered. (Ord. 167-3, Sec. 1, 2023)

Table 18.109.050-1 Notice Required for Variance			
Type	**Required?**	**To Whom?**	**When?**
Publication	Yes - class 2	--	Once each week for 2 consecutive weeks, with the last notice at least 1 week before the hearing
Mail	Yes	▪ Adjacent property owners, ▪ Town clerk and chair of the town board of the town in which the affected property is located, and ▪ County supervisor of any affected district	At least 10 days before the hearing
Electronic Transmission	Optional	--	--

18.109.060 Decision.

A. Public Hearing. The board of land use appeals shall hold at least one public hearing and render a decision as provided below.

B. Action.

1. After the hearing is closed, the board may authorize or deny the variance.
2. The board shall render its decision within 30 days after the public hearing.
3. A majority vote of the board is required to authorize a variance.

C. Written Decision.

1. The final disposition of a variance shall be in the form of a written resolution or order signed by the secretary of the board.
2. Such resolution or order shall state the specific findings of fact and conclusions of law that are the basis for the board's determination.

D. Conditions.

1. In granting a variance, the board may prescribe appropriate conditions and safeguards that conform with the purposes of this title.
2. In case of variances in the floodplain district, provisions of Chapter 18.200 shall be considered. A variance granted in a floodplain district shall advise the applicant that increased flood insurance premiums may result.
3. Violations of such conditions, when made part of the terms under which the variance is granted, shall be deemed a violation of this title (see Subtitle X, Enforcement). (Ord. 167-3, Sec. 1, 2023)

18.109.070 Approval criteria.

A. The board of land use appeals may approve a variance if the property owner demonstrates that the application complies with the requirements of Wis. Stat. § 59.694(7)(c).

B. A variance shall:

1. Only be granted upon a showing of good and sufficient cause,
2. Be the minimum relief necessary,
3. Not cause increased risks to public safety or nuisances' costs for rescue and relief efforts, and
4. Not be contrary to the purposes of the ordinance, other applicable ordinances, or state law or administrative order.

C. A variance shall not:

1. Allow in any district uses not permitted in that district; or

2. Allow any alteration of an historic structure, including its use, that would preclude its continued designation as an historic structure; or

3. Damage the rights or property values of other persons in the area; or

4. Be granted for a hardship that is self-created; or

5. Be granted for a hardship based solely on an economic gain or loss; or

6. Be granted for actions that require an amendment to Chapter 18.200; or

7. Permit any change in established flood elevations or profiles; or

8. Otherwise violate Wisconsin law.

D. The following principles shall guide the board's decisions:

1. The burden is upon the appellant to prove the need for a variance.

2. Pecuniary hardship; loss of profit; or self-imposed hardships, such as that caused by ignorance, deed restrictions, proceeding without a permit, or illegal sales are not sufficient reasons for granting a variance.

3. The plight of the applicant must be unique, such as a shallow or steep parcel of land or situation caused by other than his or her own action.

4. The hardship justifying a variance must apply to the appellant's parcel or structure and not generally to other properties in the same district.

5. Variances can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the RFE. (Ord. 167-3, Sec. 1, 2023)

18.109.080 Subsequent applications. There is no limit on subsequent appeals. However, findings of fact from prior appeals for the same application that were not reversed by a higher tribunal (such as on appeal to a court with subject matter jurisdiction) are binding on successive appeals. (Ord. 167-3, Sec. 1, 2023)

18.109.090 Appeals.

A. A board of land use appeals decision is not appealable to a county agency.

B. An applicant or aggrieved party may commence an action pursuant to Wis. Stat. § 59.694(10). (Ord. 167-3, Sec. 1, 2023)

18.109.100 Scope of approval.

A. Approved Variance. If the variance is approved, the applicant may apply for any permits or approvals required for development or establishment of the use, building, or structure, as provided in this title and any conditions of the variance and any provisions of this title not affected by the order authorizing or denying the variance.

B. Termination. Where a use, building, or structure does not continue in conformity with the conditions of the original approval, the department or board may initiate an enforcement action (see Subtitle X). (Ord. 167-3, Sec. 1, 2023)

18.109.110 Recordkeeping. The department and applicant shall retain a record of any approved variance for seven years. (Ord. 167-3, Sec. 1, 2023)

SUBTITLE VII. SUBMITTAL REQUIREMENTS

Chapters:

18.121	Generally
18.122	Technical Plans or Studies
18.123	Digital Applications
18.124	Application Checklists
18.125	Fees

Chapter 18.121

GENERALLY

Sections:

18.121.010 Purpose.

18.121.010 Purpose. This subtitle is part of the Eau Claire County Zoning Ordinance and is subject to town approval as provided in Wis. Stat. § 59.69. It establishes the information that applications must include in order to be considered complete for review under Subtitle VI, Procedures. (Ord. 167-3, Sec. 1, 2023)

Chapter 18.122

TECHNICAL PLANS OR STUDIES

Sections:

18.122.010 Purpose.
18.122.020 Applicability.
18.122.030 Determination that impact studies are needed.
18.122.040 Hearings on the impact studies.
18.122.050 Suspension of time limits to allow for impact study and review.

18.122.010 Purpose.

A. In the administration of this title, the various boards and committees that are assigned decision-making responsibilities will occasionally confront proposed land use changes that have unusually significant consequences or which arouse unusually high levels of citizen interest.

B. In those cases, the decision maker may find that the procedures specified in the sections of this title that govern the case do not allow a full and complete examination and articulation of the environmental and other impacts of the proposed change in use. This situation is expected since those procedures are generally tailored to the more average or routine cases and are designed to balance the need of the board, committee, or department for information against the burdens that a more complete procedure imposes upon landowners.

C. Therefore, this section provides a special procedure to handle more complex cases or applications. (Ord. 167-3, Sec. 1, 2023)

18.122.020 Applicability.

This section applies to:

A. Proposed amendments to the county land use regulations governed by Chapters 18.105 and 18.106.

B. Proposed conditional uses.

C. Variances and appeals governed by this section.

D. Proposed subdivisions to which the suitability standards of 18.85.030 of the subdivision regulations are applied. (Ord. 167-3, Sec. 1, 2023)

18.122.030 Determination that impact studies are needed.

A. The board or committee that has before it a matter listed in this section may, for reasons stated in a written determination, decide that the particular application, petition, or matter raises unusually significant questions of impact (environmental or other) or that an unusually high level of citizen interest is evidenced in the proposed use, change, or amendment, or both. The determination shall be followed by adoption by the board or committee of a resolution in which it shall set forth the impact questions on which it requires research, data, and input from affected or interested persons.

B. The listing of impact questions can include items of data that this title already enables the board or committee to obtain, or it may include additional items of information that are relevant to the impact questions specified in the resolution.

C. The resolution may also assign responsibility for the acquisition of data on the specified impact questions to county agencies or officials, or to officials or agencies in other units of government who have or may be willing to assist the developer or applicant.

D. The resolution may set:

1. a date for the return of the requested data and information, and
2. the format in which the data is to be presented. (Ord. 167-3, Sec. 1, 2023)

18.122.040 Hearings on the impact studies.

A. Following the return to the board or committee of the data called for in the resolution adopted under 18.122.030, the board or committee shall cause the information to be compiled in the form of an impact report.

B. The board or committee shall make the report available for scrutiny by the applicant or petitioner and by other interested persons or agencies and shall schedule and hold a public hearing on the findings of the report.

C. The hearing shall be preceded by a class 2 notice under Wis. Stat. § ch. 985.

D. The board or committee shall afford persons attending the hearing an opportunity to comment on the report and to make recommendations as to the weight which the board or committee should give to the report or data in deciding the matter pending before it. (Ord. 167-3, Sec. 1, 2023)

18.122.050 Suspension of time limits to allow for impact study and review.

A. Prior to commencing activities under this section, the board or committee shall consult the sections under which it is operating and its legal counsel to determine the time limits, if any, that are placed upon its deliberations on the matter before it.

B. Those time limits that are not specified in state law and that do not permit the board or committee sufficient time to conduct an impact review under this section may be suspended by passing the resolution described in 18.122.030. This supersedes any contrary provision of this title.

C. If the time limits set by state law conflict with the availability of reasonable time for an impact review, the board or committee may formally request that the applicant consent to a reasonable and adequate extension of time. (Ord. 167-3, Sec. 1, 2023)

Chapter 18.123

DIGITAL APPLICATIONS

Sections:

18.123.010 Purpose.

18.123.010 Purpose. Applications and plans shall include a digital copy with different improvements and requirements shown on separate layers. The digital file shall be provided in *.DXF or *.DWG format compatible with AutoCAD or other software prescribed by the director. (Ord. 167-3, Sec. 1, 2023)

Chapter 18.124

APPLICATION CHECKLISTS

Sections:

18.124.010 Generally.

18.124.010 Generally. The department maintains checklists for use by applicants and staff in the preparation and review of submittal materials. (Ord. 167-3, Sec. 1, 2023)

Chapter 18.125

FEES

Sections:

18.125.010 Generally.
18.125.020 Fees for subdivision applications.
18.125.030 Fees for land use permits.

18.125.010 Generally. Fees for approvals required by this title are established by ordinance of the county board of supervisors in Chapter 4.35 of the code of general ordinances. [Reference: Wis. Stat. § 59.696] (Ord. 167-3, Sec. 1, 2023)

18.125.020 Fees for subdivision applications.

A. Payment of Fees. The subdivider shall pay to the county treasurer all fees as required in this title at the time specified.

B. Subdivision Plat, Replats, and Certified Survey Map Review Fees. The subdivider shall pay the fees required by Section 4.35.110. In addition, the per lot mapping fee required by 4.35.110 will be charged for lots created under Subtitle V.

C. Preliminary Plat. A review fee required by 4.35.110 shall be paid by the subdivider to the county treasurer upon submission of the preliminary plat. In addition, the subdivider shall submit a check sufficient to cover review fees by objecting agencies as indicated in Wis. Stat. § Ch. 236 or shall certify that they have submitted the fees directly to the objecting agencies.

D. Legal, Engineering, & Inspection Fees. The subdivider shall pay to the county treasurer at the times specified by the committee, a fee equal to the actual cost of any extraordinary legal, engineering, or inspection expenses incurred by the county in conjunction with plat review. Engineering work shall include preparation or review of plans or specifications; legal work shall include the review of contracts between the county and the subdivider; review of improvement guarantees; and review of covenants and easements. Inspection work shall include any extraordinary inspections required to ensure compliance with this subtitle.

E. Boring Review Fee. The subdivider shall pay the per lot fee required by 4.35.110 to the Eau Claire City-County Health Department for review of soil analysis for preliminary subdivision plats. The department may require the same fee for certified survey maps or replats for review of soil borings submitted.

F. Storm Water Management Plan Review Fee. The subdivider shall pay the fee required by 4.35.110 for each preliminary plats and for certified survey maps or replats where public roads are created for review of storm water management plans and on-site inspections for compliance.

G. Final Plat Review Fee. No fee shall be required for submittal of the final plat unless the final plat contains only a portion of the preliminary plat. In such case, a fee as required under 4.35.110 for each final plat in excess of one shall be payable to the county. (Ord. 167-3, Sec. 1, 2023)

18.125.030 Fees for land use permits.

A. The fee for a land use permit shall be as set by the county board.

B. A double fee shall be charged by the department if construction or structural alteration is started or a use is changed prior to the issuance of a land use permit. The fee may be increased to a maximum of quadruple the original fee at the discretion of the Planning and Development Department Director. Such fee shall not release the applicant from full compliance with this subtitle nor from prosecution for violation of this subtitle.

C. There shall be no fees for land use permits for accessory structures that meet the criteria in 18.41.010 B.3.

D. The applicant may be required to pay the cost of any extraordinary costs for site plan approval such as consultant fees or engineering studies. (Ord. 168-53, Sec.11, 2025; Ord. 167-3, Sec. 1, 2023)

SUBTITLE VIII. NONCONFORMITIES & VESTED RIGHTS

Chapters:

18.131	Generally
18.132	Nonconforming Uses
18.133	Nonconforming Lots
18.134	Nonconforming Structures
18.135	Nonconforming Site Improvements
18.136	Applications and Projects in Progress

Chapter 18.131

GENERALLY

Sections:

18.131.010	Purpose.
18.131.020	Applicability.
18.131.030	Effective date.

18.131.010 Purpose.

A. Within the districts established by this title or amendments hereto, there exist uses, structures, lots, or site improvements that were lawful prior to the adoption of this title but would be prohibited or more greatly restricted under the terms of this title. These uses, structures, lots, and site improvements are declared legal nonconformities as defined in 18.131.020 and Chapter 18.162. (Ord. 167-3, Sec. 1, 2023)

B. The County finds that nonconformities adversely affect the orderly development and value of other property in a zoning district and are incompatible with permitted uses in the district in which they are located.

C. is the intent of this subtitle to:

1. permit legal nonconformities until they are removed, but not to encourage their continuation;

2. protect property rights by providing for the continuation of nonconforming buildings, structures, lots, site improvements, and applications;

3. implement the requirements of Wis. Stats. §§ 59.69(10) and 66.10015 and Wisconsin common law on nonconformities and vested rights. (Ord. 167-3, Sec. 1, 2023)

18.131.020 Applicability. This subtitle is part of the Eau Claire County Zoning Ordinance and is subject to town approval as provided in Wis. Stat. § 59.69. It applies to any nonconformity. A "nonconformity" means any nonconforming use, nonconforming lot, nonconforming structure, nonconforming site improvement, or application or project in progress on the effective date. (Ord. 167-3, Sec. 1, 2023)

18.131.030 Effective date. For purpose of this subtitle, the "effective date" means the time that any ordinances that create a nonconformity take effect. (Ord. 167-3, Sec. 1, 2023)

Chapter 18.132

NONCONFORMING USES

Sections:

18.132.010 Generally.
18.132.020 No increase in nonconformity.
18.132.030 Change to a conforming use.
18.132.040 Discontinuance.
18.132.050 Nuisances.
18.132.060 Existing conditional uses.
18.132.070 Specific uses.

18.132.010 Generally. A nonconforming use of land or structure that existed at the time of adoption of this title, or amendments hereto, may be continued, but shall comply with the provisions in this section. (Ord. 167-3, Sec. 1, 2023)

18.132.020 No increase in nonconformity.

A. Only that portion of the land in actual use may continue to be used.

B. The nonconforming use shall not be extended, enlarged, substituted, or moved in a manner to increase its nonconformity, except when required by law or order or to bring the use into conformity with the provisions of this title. (Ord. 167-3, Sec. 1, 2023)

18.132.030 Change to a conforming use. Once a nonconforming use has been changed to a conforming use, it shall not revert to nonconforming status. (Ord. 167-3, Sec. 1, 2023)

18.132.040 Discontinuance. If any nonconforming use is discontinued for a period of 12 consecutive months, it shall be considered abandoned. Any future use shall conform with the provisions of this title. (Ord. 167-3, Sec. 1, 2023)

18.132.050 Nuisances. Uses that are or become nuisances shall not be permitted to continue as nonconforming uses. (Ord. 167-3, Sec. 1, 2023)

18.132.060 Existing conditional uses. Existing conditional uses shall be treated in the following manner:

A. An existing conditional use that, under the terms of this title, is listed as a permitted use in the district in which it is located shall be deemed a permitted use, provided the use and structures meet the regulations of the district in which it is located.

B. An existing conditional use that, under the terms of this title, is listed as a conditional use in the district in which it is located may be continued, provided the terms of the conditional use permit are being followed.

C. An existing conditional use that, under the terms of this title, is listed as neither a conditional use nor a permitted use, is subject to the terms of the conditional use permit while the use continues and also shall be deemed to be a nonconforming use and shall be subject to the provisions of this section. (Ord. 167-3, Sec. 1, 2023)

18.132.070 Specific uses.

A. Junkyards, Salvage Yards, & Motor Vehicle Repair Shops.

1. Intent.

a. This section establishes rules for the continuation of nonconforming junkyards, salvage yards, and motor vehicle repair shops in areas subject to regulation by this title, if existing at the time that a town adopts county zoning.

b. These limitations are intended to lessen the degree of inconsistency and incompatibility between these nonconforming uses and those that have been commenced or continued in conformity with this title.

2. Permit Required. No junkyard, salvage yard, or property where two or more licensed or unlicensed inoperable motor vehicles are kept or stored outside of a structure may continue to be operated as a preexisting nonconforming use for more than 3 years after the effective date of this title without acquisition of a conditional use permit from the committee.

3. Standards for Granting of Permits. The granting of conditional use permits under this section shall be subject to the compliance of both the owner of the land and operator of the business situated thereupon with the following requirements:

a. The open storage area shall be completely screened from all view from streets and highways and each adjoining parcel of land. Screening materials shall be approved of by the department, whose decision shall be based upon durability, aesthetic appropriateness, and projected usable life;

b. Adequate security measures shall be implemented to prevent access by children or unauthorized persons;

c. Approval of the Eau Claire City-County Health Department shall be procured as to compliance with sanitary regulations;

d. The use shall be limited to and not exceed that degree, type, and area subjected to the use at the time when the use first became nonconforming;

e. Such other requirements as the committee deems necessary and appropriate in the interest of the public safety, health, and welfare.

4. Department to Establish Degree & Type of Nonconforming Use. The department shall establish, for the purpose of committee consideration, the degree and type or types of nonconforming uses and the area of land subjected to same at the time of initial nonconformance. The nonconforming use of the premises shall be limited in accord with and shall not exceed the department's findings.

5. Conditional Uses.

a. Conditional use permits may be approved by the committee based upon the criteria of 18.103.070.

b. If approved, the department shall conduct a review of the permit biennially or when a complaint is reported to the department.

B. Manufactured Home Communities. A manufactured home community licensed under Wis. Stat. § 101.935 that is a legal nonconforming use continues to be a legal nonconforming use notwithstanding the occurrence of any of the following activities within the community:

1. Repair or replacement of homes.

2. Repair or replacement of infrastructure.

C. Temporary Structures. The continuance of the nonconforming use of a temporary structure is prohibited. (Ord. 167-3, Sec. 1, 2023)

Chapter 18.133

NONCONFORMING LOTS

Sections:

18.133.010 **Use of nonconforming lots.**
18.133.020 **Alteration of property boundaries.**

18.133.010 Use of nonconforming lots.

A. Generally. A lot may be used for any use or structure allowed in the district in which it lies, provided it complies with the provisions in this section.

B. Structures. All structures shall meet the setback, yard, height, parking, loading, and access requirements of this title.

C. Nonconforming Lots with Less Than 50% of the Required Width or Area. No structure shall be constructed on a nonconforming lot that has less than 50% of the required width or area unless a conditional use permit has been approved pursuant to the procedure in Section 18.103. After initial approval of a conditional use permit, subsequent development does not require a conditional use permit or amendment of the original conditional use permit. (Ord. 167-3, Sec. 1, 2023)

18.133.020 Alteration of property boundaries.

A. The location of a property boundary line of a nonconforming lot shall not be modified by any means, except as provided in this section.

B. The department may approve a change to a property boundary line for purposes of 18.133.010 if:

1. the change will lessen the nonconformity, and
2. the change is consistent with the intent of this title.

C. All requirements of the county's subdivision regulations (Subtitle V) apply and may be more restrictive.

D. If the boundary change is made and:

1. the resulting lot still does not conform to the requirements of this title, the lot shall continue to be nonconforming; or

2 the resulting lot conforms to the requirements of this title, the lot shall no longer be considered nonconforming. (Ord. 167-3, Sec. 1, 2023)

Chapter 18.134

NONCONFORMING STRUCTURES

Sections:

18.134.010 Generally.
18.134.020 Normal maintenance.
18.134.030 Structural repairs, alterations, & expansions.
18.134.040 Manufactured homes & mobile homes placed prior to January 1, 1995.
18.134.050 Change to conforming structure.

18.134.010 Generally. A nonconforming structure that existed at the time of adoption of this title, or amendments hereto, may be continued, but shall comply with the provisions in this section. (Ord. 167-3, Sec. 1, 2023)

18.134.020 Normal maintenance.

A. Normal maintenance is not considered a modification or addition subject to the provisions of this section.

B. Normal maintenance includes:

1. painting;
2. decorating;
3. paneling;
4. the replacement of doors, windows, and other nonstructural components; and
5. the maintenance, repair, or replacement of existing private sewage or water supply systems or connections to public utilities. (Ord. 167-3, Sec. 1, 2023)

18.134.030 Structural repairs, alterations, & expansions.

A. Structural Repairs, Alterations, & Expansions Prohibited. Structural repairs, alterations, and expansions to nonconforming structures are prohibited, except as provided in subsections B. and C. below.

B. Damaged or Destroyed Structures. Nonconforming structures damaged or destroyed by violent wind, fire, flood, snow, ice, mold, infestation, or vandalism on or after March 2, 2006 may be reconstructed or repaired to the size, location, and use that existed immediately before the damage occurred, subject to the following:

1. A structure that is destroyed or damaged due to a deliberate act by the landowner or by his or her agent, or due to general deterioration or dilapidated condition, may not be constructed or repaired except in conformance with the standards of the zoning and building codes.

2. The landowner shall bear the burden of proof as to the size, location, or use of a destroyed nonconforming structure or use had immediately before the destruction or damage occurred; and

3. If necessary to comply with applicable state or federal requirements, the size of the replacement structure may be larger than the damaged or destroyed nonconforming structure.

C. Additions to Nonconforming Principal Structures. Additions to existing nonconforming principal structures are allowed subject to the following conditions:

1. The addition or alteration shall not exceed 500 square feet.

2. One addition is allowed during the lifetime of the nonconforming structure.

3. If located in the floodplain district, the addition or alteration must meet the requirements of Chapter 18.200. (Ord. 168-53, Sec. 12, 2025; Ord. 167-3, Sec. 1, 2023)

18.134.040 Manufactured homes & mobile homes placed prior to January 1, 1995.

A. Manufactured homes or mobile homes that were placed prior to January 1, 1995, and issued either a land use permit or conditional use permit may be replaced without meeting the zoning code standards for a single-family dwelling if:

1. the building footprint of the existing home is not made wider or longer, and

2. the home is placed on a foundation meeting the Uniform Dwelling Code standards.

B. If the new dwelling increases the building footprint, all standards for single-family dwellings must be met. (Ord. 167-3, Sec. 1, 2023)

18.134.050 Change to conforming structure. Once a nonconforming structure has been moved or altered to comply with the provisions of this title, it shall not revert to nonconforming status. (Ord. 167-3, Sec. 1, 2023)

Chapter 18.135

NONCONFORMING SITE IMPROVEMENTS

Sections:

18.135.010 Applicability.
18.135.020 Nonconforming fences & screening.
18.135.030 Nonconforming landscaping.
18.135.040 Nonconforming number of parking & loading spaces.
18.135.050 Nonconforming signs.

18.135.010 Applicability.

A. This section applies to the following types of site improvements:

1. Fences & Screening
2. Landscaping
3. Parking & Loading
4. Signs

B The Committee may grant flexibility regarding the need to achieve site improvements conformance for existing buildings, structures, or site improvements if all of the following applies:

1. Compliance with the site improvement requirements is not reasonably possible. Mere financial hardship does not constitute grounds for finding that compliance with the site improvement requirements is not reasonably possible.
2. The owner has committed to other site design measures to reduce the negative impacts associated with the nonconformity or to accomplish the purpose of the required site improvement.
3. The request is in conformance with the purpose in Subtitle VIII Nonconformities and Vested Rights, 18.131.010. (Ord. 167-3, Sec. 1, 2023)

18.135.020 Nonconforming fences & screening. On commercial and industrial lots not fully compliant with the requirements of 18.73.050, nonconforming fences and/or screening shall be brought into conformance with those requirements if proposed construction meets one or more of the following criteria:

A. Existing buildings are expanded by 50% or more of the current improved value of the buildings, or

B. Existing buildings are expanded by 10,000 square feet or 100% or more of the current area. (Ord. 167-3, Sec. 1, 2023)

18.135.030 Nonconforming landscaping. Where required as described in Chapter 18.74 but not compliant with the requirements of that section, landscaping for existing development shall be brought into conformance with those requirements if proposed construction meets one or more of the following criteria:

A. Existing buildings are expanded by 50% or more of the current improved value of the buildings, or

B. Existing buildings are expanded by 10,000 square feet or 100% or more of the current area. (Ord. 167-3, Sec. 1, 2023)

18.135.040 Nonconforming number of parking & loading spaces.

A. Parking and loading spaces for an existing structure or use shall be brought into conformance with the requirements of Chapter 18.77 if that structure or use is expanded by 50% or more.

B. For expansions of less than 50%, the requirements shall be met only for the expanded portion of the structure or use. (Ord. 167-3, Sec. 1, 2023)

18.135.050 Nonconforming signs.

A. Legal nonconforming signs may not be structurally altered or enlarged except in accordance with this section and Chapter18.78. When a legal nonconforming sign is modified to make it conforming, it may not later be modified again in a way that would make it nonconforming.

B. Nothing in this section shall be construed as relieving the owner of a legal nonconforming sign from the provisions of this section and Chapter 18.78 regarding safety, maintenance, and repair of signs. However, no change in the sign structure or copy shall be made that makes the sign more nonconforming.

C. When a nonconforming sign is destroyed by more than 50% of its display area, the sign shall be removed from the property or reconstructed to meet the requirements of Chapter 18.78 and any other applicable laws. (Ord. 167-3, Sec. 1, 2023)

Chapter 18.136

APPLICATIONS AND PROJECTS IN PROGRESS

Sections:

18.136.010 Purpose.
18.136.020 Situations vested.
18.136.030 Applications not vested.

18.136.010 Purpose.

A. Wisconsin follows a "bright-line" vested rights rule. This provides that a property owner's rights do not vest until the developer has submitted an application for a building permit that conforms to the zoning or building code requirements in effect at the time of application.

B. This section applies that rule, protecting the rights of property owners with vested rights while allowing county zoning administration to distinguish between applications that are vested and those that are subject to changes in zoning regulation. (Ord. 167-3, Sec. 1, 2023)

18.136.020 Situations vested. This title, or an amendment to this title, does not require any change in the plans, construction, size, or designated use of any building or structure if:

A. The application for a building permit is filed that qualifies for vested rights under Wisconsin law, in that the application:

1. Strictly conforms to the requirements of this title in effect at the time of that application and

2. Is filed before the effective date, or

B. Construction has started pursuant to a lawfully issued building permit, or

C. The particular use has commenced, or

D. Bona fide construction contract is entered into before the effective date. (Ord. 167-3, Sec. 1, 2023)

18.136.030 Applications not vested.

A. A valid land use permit, conditional use permit, or building permit issued prior to the effective date does not establish vested rights and is subject to this title and any applicable amendments to this title.

B. An ordinance adopting an amendment to this title may exempt categories of applications that are exempt from application of the amendments based on their progress or expenditures committed toward completion of the project. (Ord. 167-3, Sec. 1, 2023)

SUBTITLE IX AGENCIES

Chapters:

18.141	Generally
18.142	Department of Planning & Development
18.143	Committee on Planning & Development
18.144	Board of Land Use Appeals

Chapter 18.141

GENERALLY

Sections:

18.141.010	Purpose.

18.141.010 Purpose.

A. This subtitle formally establishes committees, agencies, or officials, or recognizes existing committees, agencies, or officials, that administer this title.

d. This subtitle establishes the composition of those agencies, their jurisdiction, and related administrative matters. (Ord. 167-3, Sec. 1, 2023)

Chapter 18.142

DEPARTMENT OF PLANNING & DEVELOPMENT

Sections:

18.142.010 Duties.

18.142.010 Duties.

A. The department shall have the following duties in the administration and enforcement of this title:

B. Advise applicants for permits concerning the provisions of this title and assist applicants in preparing applications and assure that the regional flood elevation for a proposed development is shown on all permit applications;

C. Issue land use permits and certificates of compliance, and maintain records thereof;

D. Receive and forward to the committee all applications for conditional use permits and amendments to this subtitle;

E. Receive and forward all applications, petitions, and other matters to come before the board of land use appeals;

F. Perform field inspections for individual permits to verify compliance with this title;

G. Provide public information relative to this subtitle, including notifying town clerks and town board chair of departmental activity affecting their townships;

H. Review and approve site plans as required by this title;

I. Maintain permanent and current records of matters pertaining to this title including all original and current zoning district maps, text and map amendments, permits and variances issued, status of nonconforming uses and structures, inspections made, all water surface profiles, and a list of all documentations of certified floodplain elevations and all substantial damage assessment reports for floodplain structures;

J. Investigate, prepare reports, and issue notices of violations to this title. Copies of violation reports and notice of violations shall be forwarded to the county corporation counsel and, when appropriate, to the DNR.

K. Submit copies of any required data, variances, amendments, case-by-case analyses, annual reports, substantial damage assessments performed and all related correspondence concerning the assessments and any other required information pertaining to the shoreland and floodplain overlay districts to the DNR within 10 days of decision.

L. Submit copies of text amendments and biennial reports to the Federal Insurance Administration Office of Federal Emergency Management Agency (FEMA).

M. Inspect all damaged floodplain structures and perform a substantial damage assessment to determine if substantial damage to the structures has occurred. (Ord. 167-3, Sec. 1, 2023)

Chapter 18.143

COMMITTEE ON PLANNING & DEVELOPMENT

Sections:

18.143.010 Created.
18.143.020 Powers & duties.

18.143.010 Created. The committee on planning and development is created as a standing committee of the county board of supervisors. (Ord. 167-3, Sec. 1, 2023)

18.143.020 Powers & duties.

A. The committee is organized and has the powers assigned by 2.04.455 of the Eau Claire County Code of Ordinances.

B. This includes the power and duty to act as the county zoning agency pursuant to Wis. Stat. § 59.69(2).

Chapter 18.144

BOARD OF LAND USE APPEALS

Sections:

18.144.010 Authorization & composition.
18.144.020 Procedural rules.
18.144.030 Powers & duties.

18.144.010 Authorization & composition.

A. The chair of the county board shall appoint a board of land use appeals consisting of 5 members plus 2 alternate members, appointed for staggered 3-year terms.

B. Annually, the county board shall designate one of the alternate members as the first alternate and the other as second alternate.

C. The county board chair shall solicit recommendations to fill vacancies on the board of land use appeals from the various town boards operating within the general provisions of this title.

D. All appointments shall be subject to confirmation by the county board.

E. Members of the board of land use appeals, including alternates, shall reside in the unincorporated areas of the county, three of whom shall be residents of any of the towns in the county that are participants in county zoning.

F. The initial terms of office for members of the board of land use appeals shall be as follows:

1. Members 1 and 4 shall be appointed for 3 years,
2. Members 2 and 5 for 2 years, and
3. Member 3 for 1 year.

G. Thereafter, all appointments shall be made for 3-year terms. (Ord. 167-3, Sec. 1, 2023)

18.144.020 Procedural rules.

A. The board of land use appeals shall:

1. select its own chair;
2. meet at the call of the chair and at such other times as the board may determine;
3. keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact; and
4. keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the department and shall be a matter of public record.

B. All meetings of the board shall be open to the public. (Ord. 167-3, Sec. 1, 2023)

18.144.030 Powers & duties. The board of land use appeals shall:

A. Adopt such rules as it considers necessary for the conduct of business, subject to the provisions of this title and Wis. Stat. § ch. 59.694;

B. Hear and decide appeals where it has been alleged there is an error in any order, requirement, decision or determination made by the committee or department in the enforcement or administration of this title. All appeals are governed by Chapter 18.108;

C. Grant variances pursuant to Chapter 18.109;

D. Perform such duties for the land conservation commission and the department as are prescribed in Title 17.

D. Hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map, following the procedures below:

1. If the boundary is incorrectly mapped, the board should inform the zoning committee or the department and the person contesting the boundary location to petition the governing body for a map amendment.
2. In all cases, the person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the board.
3. If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined.

F. Hear and decide appeals concerning increases in regional flood elevation. With such appeals, the board shall:

1. Uphold the denial where the board agrees with the data showing an increase in flood elevation. Increases equal to or greater the 0.01 foot may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners.

2. Grant the appeal where the board agrees that the data properly demonstrates that the project does not cause an increase equal to or greater than 0.01 foot provided no other reasons for denial exist. (Ord. 167-3, Sec. 1, 2023)

SUBTITLE X ENFORCEMENT

Chapters:

18.151 Generally
18.152 Violations
18.153 Penalties
18.154 Enforcement Procedures
18.155 Revocation of Permit or Approval

Chapter 18.151

GENERALLY

Sections:

18.151.010 Purpose.
18.151.020 County to enforce title.
18.151.030 Result of enforcement.

18.151.010 Purpose. This subtitle provides for enforcement and penalties for violations of this title. (Ord. 167-3, Sec. 1, 2023)

18.151.020 County to enforce title. The county may initiate court action to enforce this title. (Ord. 167-3, Sec. 1, 2023)

18.151.030 Result of enforcement. An enforcement can result in a citation, court injunction, and/or forfeitures. (Ord. 167-3, Sec. 1, 2023)

Chapter 18.152

VIOLATIONS

Sections:

18.152.010 Declaration of violations.
18.152.020 Violations of prior regulations.
18.152.030 Outstanding violations.
18.152.040 Identification and liability of parties.
18.152.050 Continuation a separate offense.

18.152.010 Declaration of violations.

A. Every violation of this ordinance is a public nuisance and the creation may be joined and the maintenance may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to Wis. Stat. § 59.69.

B. Any of the following are considered unlawful and a violation of this title and are subject to the enforcement remedies provided by Chapter 18.153 and Wisconsin state law.

1. Generally

a. Any of the following activities if they occur in a manner that does not conform to this title, including the district where the land or structure is located:

i. The division of land;

ii. The use or occupancy of any land, premises, building, or structure;

iii. The construction, placement, design, erection, moving, alteration, use, or occupancy of a building or structure;

iv. Establishing, changing, or expanding a use, building, or structure;

v. Operating a use;

vi. Designing, erecting, constructing, or altering a structure; or

vii. Reducing or enlarging a building, site, or development area.

b. Examples of ways the activities described above may not conform to this title include:

i. Buildings or structures that exceed the applicable height limits;

ii. Buildings or structures with less lot area than required by this title; and

iii. Buildings, structures, or lots with larger, wider, narrower, or smaller street, side, and rear yards than required by the district where the structure is located.

2. Development or use without, or inconsistent with, permit or approval. Any activity that is not authorized or is inconsistent with all of the required permits, approvals, certificates, and authorization required by this title (see Subtitle VI, Procedures).

3. Development or use inconsistent with this Title. Any use or activity that:

a. does not comply with any applicable subdivision regulations;

b. is not allowed by the applicable zoning district;

c. does not include any conditional use permit or other authorization required by the zoning district or this title;

d. does not comply with the dimensional standards or other regulations of the applicable district;

e. does not comply with any applicable development standards;

f. does not comply with any applicable use regulations; or

g. that is a nonconformity, but:

i. was not lawfully established, or

ii. is operated in a manner that becomes unlawful after it is lawfully established, or

iii. does not comply with any lawful conditions relating to its operation, expansion, or continuation.

4. Development or use inconsistent with conditions. With regard to any term, condition, or qualification placed by the county upon a required permit, certificate, rezoning, conditional use permit, variance, appeal, land use permit, or other form of authorization granted by the county to allow the use, development, or other activity upon land or improvements of land:

a. any non-compliance with the condition, by act or omission, or

b. failure to timely fulfill the condition.

5. Making setbacks or yard nonconforming. To reduce or diminish any lot area so that the setbacks, yards, or open spaces are smaller than prescribed by this title.

6. Increasing use intensity. To increase the intensity and/or density of use of any land or structure in a way that exceeds any limits prescribed by the applicable zoning district.

7. Removing, defacing, or obscuring notice. To remove, deface, obscure, or otherwise interfere with any notice required by this title. (Ord. 167-3, Sec. 1, 2023)

18.152.020 Violations of prior regulations.

A. All violations of prior county zoning regulations as of the effective date of this title, continue to be violations and are not considered legal nonconforming situations under this title.

B. The county has the same authority to secure remedies for violations of those regulations to the same extent that it may secure civil remedies for violations of this title. (Ord. 167-3, Sec. 1, 2023)

18.152.030 Outstanding violations.

A. No permit or approval pursuant to this title shall be issued where the applicant is in violation of this or any code administered by the department nor for any parcel(s) of land which have an outstanding violation until the violation has been corrected.

B. A request for waiver of the provisions of subsection A may be made, to grant a permit or approval on the merits of the application, to the director. (Ord. 167-3, Sec. 1, 2023)

18.152.040 Identification and liability of parties.

A. The following parties shall comply with all provisions of this title which bear upon their area of competency and responsibility:

1. owners of land or properties;
2. occupants of land or premises;
3. agents of owners or occupants including without limitation, building contractors, surveyors, plumbers, installers, soil technicians, road builders, grading and excavating contractors, and their agents; and
4. lending institutions and insurers, and their agents.

B. Any person who violates or aids or abets in a violation of this title is liable to prosecution or remedial action.

C. This title applies fully to all public governmental and quasi-public and quasi-governmental lands, developments, and activities unless specifically exempted by state or federal law. (Ord. 167-3, Sec. 1, 2023)

18.152.050 Continuation for a separate offense. Each day a violation exists or continues is a separate offense. (Ord. 167-3, Sec. 1, 2023)

Chapter 18.153

PENALTIES

Sections:

18.153.010 Citations.
18.153.020 Forfeitures.
18.153.030 Injunctions & restraining orders.
18.153.040 Stop work.
18.153.050 Other remedies.
18.153.060 Remedies cumulative.

18.153.010 Citations. For a violation, a citation may be issued pursuant to Section 1.50 of the Eau Claire County Code of Ordinances.

18.153.020 Forfeitures.

A. Subject to counsel's discretion, for violation of this title, a forfeiture of not less than $100 or more than $2,000 shall be imposed upon conviction and adjudication, in addition to the penalty for each violation. See Title 1.

B. Upon failure to pay a forfeiture, the violator shall be confined in the county jail until such forfeiture is paid, for a period not exceeding 6 months. (Ord. 167-3, Sec. 1, 2023)

18.153.030 Injunctions & restraining orders. As a substitute for or an addition to forfeiture actions, the corporation counsel may, on behalf of the county, seek enforcement of any and all parts of this title by court actions seeking injunctional or restraining orders. (Ord. 167-3, Sec. 1, 2023)

18.153.040 Stop work. With or without revoking permits, the county may stop work on any development, building, or structure on any land on which there is an uncorrected violation of a provision of this title or a violation of a condition or qualification of a permit, certificate, approval, or other authorization previously granted by the county. (Ord. 167-3, Sec. 1, 2023)

18.153.050 Other remedies.

A. No provision of this title shall be construed to bar action to enjoin or abate the use or occupancy of any land or structure as a nuisance under Wisconsin law.

B. In addition to the enforcement powers and remedies specified in this subtitle, the county may exercise any and all enforcement powers and remedies granted to it by Wisconsin state law. (Ord. 167-3, Sec. 1, 2023)

18.153.060 Remedies cumulative. These remedies are cumulative. (Ord. 167-3, Sec. 1, 2023)

Chapter 18.154

ENFORCEMENT PROCEDURES

Sections:

18.154.010 **Investigation of compliance & notice of violation.**
18.154.020 **Prosecution.**

18.154.010 Investigation of compliance & notice of violation.

A. Department of Planning & Development to Enforce Title.

1. The department is responsible for conducting the necessary inspection and investigation to ensure compliance with this title and, through field notes, photographs, and other means, documenting the presence of violations.

2. Allowed uses not requiring permits are subject to compliance and enforcement procedures.

B. Notice of Violation.

1. The department shall:

a. inspect and investigate conditions that are or are likely to become a violation (as defined in Chapter 18.152), and

b. immediately notify responsible parties and those potentially liable including, but not limited to, the landowner, tenant, and contractor.

2. Such notice shall include:

a. a demand that the condition that is alleged to constitute a violation be halted or remedied, and

b. a statement that a complaint about the condition will be transmitted to the county corporation counsel for prosecution if remedial action has not occurred within a minimum of 30 days

3. The department may issue a citation for any violation after the 30-day notification period has expired.

C. Recurrence of Violation. If a violation reoccurs within a 2-year period, the 30-day notification of violation may be waived by the department or corporation counsel and immediate legal action can be commenced to prosecute the violation. (Ord. 167-3, Sec. 1, 2023)

18.154.020 Prosecution.

A. It shall be the duty of the corporation counsel to expeditiously prosecute all violations of this title reported by the department.

B. Nothing in this section shall be deemed to prevent private prosecutions pursuant to Wis. Stat. § 59.69 (11). (Ord. 167-3, Sec. 1, 2023)

Chapter 18.155

REVOCATION OF PERMIT OR APPROVAL

Sections:

18.155.010 Permits.
18.155.020 Conditional use permits.
18.155.030 Variances & appeals.

18.155.010 Permits.

A. A permit may be revoked by the official issuing the permit at any time prior to the completion of the use, building, structure, or sign for which the permit was issued, when any of the following conditions are present:

1. There is departure from the plans, specifications, or conditions as required under the terms of the permit;
2. The permit was procured by false representation; or
3. The permit was issued by mistake; or
4. Any provision of this title is being violated.

B. Written notice of the revocation shall be:

1. served upon the owner, the owner's agent or contractor, or upon any person employed in the building or structure for which the permit was issued; or
2. posted in a prominent location on the property; or
3. sent by certified mail.

C. Where notice of revocation is served or posted, no further construction or use of the property shall proceed.

D. Any revocation of a permit may be appealed to the board of land use appeals as provided in Chapter 18.108. (Ord. 167-3, Sec. 1, 2023)

18.155.020 Conditional use permits.

A. Where a conditional use permit is approved subject to specified conditions and where the department or a member of the committee finds those conditions are not complied with or the use is substantially detrimental to persons or property in the neighborhood, the committee shall hold a public hearing on the revocation of the permit.

B. The public hearing shall be held in accordance with Chapter 18.103.

C. The committee may revoke, modify, or leave the permit unchanged. Finding of noncompliance with the conditions originally imposed is grounds for revocation. (Ord. 167-3, Sec. 1, 2023)

18.155.030 Variances & appeals.

A. Where a variance or appeal is approved subject to specified conditions and where the department or a member of the board of land use appeals finds those conditions are not complied with or the use is substantially detrimental to persons or property in the neighborhood, the board shall hold a public hearing on the revocation of the permit.

B. The public hearing shall be held in accordance with Chapters 18.108 and 18.109.

C. The board may revoke, modify, or leave the permit unchanged. Finding of noncompliance with the conditions originally imposed is grounds for revocation. (Ord. 167-3, Sec. 1, 2023)

SUBTITLE XI DEFINITIONS & RULES OF INTERPRETATION

Chapters:

18.161	General Rules of Interpretation
18.162	Definitions
18.163	Interpretation of Zoning Map
18.164	Conflicting Rules

Chapter 18.161

GENERAL RULES OF INTERPRETATION

Sections:

18.161.010	Purpose.
18.161.020	Interpretation.

18.161.010 Purpose.

A. This subtitle contains basic rules on how this title is interpreted. In addition to the general statements in this section, which primarily repeat rules of legal interpretation established by the state legislature or by the courts, the reader should consult:

1. Chapter 18.162, which contains definitions of terms found throughout this title;

2. Chapter 18.163, which provides rules for interpreting the zoning map and boundary determinations; and

3. Chapter 18.164, which describes how to apply conflicting rules(Ord. 167-3, Sec. 1, 2023).

18.161.020 Interpretation.

A. This title shall be interpreted and applied as minimum requirements.

B. This title shall be liberally construed in favor of the county.

C. This title shall not be deemed a limitation or repeal of any other powers granted by the Wisconsin Statutes.

D. The terms or words used in this title shall be interpreted as follows:

1. Words used in the present tense include the future.

2. Words used in the singular include the plural and words used in the plural include the singular.

3. Words used in the masculine gender include the neutral and feminine gender and vice versa.

4. The words “shall” or “must” are mandatory. The words "may" and “should” are permissive.

5. “Building,” “land,” or “area” includes any part of a building, land, or area unless otherwise provided.

6. “Including” or “includes” is without limitation because of enumeration, unless otherwise provided.

7. All distances, unless otherwise specified, shall be measured horizontally.

E. Any reference to a building, structure, or facility also refers to a part of the building, structure, or facility.

F. Section references are to the county code of ordinances unless otherwise indicated.

G. All definitions that refer to Wisconsin Statutes or the Wisconsin Administrative Code shall incorporate any revisions or amendments to the statutory language or regulations. (Ord. 167-3, Sec. 1, 2023)

Chapter 18.162

DEFINITIONS

Sections:

18.162.010 Purpose.

18.162.010 Purpose.

A. This Section defines key words and phrases used throughout this Title. Subtitles V (Subdivision Regulations) and XIII through XVII (Overlay Districts) include additional definitions that apply only within the respective subtitle and supersede any similar definitions in this Section.

1. “A-Weighted Sound Level” The sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A) or dBA.

2. “Accessory Structure” A subordinate structure which is clearly and customarily incidental to and located on the same lot as a Principal Structure except that mobile/manufactured homes are not allowed as storage structures.

3. “Accessory Use” A use subordinate to, serving, and customarily incidental to the Principal Use on the same lot or parcel. An accessory use is subordinate in area, extent, and purpose to the Principal Structure or use served. Accessory uses include, but are not limited to home occupations, family daycare, private recreation facilities, storage, keeping of chickens and ducks, etc.

4. “Adult Establishment” An "adult establishment" as defined by the applicability section of Chapter 18.42.

5. “Adult Bath House” An establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy, that is not operated by a medical practitioner or a professional physical therapist licensed by the State of Wisconsin and which establishment provides to its patrons an opportunity for engaging in “specified sexual activities” as defined in this ordinance.

6. “Adult Body Painting Studio” An establishment or business wherein patrons are afforded an opportunity to paint images on a body which is wholly or partially nude. For purposes of this ordinance, the adult body painting studio shall not be deemed to include a tattoo studio.

7. “Adult Bookstore” An establishment having as a predominant portion of its stock in trade, books, magazines and other periodicals, or video cassettes which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" (as defined herein).

8. “Adult Cabaret” A nightclub, bar, theater, restaurant, or similar establishment which frequently features live performances by topless or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers where such performances are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas or which regularly feature films, motion pictures, video cassettes, slides, or other photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of “specified sexual activities” or “specified anatomical areas” (as defined herein) for observation by patrons. An adult cabaret does not include theaters, performing arts centers, civic centers and dinner theaters where live dance, ballet, music, and dramatic performances of serious artistic merit are offered on a regular basis and in which the predominant business or attraction is not the offering to customers and where the establishment is not distinguished by an emphasis on, or the advertising or promotion of, employees engaging in nude erotic dancing.

9. “Adult Massage Parlor” An establishment or business with or without sleeping accommodations which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, not operated by medical practitioner or professional physical therapist licensed by the State of Wisconsin and which establishment provides for its patrons the opportunity to engage in "specified sexual activity" as defined in this ordinance.

10. “Adult Mini-Motion Picture Theater” An enclosed building with a capacity for less than 50 persons used for presenting materials distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined herein for observation by patrons therein.

11. “Adult Modeling Studio” An establishment or business which provides the services of modeling for the purpose of reproducing the human body wholly or partially in the nude by means of photography, painting, sketching, drawing or otherwise.

12. “Adult Motion Picture Theater” An enclosed building which is significantly or substantially used for presenting motion picture films, video cassettes, cable television, or any other such visual media, distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" (as defined herein) for observation by patrons therein.

13. “Adult Motion Picture Theater (Outdoor)” A parcel of land from which individuals may view a motion picture presented out of doors which present material distinguishably characterized by an emphasis on matter depicting, describing or relating to "specified sexual activity" or "specified anatomical areas" as defined herein.

14. “Adult Novelty Store” An establishment or business having as a substantial or significant portion of its stock-in-trade in novelty or other items which are distinguished or characterized by their emphasis on, or designed for, “specified sexual activity” as defined herein or stimulating such activity.

15. “Adult Video Store” An establishment having as a substantial or significant portion of its stock and trade in videotapes for sale or rent which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specific sexual activities" or "specified anatomical areas" as defined herein or an establishment with a segment or section devoted to the sale, display or rental of such material.

16. “Adult Family Home” A dwelling that has been certified as an Adult Family Home under Wis. Stat. § 50.032(1m)(b).

17. “Agricultural Accessory Use” A use that is incidental to and customarily associated with an agricultural use of property. To be deemed incidental, a use must not be the principal use of the property but one that is minor in significance to the principal use and which has a reasonable relationship to the principal use. To be deemed customary, a use must be commonly and by long practice established as being reasonably associated with the principal agricultural use. See Chapter 18.41.

18. “Agricultural Processing” A facility used for the cooking, dehydrating, refining, bottling, canning, or other treatment of agricultural products which changes the naturally grown product for consumer use. Does not include slaughterhouses, animal reduction yards, tallow works, or rendering plants. May include warehousing and packaging as secondary uses. Warehousing may include controlled atmosphere and cold storage of processed and/or packaged agricultural products. Packaging may include washing, sorting, crating, and other functional operations such as drying, field crushing or other preparation in which the agricultural product remains essentially unaltered.

19. “Agricultural - Related Business” A business or activity that is consistent with or secondary to the primary agricultural use of the property or that is an integral support service of agriculture as provided in Wis. Stat. § ch. 91.

20. “Agri-Tourism” An educational or recreational activity that takes place on a farm, ranch, grove, or other place where agricultural, horticultural, or silvicultural crops are grown or farm animals or farmed fish are raised, and that allows visitors to tour, explore, observe, learn, participate in, or be entertained by an aspect of agricultural production, harvesting, processing, or husbandry that occurs on the farm, ranch, grove, or other place.

21. “Alley” A public way used as a secondary vehicular access to the side or rear of abutting property.

22. “Alteration” An enhancement, upgrading, or substantial change or modifications other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning, and other systems within a structure.

23. “Animal Unit” This term has the meaning given in Wis. Admin. Code §NR 243.03 (3).

24. “Apartment: A room or rooms in a multiple dwelling structure or multiple use structure intended to be used as a separate housing unit.

25. “Applicant” Any person who files an application.

26. “Application” Any application filed pursuant to Subtitle VI, including any application or request for a Land Use Permit, Conditional Use permit, rezoning, appeal or variance of the zoning regulations, Concept Map, Preliminary Plat, Final Plat, Replat, Certified Survey Map.

27. “Aquaculture” Farming or culturing of finfish, shellfish, other aquatic plants or animals or both, in lakes, streams, inlets, estuaries, and other natural or artificial water bodies or impoundments.

28. “Arterial Road” A street used, or intended to be used, primarily for fast or heavy through traffic. "Arterial street" includes freeways and expressways as well as standard arterial streets, highways, and parkways.

29. “Automotive Gasoline Station” A business whose principal activity is the sale of gasoline, oil, and other automotive products and the accessory performance of minor tune-up and repair work.

30. “Automotive Repair Service” A business whose principal activity is body or engine repairs or painting of motor vehicles.

31. “Automotive Sales & Service” A business whose principal activity is the sale of new or used motor vehicles and the performance of repair work as an integral part of the business.

32. “Basement” A portion of a building with the floor located below the mean grade level. For the purpose of this Subtitle, any such basement with more than 4 feet above grade level shall be counted as a story.

33. “Bathroom” means a water closet lavatory and a bathtub or shower as defined in Wis. Admin. Code ch. SPS 382.

34. “Bed & Breakfast Establishment” Any place of lodging that:

a. Provides 8 or fewer rooms for rent to no more than a total of 20 tourists or transients,

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

c. Is the Owner's primary residence,

d. Is occupied by the Owner at the time of rental. As defined by Wis. Stat. § 97.01.

35. “Best Management Practices (BMP)” Structural and nonstructural measures, practices, techniques, or devices employed to avoid or minimize sediment or other pollutants carried in runoff.

36. “Block” A platted tract of land bounded by streets or by a combination of streets and public parks or other recognized lines of demarcation.

37. “Board of Land Use Appeals” The Eau Claire County Board of Land Use Appeals.

38. “Boathouse” A structure at or near the water to house boats or boating accessories.

39. “Bond” Any form of security including cash deposit, surety bond, collateral, property, or instrument of credit in any amount and form satisfactory to the County.

40. “Brew Pub” A facility for the production of 31,000 gallons or less per year of fermented malt beverages in accordance with Wis. Stat. § 125.295 in which a license to operate a restaurant has also been issued under Wis. Stat. § 97.30 on the same premises.

41. “Brewery” A facility for the production of fermented malt beverages, as defined in Chapter 125 of the Wisconsin Statutes, that are sold wholesale and/or off premises directly to retailers as authorized by statute.

42. “Building” A structure, including a roof supported by walls designed or built for the support, enclosure, shelter or protection of persons, animals, chattels, or property of any kind. Unless otherwise indicated, a “building” refers any part of a building.

43. “Brewery Premises” All land and buildings used in the manufacture or sale of fermented malt beverages and covered by a permit issued under Wis. Stat. §125.295.

44. “Bulkhead Line” A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the DNR pursuant to Wis. Stat. § 30.11, and which allows complete filling on the landward side except where such filling is prohibited by the floodway provisions of this subtitle.

45. “Campground” Any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or which is advertised or represented as a camping area.

46. “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 or tent that is fully licensed, if required, and ready for highway use.

47. “Caretaker Residence” A Dwelling Unit that is accessory to Commercial or Industrial Use and occupied by the person who owns or is employed by the business to care for and protect the property and that person's family.

48. “Certificate of Compliance” A certification by the Land Use Manager that the construction and the use of land or a building, the elevation of fill, or the lowest floor of a structure is in compliance with all of the provisions of this ordinance.

49. “Certificate of Occupancy” A certificate issued by the department, stating that the use of land, and the use and location of structures conforms to the provisions of this subtitle and any additional requirements placed on the property through the conditional use or variance procedure. Also known as a certificate of compliance.

50. “Certified Survey Map” A map of a parcel of land, dividing the parcel into not more than 4 lots, including any remnant of the original lot, without changing the original exterior boundaries of the lot. Certified Survey Maps are prepared by a professional land surveyor and meet the requirements of Wis. Stat. § Ch. 236.34 and this Title.

51. “Channel” A natural or artificial watercourse with definite bed and banks which confine and conduct normal flow of water.

52. “Clinic” An establishment of physicians or dentists for the examination and treatment of persons on an outpatient basis.

53. “Clinic, Veterinarian” An establishment for the examination and treatment of animals.

54. “Club” An association of persons using a structure for a common purpose, but not including groups organized primarily to render a service which is customarily carried on as a business.

55. “Collector Road” A road used, or intended to be used, to carry traffic from local roads to Arterial Roads and includes entrance roads to large subdivisions.

56. “Commercial Composting Facility” A facility capable of processing source separated compostable materials for the purpose of engineering soil amendments commonly referred to as compost, which can be made available for sale on and off the facility site.

57. “Committee” The Committee on Planning and Development.

58. “Community Garden” A private or public facility for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family.

59. “Community Living Arrangement” Any of the following facilities: a community living arrangement for adults, as defined in Wis. Stat. §46.03 (22), a community living arrangement for children, as defined in Wis. Stat. §48.743 (1), a foster home, as defined in Wis. Stat. §48.02 (6), or an adult family home, as defined in Wis. Stat. §50.01 (1) (Wis. Stat. § 59.69(15)). A Community Living Arrangement does not include day care centers, Residential Care Facilities, hospitals, or correctional facilities.

60. “Community-Based Residential Facility” A place where adults who are not related to the operator or administrator and who do not require care above intermediate level nursing care reside and receive care, treatment, or services that are above the level of room and board but that include no more than 3 hours of nursing care per week per resident (Wis. Stat. § 50.01(1g)).

61. “Conditional Use” A use, either public or private, which because of its unique characteristics, cannot properly be classified as an approved or permitted use in a particular district. Based on the facts in each case, the impact of the proposed use upon neighboring lands and the public need for the particular use at the particular location, the committee may discretionarily grant such a use, subject to standards and conditions as may be deemed appropriate and necessary.

62. “Convention, Conference, or Exhibition Center” A structure rented out to host meetings, trade shows, large social events, and similar short-term activities requiring a large, indoor space.

63. “Consistent with Agricultural Use” A use of land, other than an agricultural use, that will do none of the following:

a. Convert, to a nonagricultural use, land that has been in agricultural use for at least 12 consecutive months during the last 36 months.

b. Limit the potential for agricultural use of surrounding lands.

c. Conflict with any current agricultural use of land.

64. “Construction Plan” The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in a subdivision in accordance with the requirements of this Title or conditions placed on the plat by the Committee.

65. “Contamination” Any physical, chemical, biological, or radiological substance or matter in water that exceeds current state or federal standards.

66. “Contiguous” Lots or parcels shall be considered contiguous if they share a common boundary. Lots or parcels that only meet at a single point are not considered contiguous. Lots or parcels divided by public roads shall not be considered contiguous.

67. “Contiguous” Building Area: The area of a Lot for building use exclusive of environmentally sensitive areas, zoning and wetland setbacks, navigable waterways, drainage ways, road rights-of-way, and easements.

68. “Continuing Care Retirement Community (CCRC)” A long-term care facility that provides a continuum of care for senior adults. A CCRC typically includes independent living units, assisted living units, and skilled nursing care. Also referred to as a "Life Plan Community."

69. “Contract” An agreement between the Eau Claire County Planning and Development Department and a petitioner establishing the terms for a temporary use.

70. Contract, Conditional Use: An agreement between the Eau Claire County Planning and Development Department and a petitioner establishing the terms for a temporary, conditional use.

71. “Contract, Zoning” An agreement between the Eau Claire County Planning and Development Department and a petitioner establishing the terms for a temporary, permitted use.

72. “Corporation Counsel” The Eau Claire County Corporation Counsel.

73. “Cottage Industry” A small business or service operation located entirely within a dwelling, or as an accessory structure located on the same lot or tract as a dwelling, which complies with the requirements of local code. The use is clearly incidental and secondary to the use of the property and is compatible with adjacent land uses. A cottage industry will have less than 5 employees, generate low traffic volumes, and have little or no noise, smoke, odor dust glare, or vibration detectable at any property line.

74. “County Trunk Highway System” The secondary system of interconnecting highways within the state that supplements the State Trunk Highway System. It is comprised mainly of highways of secondary through-traffic importance and generally consists of highways that provide and facilitate local service. The County Trunk Highway System is administered by the Eau Claire County Highway Department as authorized under Wis. Stat. ch. 83. See also highway, county trunk.

75. “Crawlways or Crawl Space” An enclosed area below the first usable floor of a building, generally less than 5 feet in height, used for limited access to plumbing and electrical utilities.

76. "Crop" means a cultivated plant that includes any of the following: (a) Field crops, including corn, wheat, oats, rye, barley, hay, potatoes, and dry beans; (b) Fruits, including apples, grapes, cranberries, cherries, and berries; (c) Vegetables, including tomatoes, carrots, sweet corn, and squash; (d) Plants raised for culinary, medicinal, or aesthetic purposes, including herbs and spices, ginseng, and ornamental shrubs and trees; (e) Plants raised for energy production, including switchgrass, or textile use, including cotton or bamboo; or as defined by ATCP 49.

77. “Crop Production Growing or producing crops for the purpose of an income or livelihood.

78. “Cul-de-Sac” A street with only one outlet and having an appropriate terminus for the safe and convenient reversal of traffic movements.

79. “Day Care Center” A facility used for the care of preschool or school age children which meets the requirements of a day care center formulated by the Wisconsin Department of Health and Family Services.

80. “Deck” An unenclosed exterior structure, attached or adjacent to the exterior wall of a building, which has a floor but no roof.

81. “Department” The department of planning and development.

82. ”Development” Any artificial change to improved or unimproved real estate including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings or structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

83. “Dimensional Standards” The requirements of this Title that establish the minimum or maximum lot area, yard, density, coverage, or height for buildings or uses, or the area and height requirements for signs.

84. “Director” The Eau Claire County Planning & Development Department Director, or his or her designee.

85. “Disabled” Having a physical or mental impairment that substantially limits one or more major life activities.

86. “Display Area” The exterior area or surface of a sign on which is placed the copy. For a freestanding sign, the display area is the board, placard, poster, banner, or similar plane on which the copy is placed. For a wall sign, awning sign, canopy sign, or any other sign that is placed upon or integral to a structure, building or building element, the display area is the shape enclosing the copy (see the sign area measurement provisions in Section 18.78.050), including any background which is different from or in contrast with any wall or structure surface upon which it is mounted.

87. “District” See Zoning District.

88. “DNR” The Wisconsin Department of Natural Resources.

89. “Drainageway” A natural or artificial watercourse including, but not limited to, streams, rivers, creeks, ditches, channels, canals, conduits, culverts, waterways, gullies, ravines or washes in which water flows in a definite direction or course, either continuously or intermittently, or in which runoff water accumulates permanently or temporarily, including any adjacent area subject to inundation by overflow or floodwater.

90. “Drive-Thru” Any business establishment providing automobile drive-thru service or window facilities, including but not limited to banks, dry cleaners, restaurants, car washes, and convenience stores.

91. “Dryland Access” A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.

92. “Dwelling Unit” A residential structure or portion thereof, containing a separate and complete living area, for one family, not including boarding houses, camping trailers, hotels, motor homes, or motels.

93. “Dwelling, Single-Family” A residential structure containing only one dwelling unit.

94. “Dwelling, Two-Family” A residential structure containing 2 dwelling units.

95. “Dwelling, Multiple-Family” A residential structure containing 3 or more dwelling units.

96. “Dwelling, Accessory” An attached or detached residential dwelling unit situated on the same parcel as an existing primary single-family dwelling, which provides complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

97. “Eave” The overhang at the lower edge of a roof or the line along a wall formed by the intersection of the planes of the roof and wall.

98. “Encroach” To break the plane of a vertical or horizontal regulatory limit with a structural element, so that it extends into a setback, into the public right-of-way, or above a height limit.

99. “Encroachment” Any structural element that encroaches.

100. “Environmentally Sensitive Areas” Any of the following areas:

a. Wetlands, as defined and designated as wetlands on the most recent version of the Wisconsin Wetlands Inventory as depicted on the WDNR Surface Water Data Viewer, or through observable field evidence.

b. Floodplains, as identified on the official maps and revisions and regulated by Section 18.200 of this code.

c. Slopes of 20% or greater, measured over a horizontal distance of 50 feet. Slopes shall be measured as the change in elevation over the horizontal distance between consecutive contour lines and expressed as a percent.

101. “Erosion Control Plan” A plan that describes how the permit holder and other responsible party will minimize, to the maximum extent practicable, soil erosion and the transport of sediment from land disturbing activities to waters of the state or other property.

102. “Essential Services” Services provided by public and private utilities, necessary for the exercise of the principal, accessory, or conditional use or service of a principal, accessory or conditional structure. These services include underground, surface, or overhead gas, electrical, steam water, sanitary sewerage, storm water drainage, and communication systems and accessories thereto, such as poles, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but not including buildings. Telecommunications facilities as defined and regulated under Chapter18.53 shall not constitute essential services.

103. “Event Center” A structure rented out to host events including but not limited to weddings, wedding receptions, graduation parties, life celebrations, anniversaries, baby showers and birthday parties.

104. “Exploratory Boring” An excavation or opening deeper than it is wide that extends more than 10 feet below the ground surface for the purpose of obtaining information on the physical, chemical, radiological or biological characteristics of geological formations or depth to groundwater. This definition does not include drillholes regulated by Wis. Admin. Code chs. NR 132 and § NR141.25.

105. “Extraterritorial Plat Approval Jurisdiction” The unincorporated area within 1.5 miles of a 4th class city or a village or within 3 miles of all other cities.

106. “Family” An individual or two or more persons related by blood, marriage or adoption, or not more than 5 persons who are not so related, living together in one single-family dwelling and are not charged for provisions and needs.

107. “Family Day Care Home” A dwelling licensed as a day care center by the department of health and social services where care is provided for not more than 8 persons.

108. “Farm” All contiguous land under common ownership that is primarily devoted to agricultural use.

109. “Farmers' Market” The temporary, seasonal outdoor sale of fresh agricultural products directly to the consumer by two or more vendors.

110. “Farming” Includes operations required to produce $6,000 of agricultural products per year and shall include accessory uses such as treating or storing of produce provided that the operation of an accessory use is secondary to the normal farming activities.

111. “Federal Emergency Management Agency (FEMA)” The federal agency that administers the National Flood Insurance Program.

112. “Farm Animals” Animals associated with farms that are typically not housed inside the home, whether for personal or commercial use, including but not limited to chickens, goats, cows, sheep and pigs.

113. “Farm Consolidation” Farm structures and dwellings existing prior to the adoption of this ordinance and separated from a farm through acquisition or consolidation of farm land in order to be held under separate ownership from the remaining property.

114. “Farm Residence” Residences which include single-family or two-family dwellings that are occupied by: an owner or operator of the farm, a parent or child of an owner or operator of the farm, or an individual who earns more than 50 percent of his or her gross income from the farm.

115. “Fence” A freestanding structure intended to provide privacy, protection, or confinement or to redirect a person's direction of travel.

116. “Final Plat” The map of a subdivision and accompanying data necessary for final approval of the proposed subdivision by the Committee and recording in the Register of Deeds office.

117. “Finished Side, Fence” the side of the fence that does not contain any exposed structural elements. When an equal number of structural elements are visible from both sides of the fence, it can be considered finished on both sides.

118. “Fixture” The assembly that holds the lamp in a lighting system. It includes the elements designed to give light output control, such as a reflector (mirror) or refractor (lens), the ballast, housing, and the attachment parts.

119. “Flag” A piece of fabric or other flexible material containing distinctive colors, patterns, and symbols. A flag is customarily mounted on a pole or similar freestanding structure.

120. “Flea Market” Where goods and services are sold by different proprietors in an open area.

121. “Flood or Flooding” A general or temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:

a. The overflow or rise of inland waters.

b. The rapid accumulation or runoff of surface waters from any source.

122. The sudden increase caused by an unusually high-water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.

123. “Floodplain” Land which has been or may be covered by floodwater during the regional flood. It includes the floodway and the flood fringe and may include other designated floodplain areas for regulatory purposes.

124. “Floodproofing” Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities, and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.

125. “Flood Protection Elevation” An elevation of two feet of freeboard above the water surface profile elevation designated for the regional flood.

126. “Floodway” The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.

127. “Floor Area” The sum of the usable horizontal area of the several floors of a building as measured from the exterior walls, including interior balconies and mezzanines, elevator shafts, stairwells and utility rooms, but not including basements, garages, breezeways, and unenclosed porches.

128. “Floriculture” The cultivation of flowering and ornamental plants.

129. “Flowage Area” A body of water formed by overflowing or damming.

130. “Footprint” The land area covered by a structure at ground level, measured on a horizontal plane.

131. “Forest Management” Forest management for the purpose of an income or livelihood. "Forest Management" means establishments that grow and harvest timber on a production cycle of at least 10 years and that specialize in various stages of the production cycle, including reforestation, timber production, and timber harvesting. Reforestation means the production of seedlings in specialized nurseries. Timber production means the maintenance of natural forest or growing timber on areas of land that are available for the entire production cycle. Timber means the use specialized machinery to gather forest products, such as timber, gums, barks, balsam needles, rhizomes, fibers, Spanish moss, and ginseng and truffles. Examples include timber tract operations, forest nurseries (growing trees for reforestation, and gathering forest products.

132. “Forestry” The science, business, and art of creating, conserving, and managing forests and forest lands for the continuing use of both commodity and non-commodity benefits.

133. “Frontage” the width of a lot as measured on a public street, road or highway and having access to said street, road or highway.

134. “Frontage Road” A minor street auxiliary to and located adjacent to an Arterial Road for control of access and for service to the abutting development.

135. “Foundation” A basement or crawlspace meeting the state uniform dwelling code.

136. “Game Management” A commercial and duly licensed operation raising and harvesting wild game for meat, including animals such as deer and elk.

137. “Garage, Private” An accessory structure or portion of a principal structure utilized for the private storage of motor vehicles.

138. “Garage, Public” A structure or portion thereof where motor vehicles are stored for compensation.

139. “Greenhouse” A structure exclusively used for the cultivation of plants in which natural sunlight is allowed to enter through transparent material and temperature and humidity are controlled.

140. “Greenhouse, Commercial” A structure from which plants, seedlings, seeds, trees and those items related to cultivation are sold, traded or bartered to the public.

141. “Habitable Structure” Any building or portion thereof used or designed for human habitation.

142. “Habitation” A fixed place of residence.

143. “Highway” All public ways and thoroughfares and all bridges on the same. It includes the entire width between the boundary lines of every way open to the use of the public as a matter of right for the purposes of vehicular travel. "Highways" do not include Private Streets or Roads. (Wis. Stats. § 990.01(12) and 340.01(22)) For purposes of this ordinance, Title 18, Highway is synonymous with road and street.

144. “Highway, Controlled Access” A highway on which abutting property owners have no right or only a limited right of direct access and on which the type and location of all access connections are determined and controlled by the highway authorities. Also referred to as a "Controlled Access Highway." (Wis. Stat. § 990.01(5r))

145. “Highway, County Trunk” Any highway selected by the Eau Claire County Board and approved by WisDOT in accordance with Wis. Stat. ch. 83.025 to be part of the County Trunk Highway System.

146. “Highway, Limited Access’ See Highway, Controlled Access.

147. “Home Business” A business activity for financial gain carried on by a resident of a property in accordance with Chapter 18.46.

148. “Horticulture” The cultivation of plants. Horticulture does not include large-scale Crop Production.

149. “Household Pet” Any domestic animal customarily kept by humans for companionship, including but not limited to dogs, cats, birds, rabbits, hamsters, mice, turtles, and the like.

150. “Hobby Farm” A small farm operated for pleasure where any income produced from the farm is not the primary source of income for the property owner. There shall be at least one acre of pastureland available per calculated animal unit.

151. “Home Occupation’ Any occupation for gain or support conducted in accordance with Chapter 18.46.

152. “Historic Structure” Any structure that is either: Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register, Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historical district or a district preliminarily determined by the Secretary to qualify as a registered historic district, Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior, or Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.

153. “Junkyard” Any establishment or premises where worn out or discarded materials, whether purchased, donated or abandoned are kept, or where two or more unlicensed motor vehicles, operable or inoperable, are kept or stored either for purposes of sale or otherwise.

154. “Junkyard Materials” Include, without limitation because of enumeration hereunder, waste paper, scrap metal, rags, bottles, machines and machine parts, motor vehicles and motor vehicle parts, and used or secondhand items. Also referred to as "Junk."

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

156. “Lamp” A source of optical radiation (i.e., “light”), often called a “bulb” or “tube.” Examples include incandescent, fluorescent, high-intensity discharge (HID) lamps, and low-pressure sodium (LPS) lamps, as well as light-emitting diode (LED) modules and arrays.

157. “Land Use” Any nonstructural use made of unimproved or improved real estate.

158. “Leasing & Management Office” An office use accessory to multiple-family residential dwellings involved in the management of those dwellings.

159. “Light Trespass” Light that falls beyond the property on which the light source is located.

160. “Lighting, Temporary” Lighting that employs a cord and plug and is not permanently wired and is installed and removed when the temporary need is over.

161. “Livestock Facility” A feedlot or facility, other than a pasture, where animals used in the production of food, fiber, or other animal products are or will be fed, confined, maintained, or stabled for a total of 45 days or more in any 12-month period. “Livestock facility” does not include an aquaculture facility.

162. “Livestock Sales: The sale or auction of animals used in the production of food, fiber, or other animal products.

163. “Loft” A floor level located more than 30 inches above the main floor, open to the main floor on one or more sides with a ceiling height of less than 6 feet 8 inches and used as a living or sleeping space.

164. “Logging” The cutting and removal of trees from their growing site, and the attendant operation of cutting and skidding machinery but not the construction or creation of roads. Timber harvesting does not include the clearing of land for construction approved under this ordinance.

165. “Lot” A saleable parcel of land on record with the Register of Deeds.

166. “Lot, Buildable” A lot that has frontage on a public street, that meets lot width requirements for the zoning district, and meets the requirement for contiguous buildable area.

167. “Lot, Corner” A lot situated at the intersection of 2 streets, roads or highways.

168. “Lot, Double Frontage” A Lot, other than a Corner Lot, with frontage on two streets, roads, or highways. Also referred to as a "Through Lot."

169. “Lot, Flag” A Lot with its widest point set back from the road, and having a thin, long strip ("the flagpole") of land connected to the road to provide legal access and frontage.

170. “Lot, Interior” A lot with frontage on only one street, road or highway.

171. “Lot, Reversed Frontage” a double-frontage lot for which the boundary along one of the streets is established as the front lot line and the boundary along the other street is established as the rear lot line and, typically, access to the latter street is restricted.

172. “Lot, Through” See Lot, Double Frontage.

173. “Lot Area” That area located within lot lines, not including any part of a street, highway, alley or railroad right-of-way or access easement, except when the street right-of-way is explicitly allowed to be counted as part of the area as described in this ordinance.

174. “Lot Depth” The shortest horizontal distance between the front street lot line and the rear lot line measured at a 90º angle from the road right-of-way.

175. “Lot Frontage” The width of a lot as measured along a street right-of-way.

176. “Lot Width” The horizontal distance between the side lot lines at the street yard building setback line.

177. “Lot of Record” A Lot legally created and recorded on a deed with the Eau Claire County Register of Deeds prior to the effective date of this Title, which is July 18, 2023. A Lot of Record may include multiple tax parcels but may not include more than one tax parcel created by subdivision plat or certified survey map.

178. “Lowest Adjacent Grade” An elevation of the lowest ground surface that touches any of the exterior walls of a building.

179. “Lowest Floor” The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building’s lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.

180. “Luminaire” A complete lighting unit that includes a light source, outdoor reflective or refractive surfaces, lenses, electrical connectors and components, and all parts used to mount the assembly, distribute the light and/or protect the lamp, whether permanently installed or portable.

181. “Maintenance” The act or process of restoring to original soundness, including redecorating, refinishing, nonstructural repairs, or the replacement of existing fixtures, systems or equipment with equivalent fixtures, systems or structures.

182. “Manufactured Home” A dwelling that is designed to be used as a dwelling and that is certified by HUD as complying with the HUD Code. (Source: Wis. Stat. § 101.91)

183. “Manufactured Home Community” An area of land on which is provided the required space for the accommodation of two or more Manufactured Homes, together with the necessary accessory buildings, walks, driveways, screening, and other requirements of Section 18.23.

184. “Medical Waste Facility” Any facility involved in the handling, storage, disposal, transport, or other manipulation or handling of "medical waste" as defined in the Wisconsin Statutes or Administrative Code and the U.S. Code or Code of Federal Regulations and shall include "infectious waste" as therein defined.

185. “Metallic Mineral Extraction” The extraction processing, for sale or use by the operator, of mineral aggregate such as iron ore, taconite, copper, lead, zinc, cadmium and other metalliferous minerals.

186. “Micro-Brewery” A facility for the production of 100,000 gallons or less per year of fermented malt beverages, as defined in Wis. Stat. ch. 125, that are sold wholesale and/or off premises directly to retailers as authorized by statute. On premise sales will be allowed only where permitted by the zoning code.

187. “Micro-Winery” A facility for the production of 25,000 gallons or less per year of wine, as defined in Wis. Stat. ch. 125, that are sold wholesale and/or off premises directly to retailers as authorized by statute. On premise sales will be allowed only where permitted by the zoning code.

188. “Mine Operator” Any person or business entity engaged in nonmetallic mining who/which applies for or holds a nonmetallic mine reclamation permit issued under a nonmetallic mining reclamation ordinance whether individually, jointly, or through subsidiaries, agents, employees, contractors, or subcontractors.

189. “Mining Operation” Operations or activities for the extraction from the earth of mineral aggregates and nonmetallic minerals and related operations or activities, including, but not limited to, excavation, grading, or dredging if the purpose of those operations or activities is the extraction of mineral aggregates and nonmetallic minerals and related processes including, but not limited to, stockpiling, crushing, screening, scalping, dewatering, and blending. It does not include removal from the earth of products or commodities that contain only minor or incidental amounts of nonmetallic mining minerals such as commercial sod, agricultural crops, ornamental or garden plants, forest products, Christmas trees or plant nursery stock.

190. “Mining & Reclamation Plan” The operator's proposal for the mining and reclamation of the project approved by the committee prior to the issuance of the mining permit.

191. “Mobile Home” A dwelling that is built in a factory, but that does not comply with the HUD Code and is not a Modular Home. This includes any "mobile home" as defined by Wis. Stat. § 101.91.

192. “Modular Home” A Single-Family Dwelling that is built in a factory, but that complies with the applicable state or local building code.

193. “Motel and Hotel” A structure or group of structures containing rooms which are offered to travelers for temporary accommodations in exchange for compensation.

194. “Motor Vehicle” Includes with limitation because of enumeration hereunder, any watercraft, automobile, truck, motorcycle, trailer, semi-trailer, travel trailer, snowmobile, all-terrain vehicle, bus or other motorized or mobile vehicle.

195. National Geodetic Vertical Datum (NGVD): Elevations referenced to mean sea level datum 1929 adjustment.

196. “Nano-Brewery” A facility for the production of less than 10,000 gallons of fermented malt beverages per year that may be bottled, packaged, possessed, stored, sold, shipped, transported, delivered, and/or consumed on premise in accordance with the provisions of Wis. Stat. §125.29. A nano-brewery may operate a restaurant on the brewery premises as provided in Wis. Stat. §125.29(6).

197. “Nano-Winery” A facility for the production of less than 10,000 gallons of wine per year that may be bottled, packaged, possessed, stored, sold, sampled, shipped, transported, delivered, and/or consumed on premise in accordance with the provisions of Wis. Stat. ch. 125.53. A nano-winery may also operate a restaurant on the winery premises in accordance with county and state permitting requirements.

198. “Navigable Waters” All natural inland lakes, flowage and other waters within the territorial limits of this county. Under Wis. Stat. § 281.31, notwithstanding any other provision of law or administrative rule promulgated thereunder, if:

a. Such lands are not adjacent to natural navigable stream or river;

b. Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and

c. Such lands are maintained in nonstructural agricultural use.

199. “Noise” Unwanted sound.

200. “Non-commercial alternative energy facilities” alternative energy systems designed and used primarily to meet the energy needs of on-site uses.

201. “Nonconforming Lot” A lot of record which does not meet the minimum area, depth, width, or frontage required by this subtitle.

202. “Nonconforming Site Improvement” A situation that occurs when, on the effective date of this title or an amendment to this title:

203. an existing site improvement on a lot (including but not limited to parking areas, storm drainage facilities, sidewalks, and landscaping) no longer conforms to the applicable regulations of this title, or

204. The lot does not include site improvements required by this title for any existing use, building, or structure on the lot.

205. “Nonconforming Structure” A structure which existed on the date of adoption of Title 18 or amendments thereto, which does not conform to the yard, parking, loading, height, and access requirements of the subtitle. (For example, an existing residential structure in the floodfringe district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)

206. “Nonconforming Use” The use of land, water, or structures existing at the time of the adoption of Title 18 or amendments thereto, which does not meet the requirements of this subtitle and which has been continually maintained.

207. “Nonmetallic Mineral” A product, commodity or material consisting principally of naturally occurring, organic or inorganic, nonmetallic, nonrenewable material. Nonmetallic minerals include, but are not limited to, stone, sand, gravel, asbestos, beryl, diamond, clay, coal, feldspar, peat, talc and topsoil.

208. “Nonmetallic Mining Site, Project Site, or Site” The location where a nonmetallic mining operation is proposed or conducted including all surface areas from which minerals are removed, related storage and processing areas, areas where nonmetallic mining refuse is deposited and areas disturbed by the nonmetallic mining operation and by activities, including but not limited to, the construction or improvement of roads or haulageways.

209. “Nonmetallic Mining Reclamation or Reclamation” The rehabilitation of a nonmetallic mining site to achieve a land use specified in an approved nonmetallic mining reclamation plan, including removal or reuse of nonmetallic mining refuse, grading of the nonmetallic mining site, removal, storage and replacement of topsoil, stabilization of soil conditions, reestablishment of vegetative cover, control of surface water and groundwater, prevention of environmental pollution and if practicable the restoration of plant, fish and wildlife habitat.

210. “Objecting Agencies” Agencies authorized by Wis. Stat. § 236.12 to review and object to Preliminary and Final Plats.

211. “Obstruction to Flow” Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in the regional flood height.

212. “Official Floodplain Zoning Map” That map, adopted and made part of this subtitle, which has been approved by the DNR and the FIA Office of FEMA.

213. “Open Sales Lot” An area used for the purpose of buying and selling automobiles, trucks, motorcycles, boats, trailers, recreational vehicles, mobile/manufactured homes and similar products.

214. “Open Space Use” Those uses having a relatively low flood damage potential and not involving structures.

215. “Ordinary High-Water Mark (OHWM)” The point on a bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark, such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognizable characteristic.

216. “Outlot” A parcel of land located in a plat or certified survey map that is not included in a Block or Lot.

217. “Owner or Property Owner” Any Person having legal title to or sufficient proprietary interest in a parcel of land. The term includes, but is not limited to, mortgagees and vendors under contract for deed.

218. “Owner-Occupied” A property that is the primary residence of the owner.

219. “Parking Area” A portion of a lot with access to a street or alley, which is suitably surfaced and maintained for the temporary storage of motor vehicles, but not including the display of vehicles for sale.

220. “Parking Space, Off-Street” A space containing parking area or a stall in a private garage.

221. “Performance Standards” Criteria established by this subtitle to regulate certain uses.

222. “Person” An individual, or group of individuals, firm, corporation, partnership, association, municipality, or state agency.

223. “Plat” A map depicting the division or Subdivision of land into lots, blocks, parcels, tracts, units, or other portions thereof.

224. “Preliminary Plat” A drawing showing the proposed general patterns of Streets, Lots, and Land Uses within a tract to be subdivided.

225. “Reconfiguration” The process of changing, or the map or plat that changes, the interior boundaries of a recorded Subdivision Plat or part thereof. Reconfigurations do not change the exterior boundaries of a recorded Subdivision Plat.

226. “Replat” The process of changing, or the map or plat that changes, the exterior boundaries of a recorded subdivision Plat or part thereof. The legal dividing of a large Block or Lot within a recorded subdivision plat without changing the exterior boundaries of said Block, Lot, or Outlot, and which does not affect the layout of a road or other public land shall not be considered a Replat.

227. “Principal Dwelling” The main Dwelling Unit on a lot.

228. “Principal Structure” The main structure on a lot.

229. “Principal Use” The primary purpose for which a lot or parcel is used.

230. “Private Sewage System” A sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located on the same parcel as the structure. This term also means an alternative sewage system approved by the Department of Safety and Professional Services, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.

231. “Private Swimming Pool” A receptacle of water or an artificial pool of water having a depth capacity at any point of more than 2 feet, intended for the immersion or partial immersion of human beings, and including all appurtenant equipment.

232. “Professional Office” A building used as the place of business for recognized professional (such as a doctor of medicine or dentistry, practitioner, minister, architect, landscape architect, professional engineer, lawyer, author, musician), or to conduct the affairs of a business, profession, service industry, or government where goods are not sold at retail from the premises.

233. “Public Improvement” Any sanitary sewer, storm sewer, open channel, water main, roadway, park, parkway, public access sidewalk, pedestrian way, planting strip, or other facility for which the County or town may ultimately assume the responsibility for maintenance or operation.

234. “Public Utilities” Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.

235. “Quarter Section and Quarter-Quarter Section” A division of a section of land according to the rules of the original United States Government Public Land Survey.

236. “Quasi-Public Uses” Those facilities which are partially public in nature such as churches, schools, cemeteries.

237. “Race Track” A use of land for the purpose of operating a motorcycle, all-terrain vehicle, automobile, or similar motorized vehicle over a constructed track or course or where the continuous use of the land creates a track or course.

238. “Reach, Hydraulic” That portion of the river or stream extending from one significant change in the hydraulic character of the river or stream to the next significant change, usually associated with breaks in the slope of the water-surface profile, and may be caused by bridges, dams, expansion and contraction of the water flow, and changes in stream-bed slope or vegetation.

239. “Recycling Drop-Off Station” A facility consisting of appropriate storage containers designed to accept a limited volume of recyclable materials from households, including aluminum food and beverage containers, glass food and beverage containers, magazines or other materials printed on similar paper, newspapers or other material printed on newsprint, kraft paper (e.g. grocery bags), corrugated cardboard, office paper, plastic food and beverage containers, steel or bimetal food or beverage containers, and waste tires, that are intended to be stored temporarily in the containers provided before being taken to a resource recovery facility or resource recovery processing facility. A recycling drop-off station can be a permitted or accessory use except when the facility accepts waste tires and then it shall be a conditional use.

240. “Regional Flood” A flood determined to be representative of a large flood known to have occurred in Wisconsin. A regional flood is a flood with a 1% chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the Regional Flood Elevation is equivalent to the Base Flood Elevation.

241. “Religious Institution” A place of religious worship and instruction. Accessory Uses requiring independent approval include (1) an associated private school, and (2) a child care in the main building or the same lot as the Religious Institution that accepts customers not attending the Religious Institution, recreational facilities, dormitories or other facilities for temporary or permanent residences. Child care facilities located in the main building that are used only during worship services, for persons attending the service, are considered accessory to the church and do not require independent approval. For purposes of this section, "religious worship" includes any "religious exercise" as defined by the Religious Land Use and Institutionalized Persons Act (RLUIPA), 42 U.S.C. § 2000cc-5.

242. “Repair Shop” A place where motor vehicles or other materials are restored to a sound or good or operable state after decay, injury, dilapidation or partial destruction.

243. Residential Care Apartment Complex: A place where 5 or more adults reside that consists of independent apartment units in which the following services are provided: room and board and up to 28 hours per week of supportive care, personal care, and nursing services. “Residential Care Apartment Complex" does not include a nursing home or a Community-Based Residential Facility but may be physically part of a structure that is a nursing home or Community-Based Residential Facility. (Wis. Stat. § 50.01(6d))

244. “Residential Care Facility” An establishment primarily engaged in providing inpatient nursing and rehabilitative services, with a permanent core staff of registered or licensed practical nurses who provide nursing and continuous personal care services. Examples include convalescent homes, nursing homes, assisted living facilities for the elderly with nursing care, rest homes with nursing care, and inpatient care hospices, but do not include Residential Care Apartment Complexes.

245. “Resource Recovery Facility” A building in which collected recyclables from residential and commercial sources, including aluminum food and beverage containers, glass food and beverage containers, magazines or other materials printed on similar paper, newspapers or other material printed on newsprint, kraft paper (e.g. grocery bags), corrugated cardboard, office paper, plastic food and beverage containers, steel or bimetal food or beverage containers, or other incidental recyclable items that may be delivered from time to time provided no dismantling is necessary according to market requirements and in which the incoming recyclables are sorted, shredded, crushed, baled or otherwise separated using equipment not to exceed 15 horsepower, for later shipment to markets. All activities that take place at a resource recovery facility shall take place inside the building including recyclables. Dismantling, salvaging, crushing, or storage of motor vehicles, machinery, or appliances, or the processing or storage of putrescible, hazardous or toxic wastes are prohibited. A resource recovery facility is also called a material recovery facility or MRF.

246. “Resource Recovery Processing Facility” A resource recovery facility which collects from residential, commercial, and industrial sources where equipment of any horsepower may be used, outdoor storage may be allowed, and where dismantling of separate motor vehicles parts or components and separate machinery parts or components may be allowed. Resource recovery processing facilities may be allowed in conjunction with salvage yards.

247. “Restaurant” Any building, room or place at which the predominant activity is the preparation, service, or sale of meals to transients or the general public as defined in Wis. Stat. §97.01(14g).

248. “Restaurant, Drive-In” A business establishment consisting of a kitchen, with or without a dining room, where a portion of the food sold is eaten either off the premises or within automobiles on the premises.

249. “Road” See Street, Road, or Highway.

250. “Rooming & Boarding House” A building where, for compensation, meals and lodging are provided for more than 3 guests not members of a family, and that are not transients. A "Rooming & Boarding House" includes any building other than a hotel or motel where lodging only is provided for compensation. Examples include fraternities, sororities, or dorms. This use type does not include a hotel, motel, or multiple-family building. A multiple-family building includes separate Dwelling Units occupied by a single household, while a Boarding House includes separate households sharing kitchen facilities. This does not include migrant labor camps, which are defined, conditioned and permitted by Wis. Stat. § 59.69(4e). Also referred to as a "Lodging House."

251. “Salvage Yard” Any establishment or premises where motor vehicles or other materials are collected for the purposes of dismantling, salvaging or demolition.

252. Seasonal Structure: A structure used occasionally or periodically for a period not to exceed six months of a calendar year.

253. “Setback Lines” Lines established parallel to rights-of-way, lot lines, or water bodies for the purpose of defining limits within which structures, buildings, or uses must be constructed, maintained or confined.

254. “Shorelands” Lands within the following distances from the ordinary high-water mark of navigable waters: 1,000 feet from a lake, pond or flowage; 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

255. “Short-Term Rental Property” Any residential property where a Principal Dwelling Unit or a portion of a Principal Dwelling Unit is rented or leased by a Tourist or Transient for fewer than 29 consecutive days. This definition excludes Bed and Breakfast Establishments. (Wis. Stat. § 66.0615(1)(dk))

256. “Sign” The use of any words, numerals, pictures, figures, devices or trademarks by which anything is made known to show an individual, firm, profession or business and are visible to the general public.

257. “Sign, Awning” Any sign painted, printed, attached, or otherwise applied to any facet or support structure of an awning. An “awning” means an architectural projection that provides weather protection, identity or decoration, and is partially or wholly supported by the building to which it is attached. An awning is comprised of a lightweight frame structure over which a covering is attached. (Source: International Building Code)

258. “Sign, Canopy” A sign attached to the surface of a canopy. A “canopy” means a permanent structure or architectural projection of rigid construction over which a covering is attached that provides weather protection, identity or decoration. A canopy may be structurally independent (a “detached canopy”) or supported by attachment to a building on one or more sides (an “attached canopy”). (Source: International Building Code)

259. “Sign, Flashing” An illuminated sign upon which the artificial light is not kept constant in terms of intensity or color at all times when the sign is illuminated.

260. “Sign, Freestanding” A stationary self-supported sign not affixed to any other structure.

261. “Sign, Highway Pole” A pole sign located on a lot that is immediately adjacent to a controlled access highway or a county trunk highway.

262. “Sign, illuminated” A sign which is lighted by an artificial light source either directed upon it or illuminated from an interior source.

263. “Sign, Incidental” A freestanding sign or wall sign that is subordinate in scale to the principal signs on a site or to the buildings, structures, or building elements (such as windows) on which they are placed. Examples of customary uses for incidental signs include directional signs, real estate signs, noncommercial opinion signs, menu boards, garage sale signs, holiday decorations, property or tenant identification names or numbers, names of occupants, signs on mailboxes or newspaper tubes, signs posted on private property relating to circulation or private parking, political signs, or signs warning the public against trespassing or danger from animals. These examples are provided to clarify the regulations and do not limit the content of incidental signs.

264. “Sign, Incidental Structure” Incidental signs that are integrated into or on an accessory structure such as a coin-operated machine, vending machine, fence, ATM, gasoline pump, oil rack, or similar structure that serves an independent purpose other than the sign display and that is used for its intended purpose.

265. “Sign, Manufactured Home Community Entry” A sign located within an interior median or on a lot adjacent to an intersection at the entrance to a manufactured home community.

266. “Sign, Monument” A freestanding sign having a low profile with no open space between the ground and the sign.

267. “Sign, Multi-Family Entry” A sign located within an interior median or on a lot adjacent to an intersection at the entrance to a multi-family development.

268. “Sign, Off-Premises” A sign that is not located on the premises of the use that the sign advertises or identifies.

269. “Sign, On-Premises” A sign that is located on the premises of the use that the sign advertises or identifies.

270. “Sign, Pole” A freestanding sign that is supported by one or two poles and is not attached to a building.

271. “Sign, Portable” A sign designed to be movable from one location to another and that is not permanently attached to the ground or a structure.

272. “Sign, Projecting” A sign other than wall sign, which is affixed to a building and which extends in a perpendicular manner from the building wall.

273. “Sign, Roof” A sign that is erected, constructed, or attached, wholly or in part, upon the roof of a building.

274. “Sign, Subdivision Entry” A sign located within an interior median or on a lot adjacent to an intersection at the entrance to a single-family or two-family subdivision.

275. “Sign, Temporary” Any portable sign that is erected or displayed for a limited period of time.

276. “Sign, Wall” A sign that is affixed to the exterior wall or mansard roof of a building and that is parallel to the building.

277. “Sign Alteration” Any structural change to a sign. This does not include routine maintenance, minor repair, painting, or change of copy of an existing sign. Routine maintenance and minor repair does not include replacement of structural framing and supports, enlargement of the area of a sign face, or relocation of a sign.

278. “Sign Copy” The characters, letters, or illustrations on a sign.

279. “Sign Structure” The supports, uprights, bracing, and framework for a sign including the display area.

280. “Special Event” Any occasional or periodic assembly or gathering of people at a predetermined and fixed location, requiring the use and/or construction of temporary structures and facilities such as but not limited to stages, tents, or booths, for entertainment and/or other leisure purposes. Special events include, but are not limited to the following: fairs, carnivals, music or other types of festivals, runs, walks or bicycle tours. Special events shall not include gatherings for activities such as neighborhood garage/thrift sales, neighborhood parties, or other similar activities.

281. “Special Event, Major” Any Special Event that is not classified as a Minor Special Event.

282. “Special Event, Minor” A Special Event with a duration and location as specified in Section 18.54.100 D.(1).

283. “Single-Family Dwellings” A residential structure which is meant to house a single family and which is a minimum of 24 feet in width, has a roof with a minimum slope of 3:12, is on a permanent foundation meeting the state one- and two-family dwelling code, and has a minimum of an 8-inch eave attached to at least 50% of the perimeter of the structure. This definition includes manufactured homes but excludes mobile homes.

284. “Start of Construction” The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling floor or other structural part of a building, whether or not the alteration affects the external dimensions of the building.

285. “Solar Energy System” Equipment which directly converts and then transfers or stores solar energy into useful forms of thermal or electrical energy.

286. “Specified Anatomical Areas” Means any of the following:

a. Less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola;

b. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

287. “Specified Sexual Activities” Means any of the following:

a. Human genitals in a state of sexual stimulation or arousal; or

b. Acts of human masturbation, sexual intercourse or sodomy; or

c. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

288. “State-Defined Subdivision” A division of a lot, parcel, or tract of land by its owner or his or her agent for the purpose of sale or building development, where:

a. The act of division creates 5 or more parcels or building sites, each 1.5 acres or less in area; or

b. 5 or more parcels or building sites of 1.5 acres each or less in area created by successive division within a period of five years. As defined by Wis. Stat. § 236.02(12).

289. “Story” That part of a building between a floor and either the next floor above, or the ceiling. A basement shall constitute a story if it is more than 4 feet above grade level.

290. “Street or Road” A thoroughfare that provides the principal means or movement of pedestrian and vehicular access to abutting property.

a. “Street or Road, Private” A Street or Road is not dedicated to the public;

b. that has vehicular access to two or more parcels or Lots, or that crosses a property line;

c. is owned and maintained by a private entity; and

d. that is used for vehicular, bicycle, and pedestrian travel only by the Owner and those having express or implied permission from the Owner.

291. “Street or Road, Public” A Street or Road that is owned and maintained by a governmental entity for use by the general public.

292. “Storm Water Permit” A written authorization by the Land Conservation Division to the Applicant to conduct land disturbing or land development activities in accordance with the requirements of Section 17.05. A Storm Water Permit regulates both construction site erosion and post-construction storm water runoff from a site.

293. “Structural Alteration” Any change in the supporting members of a building such as bearing walls, columns, rafters, beams, girders, footings and piles.

294. “Structure” Any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.

295. “Structure Height” The vertical distance measured from the mean grade level to the highest point of a flat surface roof, to the deck line of a mansard roof, or to the mean height level between eaves and ridge of gable, hip and gambrel roofs.

296. “Structure Setback” The minimum distance between structure or use and property line or a road right-of-way line or high-water mark of a water body.

297. “Subdivision” The division of a parcel of land into 5 or more Lots each of which is less than a government protracted quarter-quarter section or where an act of division creates 5 or more parcels of less than a government protracted quarter-quarter section from a Lot of Record within a 5-year period.

298. “Subdivider” Any Person that creates a Subdivision.

299. “Substantial Damage” Damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50% of the equalized assessed value of the structure before the damage occurred.

300. “Substantial Improvement” Any repair, reconstruction rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50% of the equalized assessed value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the work performed. The term does not, however, include either any project for the improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions; or any alteration of a historic structure provided that the alteration will not preclude the structure’s continued designation as a historic structure.

301. “Tailing Ponds” Those areas where liquefied accumulations of waste from the processing of mining are placed on the land surface.

302. “Telecommunication Facility” Any unmanned, commercial facility established for the purpose of providing wireless transmission of voice, data, images, or other information.

303. “Telecommunications Tower” Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including lattice towers, guy towers, or monopole towers. This includes radio and television transmission towers, microwave towers, mobile service support structures, and common-carrier towers.

304. “Temporary Use” A use of limited duration, typically less than one year.

305. “Title” Refers to Title 18 - "Zoning Ordinance" - of the Eau Claire County Code of Ordinances.

306. “Tiny House” A Single-Family Dwelling that is 400 square feet or less in Floor Area, excluding Lofts.

307. “Tiny House on Wheels” A Tiny House that is mounted on a wheeled trailer chassis.

308. “Travel Trailer” A vehicular portable structure built on a chassis, with or without complete kitchen, toilet, such facilities designed to be used for temporary habitation for travel or recreation.

309. “Tourist or Transient” A person who travels to a location away from his or her permanent address for a short period of time for vacation, pleasure, recreation, culture, business or employment.

310. “Tourist Rooming House” All lodging places and tourist cabins and cottages as regulated by the department of health and human services pursuant to Wis. Admin. Code ch. DHS 195, other than hotels and motels, in which sleeping accommodations are offered for pay to tourists or transients. It does not include private boarding or rooming houses not accommodating tourists or transients, or bed and breakfast establishments regulated under Wis. Admin. Code ch. DHS 197.

311. “Unnecessary Hardship” Where special conditions affecting a particular property that were not self-created have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance. An unnecessary hardship results in an unusual or extreme decrease in the adaptability of the property to the uses permitted by the zoning district and is caused by facts such as rough terrain or soil conditions uniquely applicable to that particular piece of property, as distinguished from those conditions applicable to most or all other property in the same zoning district.

312. “Utilities” Any public or private facilities such as water wells, water and sewage distribution systems, power and communications transmission lines, pipelines, microwave radio relays, telephone and telegraph exchanges, and other related systems, including their attendant facilities.

313. “Variance” An authorization by the board of land use appeals for the construction, modification, or maintenance of a building or structure in a manner that deviates from dimensional, physical, or locational standards (not uses) contained in this title.

314. Violation: The failure of a use, structure or other development to be fully compliant with Title 18.

315. “Vision Clearance Triangle” An unoccupied triangular space at the intersection of highways or highways with railroads. Such vision clearance triangles shall be bounded by the intersecting highway, road, or railroad right-of-way lines and a setback line connecting points located on such right-of-way lines by measurement from their intersection, as specified in section 18.71.050.

316. “Waiver” A process for waiving or modifying a specific requirement of Sections 18.87, 18.88, and 18.89.

317. “Waste Dump” All accumulations of unprocessed waste mine rock and overburden placed on the land surface.

318. “Water Surface Profile” A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.

319. “Watershed” The entire region or area contributing runoff or surface water to a particular watercourse or body of water.

320. “Well” An excavation opening in the ground made by digging, boring, drilling, driving or other methods, for the purpose of obtaining groundwater regardless of its intended use.

321. “Wetlands” Those areas where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and having soils indicative of wet conditions.

322. “Wind Energy System” Equipment and associated facilities that convert and then store or transfer energy from the wind into useful forms of energy.

323. “Wine Pub” A tavern, cocktail lounge, restaurant, grocery store, liquor store, or other similar retail establishment that includes a facility for the production 20,000 gallons or less per year of wine as defined by state statute, that are sold for consumption on premises, or that are sold directly to the consumer as carry out items.

324. “Winery” A facility for the production of fermented malt beverages that may be bottled, packaged, possessed, stored, sold, sampled, shipped, transported, delivered and/or consumed on premise in accordance with the provisions of Wis. Stat. § 125.53.

325. “Yard” Open space on a lot not occupied by structures.

326. “Yard, Street” A yard extending the full width of the lot between the street right-of-way and the depth of the minimum street yard setback.

327. “Yard, Rear” A yard extending the full width of the lot between the rear lot line to the nearest part of the structure.

328. “Yard, Side” A yard on each side of the structure extending from the structure to the lot line and from the street yard line to the rear yard line.

329. “Zoning Code” See Zoning Ordinance.

330. “Zoning District” A specific area designated with reference to this code and the official zoning maps within which the regulations governing the use and erection of structures and the use of premises are uniformly applied.

331. “Zoning Ordinance” Title 18 of the Eau Claire County Code of Ordinances. Also referred to as the "Zoning Code." (Ord. 168-53, Secs. 13-18, 2025; Ord. 167-3, Sec. 1, 2023)

Chapter 18.163

INTERPRETATION OF ZONING MAP

Sections:

18.163.010 Generally.
18.163.020 Official version.
18.163.030 Maintenance & updates.
18.163.040 Boundaries.
18.163.050 Disputes.

18.163.010 Generally.

A. The boundaries of the zoning districts established by this title are shown on the zoning map.

B. The zoning map, including all notations and references shown on the zoning map, is incorporated by reference and made a part of this title. It is as much a part of this title as if actually depicted within its pages. (Ord. 167-3, Sec. 1, 2023)

18.163.020 Official version.

A. The zoning map is a geographic coverage layer entitled "County Zoning" that is maintained under the direction of the planning director as part of the county's geographic information system (GIS). This "County Zoning" geographic coverage layer constitutes the county's zoning map.

B. The zoning map filed as provided in subsection A, above, is the official version and controls if differences occur between it and other copies.

C. The director will have up to 10 business days following a decision resulting in a change to the zoning map to revise the county zoning GIS layer to reflect that change. Until the map is revised, staff can issue a copy of the amendment ordinance in response to any request for the official version of the zoning map.

D. The county may maintain printed copies of the zoning map, attested by the director, which become the zoning map if the director certifies that the county's GIS is destroyed or corrupted. (Ord. 167-3, Sec. 1, 2023)

18.163.030 Maintenance & updates.

A. The director shall direct revisions to the official zoning map to reflect its amendment as soon as possible after the effective date of zoning map amendments (rezonings).

B. No unauthorized person may alter or modify the zoning map. The director may authorize printed copies of the zoning map to be produced and maintain digital or printed copies of superseded versions of the zoning map for historical reference. (Ord. 167-3, Sec. 1, 2023)

18.163.040 Boundaries. Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following shall apply:

A. Boundaries indicated as approximately following the centerlines of streets, highways, railroads, or lakes, streams and other water bodies, shall be construed to follow such centerlines.

B. Boundaries indicated as approximately following platted lot lines, quarter-quarter section lines, or municipal boundaries shall be construed to follow such lines.

C. Boundaries indicated as being parallel to or an extension of the features listed in subsection A or B shall be so construed. Distances not specified on the map shall be determined by the map scale.

D. In situations not covered by subsections A through C, above, or when there is a dispute over a determination of district boundaries made by the department, the committee shall determine district boundaries when the physical or cultural features existing on the ground differ with those shown on the map. (Ord. 167-3, Sec. 1, 2023)

18.163.050 Disputes.

A. Whenever there is a dispute over the exact boundary of a district, the board of land use appeals shall decide the matter as an appeal (Chapter 18.108).

B. The person contesting the matter shall be given a reasonable opportunity to present his case to the board of land use appeals and to submit his own technical evidence. (Ord. 167-3, Sec. 1, 2023)

Chapter 18.164

CONFLICTING RULES

Sections:

18.164.010 Generally.
18.164.020 Deeds or permits.

18.164.010 Generally.

A. This title supersedes all inconsistent provisions of any county zoning ordinance enacted under Wis. Stat. § 59.97.

B. However, when an ordinance adopted under a statute other than Wis. Stat. § 59.97 is more restrictive than this title, that ordinance continues in full force and effect to the extent of the greater restriction, but not otherwise. (Ord. 167-3, Sec. 1, 2023)

18.164.020 Deeds or permits.

A. This title does not repeal, abrogate, or impair any existing deed restrictions, easements, covenants, or permits already issued.

B. However, where this title imposes greater restrictions, the provisions of this title shall prevail. (Ord. 167-3, Sec. 1, 2023)

SUBTITLE XII LEGAL PROVISIONS

Chapters:

18.171	Relationship to Other Provisions of the County Code
18.172	Zoning of Towns
18.173	Private Restrictions
18.174	Severability
18.175	Repeal of Existing Ordinance
18.176	Effective Date

Chapter 18.171

RELATIONSHIP TO OTHER PROVISIONS OF THE COUNTY CODE

Sections:

18.171.010	Stricter Standards in this Title.
18.171.020	Shoreland Provisions.
18.171.030	Stricter Standards in Other Statutes, Ordinances, or Regulations.

18.171.010 Stricter Standards in this Title.

A. If this title requires a greater width or size of yards or other open spaces, a lower height of buildings, a greater percentage of lot be left unoccupied, or other higher standards than are required in any other applicable statute, section, or regulation, the provisions of this title govern.

B. This paragraph does not apply to the extent that a Wisconsin or federal statute preempts local regulation. (Ord. 167-3, Sec. 1, 2023)

18.171.020 Shoreland Provisions. The shoreland provisions under Chapter 18.260 supersede all the provisions of any county zoning ordinance adopted under Wis. Stat. § 59.69 that relate to shorelands. (Ord. 167-3, Sec. 1, 2023)

18.171.030 Stricter Standards in Other Statutes, Ordinances, or Regulations. If another applicable statute, ordinance, or regulation requires a higher standard than a provision of this title, the other applicable statute, section, or regulation governs. (Ord. 167-3, Sec. 1, 2023)

Chapter 18.172

ZONING OF TOWNS

Sections:

18.172.010	Exempt from town modification/veto.
18.172.020	Shoreland and floodplain provisions exempt from town modification/veto.
18.172.030	Town board approval power.
18.172.040	Town board approval & existing ordinance.

Informational Note: Towns may adopt and enforce subdivision ordinances whether subject or not subject to the county zoning ordinance (see Subtitle V). In the event of inconsistency between town and county subdivision ordinances, the most restrictive rule applies. The town subdivision ordinance may have the effect of increasing the minimum lot size as compared to what the county zoning ordinance permits.

18.172.010 Exempt from town modification/veto. The following subtitles of this title are exempt by state statute from modification or veto by any town board:

A. Shoreland Overlay District Chapter 18.260.

B. Floodplain Overlay District Chapter 18.200. (Ord. 167-3, Sec. 1, 2023)

18.172.020 Shoreland and floodplain provisions exempt from town modification/veto.

The following sections of this title are exempted by state statute from modification or veto by any town board to the extent that they apply to shoreland and floodplain areas as defined in this section:

A. Introduction (Subtitle I)

B. Definitions & Rules of Interpretation (Subtitle XI)

C. Parking and Loading (Chapter 18.77)

D. Access Management & Driveways (Chapter 18.71)

E. Signs (Chapter 18.78)

F. Procedures (Subtitle VI)

G. Enforcement (Subtitle X)

H. Telecommunications Facilities (Chapter 18.53) (Ord. 167-3, Sec. 1, 2023)

18.172.030 Town board approval power.

A. Town boards have approval power under Wis. Stat. § 59.69 over all parts of this title not specified in 18.172.010 or 18.172.020.

B. Towns may adopt and enforce subdivision ordinances whether subject or not subject to the county zoning ordinance (see Subtitle V). In the event of inconsistency between town and county subdivision ordinances, the most restrictive rule applies. The town subdivision ordinance may have the effect of increasing the minimum lot size as compared to what the county zoning ordinance permits. (Ord. 167-3, Sec. 1, 2023)

18.172.040 Town board approval & existing ordinance.

A. Except for parts of this title specified in 18.172.010 or 18.172.020, all provisions of this title in effect prior to the effective date of this newly revised title 18 (see Chapter 18.176) shall remain in effect in a town for a period up to one year or until the newly revised title 18 is approved by the town board, whichever period is shorter.

B. If a town board fails to approve this newly revised title 18 within 1 year, neither the newly revised title 18 nor the prior county zoning ordinance is effective in that town. (Ord. 167-3, Sec. 1, 2023)

Chapter 18.173

PRIVATE RESTRICTIONS

Sections:

18.173.010 **Stricter provisions apply.**
18.173.020 **Enforcement.**

18.173.010 Stricter provisions apply.

A. This title does not abrogate any deed restriction, covenant, easement or any other private agreement or restriction on the use of land. However, where this title is more restrictive or imposes higher standards than a private restriction, this title controls.

B. Where a private restriction is more restrictive or imposes higher standards than this title, the private restriction controls if properly enforced by a person having the legal right to enforce the restrictions. (Ord. 167-3, Sec. 1, 2023)

18.173.020 Enforcement. The county does not enforce private restrictions. (Ord. 167-3, Sec. 1, 2023)

Chapter 18.174

SEVERABILITY

Sections:

18.174.010 Remainder of title not affected.

18.174.010 Remainder of title not affected. If any section, clause, provision, or portion of this title is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this title shall not be affected. (Ord. 167-3, Sec. 1, 2023)

Chapter 18.175

REPEAL OF EXISTING ORDINANCE

Sections:

18.175.010 Repeal effective date.

18.175.010 Repeal effective date. All provisions of this title in effect prior to the effective date (see Chaper 18.176) are repealed effective July 18, 2023, except as provided in 18.172.040. (Ord. 167-3, Sec. 1, 2023)

Chapter 18.176

EFFECTIVE DATE

Sections:

18.176.010 Effective date of title.

18.176.010 Effective Date of Title.
This title takes effect on the July 18, 2023.(Ord. 167-3, Sec. 1, 2023)

SUBTITLE XIII. OVERLAY DISTRICTS

Chapters:

18.180 Airport Overlay (A-O)

Chapter 18.180

AIRPORT OVERLAY (A-O)

Sections:

18.180.010 Purpose.
18.180.020 Statutory authorization.
18.180.030 Jurisdiction & exemptions.
18.180.040 Definitions.
18.180.050 General provisions.
18.180.060 Airport zones & height zones established.
18.180.070 Permitted, conditional, & prohibited uses.
18.180.080 Zone A - Airport District.
18.180.090 Zone 1 - Runway Approach & Departure District.
18.180.100 Zone 2 - Noise Control / Overflight District.
18.180.110 Zone 3 - Height Limitation District.
18.180.120 Site plan procedure.
18.180.130 Nonconforming use.
18.180.140 Appeals & variances.
18.180.150 Administration & fees.
18.180.160 Conflict.
18.180.170 Penalties.
18.180.180 Severability.

18.180.010 Purpose. The purpose of this subtitle is to:

A. protect the approaches, airspace, physical, and hazard areas of the Chippewa Valley Regional Airport;

B. regulate the use of property and restrict the height of structures and objects of natural growth in the vicinity of the airport;

C. promote the public health, safety, convenience and general welfare;

D. increase safety in the use of the airport;

E. implement the recommendations of the airport master plan; and

protect persons and property within the airport affected area and zoning districts. (Ord. 167-3, Sec. 1, 2023)

18.180.020 Statutory authorization. This subtitle is adopted pursuant to Wis. Stats. §§ 59.03, 59.04, 59.69, 59.694, 114.14 and 114.136. (Ord. 167-3, Sec. 1, 2023)

18.180.030 Jurisdiction & exemptions.

A. Jurisdiction. This subtitle applies to all lands and waters within 3 statute miles of the boundaries of the Chippewa Valley Regional Airport.

B. Exemptions. The provisions of this subtitle shall not apply to structures that are less than 35 feet above ground level and located in A-O Zone 3. (Ord. 167-3, Sec. 1, 2023)

18.180.040 Definitions.

A. These definitions apply only within this Subtitle and supersede any similar definitions elsewhere in Title 18. Words used in the present tense include the future, words in the singular number include the plural number, and words in the plural number include the singular number. The word "shall" is mandatory, not permissive. All distances, unless otherwise specified, shall be measured horizontally.

1. "Airport" means the Chippewa Valley Regional Airport, owned by Eau Claire County, Wisconsin.

2. "Airport Hazard" means any structure, object, whether man-made or natural, or use of land which obstructs the air space required for the flight of aircraft in landing or taking off at the airport or is otherwise hazardous to such landing or taking off, or to persons using such land or structure.

3. "Airport Master Plan" means the Chippewa Valley Regional Airport Master Plan Report, 2001, as updated.

4. "Alteration" means any construction, which would result in a change in height or lateral dimensions of an existing structure or object.

5. "Construction" means the erection or alteration of any structure or object either of a permanent or temporary character.

6. "Department" means the Planning and Development Department.

7. "Development" means any manmade change to improved or unimproved real estate, including but not limited to construction of or additions or substantial improvements to buildings, other structures, or accessory uses, the placement of mobile homes, mining, dredging, filling, grading, paving, excavation or drilling operations, deposition of materials.

8. "Director" means the director of the Chippewa Valley Regional Airport.

9. "Growth" means any object of natural growth, including trees, shrubs, or foliage, except farm crops, which are cut at least once a year.

10. "Height" means the overall height of the top of a structure, including any appurtenance installed thereon, or the top of any object of natural growth.

11. "Nonconforming Use" means any structure, tree, or use of land which does not conform with a regulation prescribed in this section or an amendment thereto, as of the effective date of such regulation.

12. "Person" means any individual, firm, partnership, corporation, company, association, or body politic and includes any trustee, receiver, assignee, or other similar representative thereof.

13. "Principal use" means the principal use allowed by the underlying jurisdiction.

14. "Runway" means a portion of the airport having a surface specially developed and maintained for the landing or taking off of airplanes.

15. “Structure” means any object constructed or installed by man.

16. “Tree” means any object of natural growth, except farm crops, which are cut at least once a year, and except shrubs, bushes, or plants, which do not grow to a height of more than 5 feet.

17. “Variance” means an authorization granted by the board of land use appeals to construct, alter, or use a building or structure in a manner that deviates from the standards of this section. (Ord. 167-3, Sec. 1, 2023)

18.180.050 General provisions.

A. Conformity with Regulations. No land, building, or structure shall hereafter be used or occupied and no building, structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered, except in conformity with all the regulations herein from the zone in which it is located.

B. Height Limitations. No structure, tree, or growth shall be erected, altered, allowed to grow or be maintained within any zoning district established by this title to a height in excess of the applicable height limitations as shown on the Eau Claire County Airport Height Limitation Zone Map, which is maintained in the department. The permitted height shall not exceed the difference between the grade elevation and the height limitation numbers shown within the various zones encompassed by this subtitle.

C. Avigation Easements. All avigation easements required by this subtitle shall be completed on forms provided by the department.

D. Hazard Marking & Lighting. The county may, at its own expense, install, operate and maintain such markers, lights and other aids to navigation as may be necessary to indicate to flyers the presence of an airport hazard, if such action is deemed advisable by the Airport Commission or the Federal Aviation Administration. (Ord. 167-3, Sec. 1, 2023)

18.180.060 Airport zones & heights established.

A. For the purpose of this subtitle, the lands and waters within 3 statute miles of the boundaries of the airport are divided into 4 zones:

1. Zone A - Airport District.
2. Zone 1 - Runway Approach and Departure District.
3. Zone 2 - Noise Control/Overflight District.
4. Zone 3 - Height Limitation District.

B. All airport zones established by this subtitle are as shown on the map dated April 3, 2002, entitled “Airport Zoning District Map,” on file in the office of the department and adopted as part of this subtitle.

C. All height zones established by this subtitle are as shown on the map dated July 17, 2007, entitled “Eau Claire County Airport Height Limitation Zone Map,” on file in the office of the department and adopted as part of this subtitle.

D. District Boundaries.

1. District boundary lines are the centerlines of highways, roads, pavements or section, division of section, tract and lot lines, or such lines extending as applicable or as otherwise indicated.

2. When a district line divides a lot/parcel of record existing prior to the effective date of this ordinance in such a manner that a use not permitted in the most restrictive district of such lot but is permitted on that portion of such lot in the lesser restrictive district, then a permitted use may be developed only on that portion of the lot/parcel where it is permitted, provided:

a. The use is permitted by the underlying municipality's zoning ordinance;

b. The use complies with all applicable setback requirements;

c. A site plan drawn to scale showing the location of the use and the district line on the lot/parcel is submitted to the department and is reviewed and approved pursuant to the procedure contained in 18.180.120.

3. Where a lot/parcel of record existing on April 3, 2002 of 15,000 square feet or less is divided by a district line between Zones 1 & 2, the lot shall be considered to be in Zone 2.

4. Zone 1 shall be considered as the most restrictive and Zone 3 is the least restrictive. (Ord. 167-3, Sec. 1, 2023)

18.180.070 Permitted, conditional, & prohibited uses.

Permitted, Conditional, and Prohibited Uses in Zones A, 1, 2, and 3. Uses are specified in Table 18.180.070-1.

Table 18.180.070-1 Permitted, Conditional, and Prohibited Uses in Zones A, 1, 2, and 3				
P = Permitted | C = Conditional | X = Expressly Prohibited USE	Zone A	Zone 1	Zone 2	Zone 3
All uses allowed by the underlying zoning of the affected municipality			P	P
Agriculture, including essential non-residential facilities		P		
Airports & related facilities	P			
Amphitheaters		X		
Campgrounds		X		
Churches		X		
Commercial Uses (as specified in the Commercial Use Category, Use Table, Section 18.33)		C		
Floriculture, horticulture, silvaculture, orchards, hatcheries, game farms, wildlife sanctuaries and game preserves, except aviaries		P		
Governmental Uses		C		
Hospitals		X		
Industrial & Production Uses (as specified in the Industrial & Production Use Category, Use Table, Section 18.33)		C		
Light recreational (non-spectator)		P		
Mining & Excavation		P		
Open Space		P		
Parking Lots & Parking Facilities		P		
Places of public or semi-public assembly		X		
Residential uses		X		
Schools		X		
Stadiums		X		
Theaters		X		
Transportation routes including roads and rail lines		P		

B. Conditional Uses – Zone 1. In Zone 1, conditional uses and structures must meet the following requirements:

1. The structures shall meet the official airport height limitation zone map.
2. All structures shall be sound proofed consistent with the requirements of Chapter 18.189 E.
3. No residential uses are allowed.
4. The proposed use meets the underlying municipal zoning requirements.
5. An avigation easement shall be filed and recorded with the respective county register of deeds office.

e. Prohibited Uses.

1. Prohibited Uses – Zones A, 1, 2, and 3. Notwithstanding any other provisions of this section, uses that create one or more of the impacts listed below are prohibited in all zones.

a. Use that create electrical or electronic interference with navigational signals or radio or radar communication between the airport and aircraft; or

b. Uses with flashing or illuminated advertising or business signs, billboards, or other types of illuminated structures that create confusion in identifying airport lights; or

c. Uses that result in glare in the eyes of pilots using the airport, thereby impairing visibility in the vicinity of the airport or endangering the landing, taking off, or maneuvering of aircraft; or

d. Uses that emit or discharge smoke that interferes with the health and safety of pilots and the public in the use of the airport; or

e. Uses that would otherwise be detrimental or injurious to the health, safety, and general welfare of the public in the use of the airport.

2. Prohibited Uses – Zone 1. The following additional uses and structures are prohibited within Zone 1:

a. Any construction that would encourage the concentration of bird (avian) populations.

b. Any use or structure that may be susceptible to being adversely affected by loud and extensive noise or would interfere in the use or operation of the airport. (Ord. 167-3, Sec. 1, 2023)

18.180.080 Zone A - Airport District.

A Purpose. The purpose of Zone A – Airport District is to:

1. implement the recommendations of the airport master plan,
2. protect the approaches of the airport from incompatible land uses,
3. preserve the airport's ability to serve its present and future air transportation needs, and
4. protect the safety of people and structures located within the zone.

B. Location. Zone A includes all county land owned for airport purposes and encompasses areas that:

1. are located within the crash hazard area of the airport,
2. are located within the approach and departure areas of aircraft, and/or
3. may be exposed to excessive noise due to the operation of aircraft.

C. Permitted Uses and Structures. See 18.180.070, Permitted, Conditional, and Prohibited Uses.

D. Dimensional Standards.

Height (max)	See the Eau Claire County Airport Height Limitation Zone Map
Setbacks (min)	The greater of: 30 ft, or Federal Aviation Administration design standards

Notes: "min" = minimum required | "max" = maximum allowed | "ft" = feet

f. Expansion, Alteration, or Enlargement of Buildings, Structures, or Properties.

1. Any expansion, alteration, or enlargement of any building, structure, or property within this zone must be consistent with the airport master plan, as amended, and approved by the department.

2. Such expansions, alterations or enlargements are not subject to zoning regulations of the underlying municipality except for building requirements.

3. Any expansion or enlargement must be in conformity with the regulations of and, where applicable, have approval of the Federal Aviation Administration and Wisconsin Department of Transportation, Bureau of Aeronautics. (Ord. 167-3, Sec. 1, 2023)

18.180.090 Zone 1 - Runway Approach & Departure District.

A. Purpose. The purpose of Zone 1 – Runway Approach & Departure District is to: establish requirements for areas that are located within the aircraft hazard area, and protect the safety of people and structures located within the zone.

B. Location. Zone 1 includes areas that are located within the aircraft hazard area as shown on the map dated April 3, 2002, entitled Airport Zoning District Map on file in the office of the department.

C. Notice of Airport Impacts. Persons constructing or purchasing any structure or land within Zone 1 are advised that such dwelling, structure or land is situated in the flight approach/departure area of an airport. The airport by its operation may cause noise or damage to dwellings or structures or may impact adversely on the health of animals. Eau Claire County, its officers, agents or employees, will not be responsible for noise or damage of any description whatsoever as a result of aircraft operations.

D. Permitted Uses and Structures. See 18.180.070, Permitted, Conditional, and Prohibited Uses.

E. Construction Requirements.

1. All enclosed office, sales and work areas that will be subject to a minimum of four hours of continuous human occupancy per working day shall utilize construction techniques that provide a minimum of 10 decibels outdoor to indoor noise level reduction over industry standards for similar structures.

2. A copy of the proposed techniques shall be submitted to the department.

F. Dimensional Standards.

Height (max)	See the Eau Claire County Airport Height Limitation Zone Map
Lot Area (min):	
Agricultural Uses	35 ac
Commercial & Industrial Uses	5 ac
All Other Permitted & Conditional Uses	1.5 ac
Legally Created Lots in Existence on April 3, 2002	Shall be considered a lot of record and shall be considered legally buildable even though the lot may not meet the minimum lot area requirements, provided that the lot is in separate ownership from abutting land, and further provided that the lot is a conditional use as provided in 18.180.070-1.
Setbacks (min)	As specified by the underlying municipal zoning
Lot Coverage (max)	The lesser of: 50%, or as specified by the underlying municipal zoning

Notes: “min" = minimum required | “max” = maximum allowed | "ac" = gross acres | “ft” = feet(Ord. 167-3, Sec. 1, 2023)

18.180.100 Zone 2 - Noise Control / Overflight District.

A. Purpose. The purpose of Zone 2 is to minimize the conflict between allowed uses and the noise generated in this zone.

B. Location. Zone 2 includes areas that are within 1,000 feet of the edges of the runways and extending from the end of each runway or within the over-flight area all as shown on the map dated April 3, 2002, entitled “Airport Zoning District Map,” on file in the office of the department.

C. Permitted Uses. See 18.180.070, Permitted, Conditional, and Prohibited Uses. Construction Requirements.

1. Construction techniques for residential, commercial, and industrial structures shall be submitted to the department which provide a minimum of 10 decibels outdoor to indoor noise level reduction over industry standards for similar structures.

2. Installation of air conditioning shall meet the 10-decibel reduction requirement of the ordinance.

3. An avigation easement shall be filed on all new construction and alterations to existing structures and shall be recorded with the respective county register of deeds office.

D. Dimensional Standards.

Height (max)	See the Eau Claire County Airport Height Limitation Zone Map
Lot Area (min)	As specified by the underlying municipal zoning; If not specified, 1.5 ac
Setbacks (min)	As specified by the underlying municipal zoning
Lot Coverage (max)	The lesser of: 50%, or as specified by the underlying municipal zoning

Notes: “min" = minimum required | “max” = maximum allowed | "ac" = gross acres | “ft” = feet(Ord. 167-3, Sec. 1, 2023)

18.180.110 Zone 3 - Height Limitation District.

A. Purpose. The purpose of this district is to protect the approaches to the airport from incompatible land uses by establishing height limitations for structures and objects of natural growth.

B. Location. Zone 3 includes areas within 3 statute miles of the airport boundaries as shown on the map dated July 17, 2007, entitled “Eau Claire County Airport Height Limitation Zone Map,” and on file in the office of the department.

C. Exemptions. The provisions of this section shall not apply to structures that are less than 35 feet above ground level and located in Zone 3.

D. Permitted Uses. See 18.180.070, Permitted, Conditional, and Prohibited Uses.

E. Construction Requirements. Construction plans for residential, commercial, and industrial structures that are not exempt from this section shall be submitted to the department for review and permitting.

1. A permit is not required for a temporary structure placed for a one-time period less than 24 consecutive hours below the height limitation zone map when Chippewa Valley Airport issues a Notice to Airmen.

2. A permit will not be issued if Federal Aviation Administration Form 7460-1 is completed and Federal Aviation Administration finding of a hazard is determined.

3. Any requests for placement of a structure beyond 24 consecutive hours, requires review by the department.

F. Dimensional Requirements.

Height (max)	See the Eau Claire County Airport Height Limitation Zone Map
Lot Area (min)	As specified by the underlying municipal zoning
Setbacks (min)	As specified by the underlying municipal zoning

Notes: “min" = minimum required | “max” = maximum allowed. (Ord. 167-3, Sec. 1, 2023)

18.180.120 Site plan procedure.

A. Approval Authority.

1. All applications for land use permits for construction, reconstruction, expansion or conversion of use shall be accompanied by a site plan to be reviewed and approved by the Eau Claire County Committee on Planning and Development or to a joint review committee created through a cooperative agreement between the city of Eau Claire, Chippewa County, and Eau Claire County.

2. If such a joint review committee is not in existence at the time a site plan is submitted to the department, the committee on planning and development shall retain final site plan approval authority.

B. Site Plan Review Procedure.

1. Staff Review. The department shall:

a. Review the site plan and the accompanying material for conformance to this title and shall coordinate additional review as may be appropriate.

b. Send a copy of the site plan and the accompanying material to the City of Eau Claire Planning and Development staff for their input.

c. Prepare a report and recommendation to the committee for its consideration.

2. Committee on Planning & Development Review.

a. Prior to approval of any application, the committee shall hold a public hearing which shall be preceded by a Class I legal notice as well as individual notices sent to all property owners within 100 feet of the property. Failure of property owners to receive the notice or attend a hearing shall not invalidate the proceedings.

b. Acting upon an application, the committee shall consider the proposed site plan in relation to the staff report and the review criteria in paragraph E. below.

c. Within 30 days of the public hearing, the committee shall act on the application for site plan approval by approving the site plan with or without conditions, denying it, or deferring it for further study.

d. If denied, the reasons therefore shall be stated in the minutes of the meeting and the applicant shall be notified in writing.

C. Changes to Approved Site Plans.

1. An applicant who wishes to change an approved site plan must contact the department. If the proposed changes result in a revised site plan substantially similar to the approved plan, the department may approve the site plan changes.

2. If the proposed changes are not substantially similar to the approved plan, such changes shall require the approval of the committee and following the procedure as set forth in this section.

D. Site Plan Components. The site plan shall be drawn to scale and show, at a minimum:

1. the lot dimensions,
2. the location of existing and proposed structures and other on-dash site improvements,
3. parking and access,
4. sanitary system, and
5. any other information deemed necessary by the department.

E. Site Plan Approval Criteria.

1. When acting upon an application, the committee shall rely upon generally accepted site planning and design principles.

2. In addition to the provisions of this title, the airport master plan and such policies as may be adopted by the committee, the committee shall also give important consideration during the review process to the following criteria for approval:

a. The existing natural topographic and landscape features of a site shall be incorporated into a development plan. Such plan shall include all prudent and necessary steps required to protect the natural environment of the site and surrounding areas during and after construction.

b. Site coverage, paved areas, lawn areas, building scale, setbacks, and open spaces shall be in proportion with existing and planned structures and spaces in the surrounding area.

c. Buildings shall be sited in an orderly, non-random fashion. Excessively long, unbroken building facades shall be avoided. Building materials and design features shall be consistent with the general design theme of the development.

d. All areas not otherwise occupied by structures or paved areas shall be landscaped as per provisions of the City of Eau Claire landscape manual, which is adopted by reference herein. Landscape plans for developments with ground floor areas in excess of 10,000 square feet shall be prepared by a professional landscape architect or an experienced landscaper.

e. Access to the site shall be provided by curb cuts, which are limited and located in a manner to minimize traffic congestion and difficult turning movements.

f. The interior circulation of the site shall be designed to provide for the convenient and safe flow of pedestrians and non-pedestrian traffic on the site and onto and from public streets or sidewalks.

g. Sites shall be lighted with fixtures, when required, which relate to the scale and design of the development and which have an intensity high enough to maintain security and low enough to avoid being a nuisance.

h. Paved areas shall be only as large as necessary to serve parking, circulation, and open space needs. The appearance of paved areas shall be enhanced by landscaping. Monotonous, extended, or unbroken parking areas, driveways, and carport or garage structures shall be avoided.

i. Outdoor activity areas, parking lots, storage yards, trash areas and other exterior features or uses shall be adequately landscaped or screened to minimize any potential nuisance features of the use of the site on existing or potential adjacent land uses.

j. Recyclable materials storage areas will be provided for any use, which generates significant amounts of recyclable materials and such area will be appropriately screened.

3. Any person aggrieved by a decision of the committee under the provisions of this section may only appeal to circuit court. (Ord. 167-3, Sec. 1, 2023)

18.180.130 Nonconforming use.

A. Nothing contained herein shall require any change in the construction or alteration of any structure, if the construction or alteration of such was begun prior to the effective date of this subtitle, if such is diligently pursued, on a lot existing as of April 3, 2002.

B. The owner of any nonconforming use, building, structure, or tree which, as a result of fire, explosion or other casualty is destroyed, shall be allowed to rebuild, reconstruct, or rehabilitate the same nonconforming use of the same parcel, provided the following requirements are met:

1. The nonconforming use complies with the height limitation imposed by this section and a statement showing such compliance is signed by the department prior to any rebuilding, reconstructing or rehabilitation.

2. The nonconforming use that is rebuilt, reconstructed, or rehabilitated shall comply with construction techniques that provide a minimum of 10 decibels of outdoor to indoor noise reduction over industry standards for similar structures.

3. The nonconforming use shall not be rebuilt, reconstructed, or rehabilitated unless it conforms to the size, location, and use which existed immediately prior to its destruction or damage.

C. Expansion of Nonconforming Uses. Any principal nonconforming uses, as described in this subtitle, may be expanded, altered, or otherwise enlarged as long as the following requirements are met:

1. The expansion, alteration or enlargement meets the requirements of height limitation zoning and a statement showing such compliance is signed by the department prior to the expansion, alteration, or enlargement.

2. The expansion, alteration or enlargement in no way increases or creates any hazard within the airspace required for the flight of aircraft in landing or takeoff or creates or increases any potential hazard to persons assembled within the nonconforming use.

3. The addition or alteration shall not exceed 25% of the gross floor area of the structure.

4. An aviation easement shall be filed and recorded with the respective county register of deeds office.

D. Nothing in this section shall interfere with or prevent the removal of nonconforming uses by purchase or the use of eminent domain. (Ord. 167-3, Sec. 1, 2023)

18.180.140 Appeals & variances.

A. Applications for variances shall be made to the department upon a form furnished by the department. Applications shall be forwarded to the board of land use appeals for consideration pursuant to Chapter 18.108.

B. Any person aggrieved by any decision made in the administration of this section except for 18.180.120 may apply to the board of land use appeals to reverse wholly or partly, or modify or otherwise change, abrogate, or rescind any such decision. Such appeals shall be handled in accordance with Chapter 18.108. (Ord. 167-3, Sec. 1, 2023)

18.180.150 Administration & fees.

A. Regardless of the governmental jurisdiction in which this section is in effect, administration of the subtitle shall be the responsibility of Eau Claire County, unless otherwise specified.

B. The administration of this subtitle requires the approval of the department. The department shall either approve or disapprove the proposed development based upon land use recommendations contained within the Airport Master Plan, and the provisions, standards and requirements contained in this subtitle, within 14 working days.

C. If the proposed development is approved by the department and meets the building requirements of the affected municipality, a building permit may be issued by the municipality.

D. In any airport zone, whenever a use is neither specifically permitted or denied, the use shall be considered to be prohibited. In such a case, the committee, on its own initiative or upon the request of a specific property owner, may conduct a study to determine which zone, if any, is most appropriate for the use contemplated and which, if any, performance standards are appropriate to govern said use.

E. Conditional uses shall be reviewed by the committee on planning and development pursuant to Chapter 18.103.

F. Application and permit fees are specified in Chapter 4.35. (Ord. 167-3, Sec. 1, 2023)

18.180.160 Conflict.

The provisions of this subtitle shall prevail over the zoning districts and regulations of the Cities of Altoona, Chippewa Falls, and Eau Claire; the Village of Lake Hallie; Chippewa and Eau Claire Counties; and the Towns of Hallie, Seymour, Union, and Wheaton.

A. However, the provisions of this subtitle shall be considered minimum requirements.

B. In Zones 1, 2, and 3 where a conflict exists between any of these zoning regulations and any other regulations or ordinances applicable to the same site, whether the conflict be with respect to the height of structures, or growths, the use of land, or any other matter, the more stringent regulations or ordinances shall govern and prevail.

C. Regulations contained herein pertaining to Zone A shall supersede and control over any local regulation to the contrary. (Ord. 167-3, Sec. 1, 2023)

18.180.170 Penalties.

A. In case of any violation, the department may institute appropriate legal action or proceedings to enjoin a violation of this subtitle.

B. Each violation of these regulations or of any regulation, order, or ruling promulgated hereunder shall constitute an airport hazard and such hazard shall be removed by proper legal proceedings. Each day a violation continues to exist shall constitute a separate offense.

C. In addition, Eau Claire County may institute in the Circuit Court of Eau Claire County or the Circuit Court of any county in which the airport hazard is wholly or partially located an action to prevent and restrain, correct or abate, any violation of these zoning regulations, or of any regulation, order or ruling made in connection with their administration or enforcement, and the court shall adjudge such relief by way of injunction (which may be mandatory) or otherwise, as may be proper under all the facts and circumstances of the case, in order fully to effectuate the purposes of these zoning regulations as adopted and orders and rulings made pursuant thereto.

D. Any person, firm, or corporation found guilty of violating any provision(s) of this subtitle shall, upon conviction thereof, forfeit not less than $100.00 nor more than $500.00 for each such offense, together with the costs of prosecution and, upon failure to pay said forfeiture, shall be confined in the county jail for not more than 30 days. (Ord. 167-3, Sec. 1, 2023)

18.180.180 Severability. If any of the provisions of these zoning regulations or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of these zoning regulations which can be given effect without the invalid provision of the application, and to this end, the provisions of these regulations are declared to be severable. (Ord. 167-3, Sec. 1, 2023)

Chapter 18.200

FLOODPLAIN OVERLAY (F-O)

Sections:

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18.200.250	Severability.
18.200.260	Definitions.
18.200.270	Appendix A: Floodplain Study.

18.200.010 Title. This subtitle shall be known as the Floodplain Zoning Ordinance for Eau Claire County, Wisconsin. (Ord. 167-3, Sec. 1, 2023)

18.200.020 Authority. This subtitle is adopted pursuant to the authorization in Wis. Stats. §§ 59.69, 59.692, and 59.694 for counties; and the requirements in Wis. Stat. § 87.30. (Ord. 167-3, Sec. 1, 2023)

18.200.030 Purpose & finding of fact.

A. Statement of Purpose. This subtitle is intended to regulate floodplain development to:

1. Protect life, health, and property;
2. Minimize expenditures of public funds for flood control projects;
3. Minimize rescue and relief efforts undertaken at the expense of the taxpayers;
4. Minimize business interruptions and other economic disruptions;
5. Minimize damage to public facilities in the floodplain;
6. Minimize the occurrence of future flood blight areas in the floodplain;
7. Discourage the victimization of unwary land and homebuyers;
8. Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and
9. Discourage development in a floodplain if there is any practicable alternative to locate the activity, use, or structure outside of the floodplain.

B. Finding of Fact. Uncontrolled development and use of the floodplains and rivers of Eau Claire County would impair the public health, safety, convenience, general welfare, and tax base. (Ord. 167-3, Sec. 1, 2023)

18.200.040 Applicability.

A. Areas to be Regulated. This ordinance regulates all areas of special flood hazard identified as zones A, AO, AH, A1-30, or AE on the Flood Insurance Rate Map. Additional areas identified on maps approved by the Department of Natural Resources (DNR) and local community may also be regulated under the provisions of this ordinance, where applicable.

B. Municipalities and State Agencies Regulated. Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if Wis. Stat. § 13.48(13) applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when Wis. Stat. § 30.2022 applies. Although exempt from a local zoning permit and permit fees, DOT must provide sufficient project documentation and analysis to ensure that the community is in compliance with Federal, State, and local floodplain standards. If a local transportation project is located within a Zone A floodplain and is not a WisDOT project under Wis Stats. 30.2022, then the road project design documents (including appropriate detailed plans and profiles) may be sufficient to meet the requirements for issuance of a local floodplain permit if the following apply: The applicant provides documentation to the Floodplain Administrator that the proposed project is a culvert replacement or bridge replacement under 20’ span at the same location, the project is exempt from a DNR permit under Wis. Stats. 30.123(6)(d), the capacity is not decreased, the top road grade is not raised, and no floodway data is available from a federal, state, or other source. If floodway data is available in the impacted area from a federal, state, or other source that existing data must be utilized by the applicant in the analysis of the project site.

C. Annexed Areas for Cities and Villages. The Eau Claire County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of Wis. Admin. Code ch. NR 116 and 44 CFR 59-72, the National Flood Insurance Program (NFIP). These annexed lands are described on the municipality's official zoning map. All plats or maps of annexation shall show the regional flood elevation and the location of the floodway. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal zoning administrator. All plats or maps of annexation shall show the regional flood elevation and the floodway location.

D. Abrogation and Greater Restrictions.

1. This ordinance supersedes all the provisions of any municipal zoning ordinance enacted under Wis. Stats. §§ 59.69, 59.692, or 59.694; or Wis. Stat. § 87.30, which relate to floodplains. A more restrictive ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

2. This ordinance is not intended to repeal, abrogate, or impair any existing deed restrictions, covenants, or easements. If this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

E. Compliance.

1. No structure or use within areas regulated by this ordinance shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged, or altered without full compliance with the terms of these regulations and all other applicable regulations that apply to uses within the jurisdiction of these regulations.

2. Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with 18.200.240

3. Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications, or amendments thereto if approved by the Floodplain Administrator. Use, arrangement, or construction contractor to that authorized shall be deemed a violation of these regulations and punishable in accordance with 18.200.240. (Ord. 167-3, Sec. 1, 2023)

18.200.050 Official maps & revisions.

A. Special Flood Hazard Areas (SFHA) are designated as zones A, A1-30, AE, AH, or AO on the Flood Insurance Rate Maps (FIRMs) based on flood hazard analyses summarized in the Flood Insurance Study (FIS) listed in subd. (a) below. Additional flood hazard areas subject to regulation under this ordinance are identified on maps based on studies approved by the DNR and listed in subd. (B.) and (C.) below. These maps and revisions are on file in the office of the Land Use Manager, Eau Claire County Planning and Development.

B. Flood insurance rate map (FIRM), panel numbers 55035C0007E, 55035C0009E, 55035C0032E, 55035C0033E, 55035C0034E, 55035C0037E, 55035C0039E, 55035C0041E, 55035C0042E, 55035C0051E, 55035C0053E, 55035C0054E, 55035C0058E, 55035C0059E, 55035C0061E, 55035C0066E, 55035C0067E, 55035C0070E, 55035C0100E, 55035C0120E, 55035C0125E, 55035C0140E, 55035C0150E, 55035C0175E, 55035C0182E, 55035C0195E, 55035C0225E, 55035C0250E, 55035C0300E, 55035C0325E, 55035C0350E, 55035C0357E, 55035C0400E, 55035C0425E, 55035C0450E, 55035C0475E, 55035C0500E and 55035C0525E, dated February 18, 2009; with corresponding profiles that are based on the Flood Insurance Study (FIS) for Eau Claire County and Incorporated Areas (Volume 55035CV000B) dated April 16, 2014.

C. Flood insurance rate map (FIRM), panels numbers 55035C0019F, 55035C0027F, 55035C0029F, 55035C0031F, 55035C0038F, 55035C0043F, 55035C0044F, 55035C0062F, 55035C0063F, 55035C0064F, 55035C0184F, 55035C0205F, 55035C0210F, 55035C0215F, 55035C0220F, 55035C0227F, 55035C0228F, 55035C0229F, 55035C0235F, 55035C0236F, 55035C0237F, 55035C0240F, 55035C0245F, 55035C0255F, 55035C0265F, and 55035C0275F, dated April 16, 2014; with corresponding profiles that are based on the Flood Insurance Study (FIS) for Eau Claire County dated April 16, 2014, Volume 55035CV000B.
Approved by: The DNR and FEMA

D. Based on other studies. Any maps referenced in this section must be approved by the DNR and be more restrictive than those based on the FIS at the site of the proposed development:

1. Eau Claire River Dam Failure analysis approved by the Department of Natural Resources on June 12, 1998, including (see Appendix A for illustrations):
   a. Maps dated December 1997 and titled Hydraulic Shadow Map.
   b. Floodway data table titled Flood Crest Summary and Hydraulic Shadow Floodway Data.
   c. Floodway profiles dated December 1997 and titled Dam Break Flood Profiles
2. Vogler Flour Mill Dam Failure analysis approved by the Department of Natural Resources on September 24, 2012, including (see Appendix A for illustrations):
   a. Maps dated January 31, 2012 and titled Vogler Flour Mill Dam Village of Fall Creek, Wisconsin Inundation Map Dam In Place with Failure and Vogler Flour Mill Dam Village of Fall Creek, Wisconsin Inundation Map No Dam and Dam In Place with No Failure.
   b. Floodway data table and titled Flood Crest Summary, Hydraulic Shadow Floodway Data, and Stream Crossing Summary.
   c. Floodway profiles dated January 31, 2012 and titled Vogler Flour Mill Dam.
3. Eau Claire County Flood Storage District Panel 1, effective April 16, 2014.
4. Johnson Dam Failure analysis approved by the Department of Natural Resources on March 12, 2014, including (see Appendix A for illustrations):
   a. Map dated February 7, 2014 and titled Cross-Section Location Map Johnson Dam (WDNR # 907) Eau Claire County, Wisconsin and Map dated May 6, 2014 and titled Hydraulic Shadow Johnson Dam (WDNR # 907) Eau Claire County, Wisconsin.
   b. Floodway data table and titled Summary Floodway Data Table.
5. Dells Lake Dam Failure analysis approved by the Department of Natural Resources on December 6, 2016, including (see Appendix A for illustrations):
   a. Maps dated October 28, 2016 and titled Hydraulic Shadow, Dells Mill Pond Dam Failure Analysis, Eau Claire County, WI.
   b. Floodway data table and titled Hydraulic Shadow Floodway Data
   c. Floodway profiles dated October 28, 2016 and titled Hydraulic Shadow Profile.
6. Letter of Map Revision Case No. 16-05-4739X, October 26, 2016.
7. Lake Altoona Dam Failure analysis approved by the Department of Natural Resources on June 12, 1998, including (see Appendix A for illustrations):
   a. Maps dated January 1998 and titled Eau Claire River, Lake Altoona Dam, Eau Claire County, Wisconsin.

b. Floodway data table and titled Hydraulic Shadow Floodway Data

c. Floodway profiles dated January 1998 and titled Eau Claire River, Lake Altoona Dam, Eau Claire County, Wisconsin. (Ord. 167-3, Sec. 1, 2023)

18.200.060 Locating floodplain boundaries. Discrepancies between the exterior boundaries of zones A1-30, AE, AH, or A on the official floodplain zoning map and actual field conditions may be resolved using the criteria in subd. (a) or (b) below. If a significant difference exists, the map shall be amended according to 18.200.180. The zoning administrator can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The zoning administrator shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined. Disputes between the zoning administrator and an applicant over the district boundary line shall be settled according to 18.200.170 D.3.and the criteria in A. and B. below. Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must approve any map amendment or revision pursuant to 18.200.180.

A. If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or BFE shall govern if there are any discrepancies.

B. Where flood profiles do not exist for projects, including any boundary of zone A or AO, the location of the boundary shall be determined by the map scale. (Ord. 167-3, Sec. 1, 2023)

18.200.070 Removal of lands from floodplain. Compliance with the provisions of this subtitle shall not be grounds for removing land from the floodplain unless:

A. Compliance with the provisions of this ordinance shall not be grounds for removing land from the floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to 18.200.180.

B. The delineation of any of the Floodplain Districts may be revised by the community where natural or man-made changes have occurred and/or where more detailed studies have been conducted. However, prior to any such change, approval must be obtained from the Wisconsin Department of Natural Resources and Federal Emergency Management Agency. A completed Letter of Map Revision is a record of this approval. The floodplain administrator shall not sign a community acknowledgement form unless all criteria set forth in the following paragraphs are met:

1. The land and/or land around the structure must be filled at least two feet above the regional or base flood elevation;

2. The fill must be contiguous to land outside the floodplain; Applicant shall obtain floodplain development permit before applying for a LOMR or LOMR-F;

C. Removal of lands from the floodplain may also occur by operation of Wis. Stat. §87.30(1)(e) if a property owner has obtained a letter of map amendment from the federal emergency management agency under 44 C.F.R. 70. (Ord. 167-3, Sec. 1, 2023)

18.200.080 Establishment of Floodplain Zoning Districts. The flood hazard areas regulated by this ordinance are divided into districts as follows:

A. The Floodway District (FW) is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters, within AE Zones as shown on the FIRM, or within A Zones shown on the FIRM when determined according to 18.200.130. (Ord. 167-3, Sec. 1, 2023)

B. The Floodfringe District (FF) is that portion of a riverine special flood hazard area outside the floodway within AE Zones on the FIRM, or, when floodway limits have been determined according to Chapter on 18.213, within A Zones shown on the FIRM.

C. The General Floodplain District (GFP) is those riverine areas that may be covered by floodwater during the regional flood in which a floodway boundary has not been delineated on the FIRM and also includes shallow flooding areas identified as AH and AO zones on the FIRM.

D. The Flood Storage District (FSD) is that area of the floodplain where storage of floodwaters is calculated to reduce the regional flood discharge. (Ord. 167-3, Sec. 1, 2023)

18.200.090 General standards applicable to all Floodplain Districts.

A. The community shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding and assure that all necessary permits have been received from those governmental agencies whose approval is required by federal or state law.

1. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall:

a. be designed and anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

b. be constructed with flood-resistant materials;

c. be constructed by methods and practices that minimize flood damages; and

d. Mechanical and utility equipment must be elevated to or above the flood protection elevation.

2. If a subdivision or other proposed new development is in a flood-prone area, the community shall assure that:

a. such proposed subdivision or other proposed new development is consistent with the need to minimize flood damage within the flood-prone area;

b. public utilities and facilities such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and

c. adequate drainage is provided to reduce exposure to flood hazards.

B. Subdivisions shall be reviewed for compliance with the standards in par. A, above.

1. Any proposed subdivision, plat, certified survey map or manufactured home community featuring a buildable lot as defined in this section shall include regional flood elevation and floodway data.

2. Adequate drainage shall be provided to reduce exposure to flood hazards and all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damages.

C. Hydraulic and Hydrologic Analyses.

1. No floodplain development shall:

a. Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, causing any increase in the regional flood height; or

b. Cause any increase in the regional flood height due to floodplain storage area lost.

2. The Zoning Administrator shall deny permits if it is determined the proposed development will obstruct flow or cause any increase in the regional flood height, based on the officially adopted FIRM or other adopted map, unless the provisions of 18.200.180 are met.

D. Watercourse Alterations.

a. No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the department has notified in writing all adjacent municipalities, the DNR and FEMA regional offices, and required the applicant to secure all necessary state and federal permits.

b. The standards of 18.200.090 C. must be met and the flood carrying capacity of any altered or relocated watercourse shall be maintained.

c. As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation and pursuant to 18.200.180, Amendment Procedures, the department shall apply for a Letter of Map Revision (LOMR) from FEMA. Any such alterations must be reviewed and approved by FEMA and the DNR through the LOMC process.

E. Wis. Stat. §§ chs. 30, 31. Development. Development which requires a permit from the DNR, under Wis. Stats. §§ chs. 30 and 31, such as docks, piers, wharves, bridges, culverts, dams, and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodplain zoning ordinance are made according to 18.200.180.

F. Public or Private Campgrounds. Public or private campgrounds shall have a low flood damage potential and shall meet the following provisions:

1. The campground is approved by the Eau Claire City-County Health Department;

2. A land use permit for the campground is issued by the Zoning Administrator;

3. The character of the river system and the campground elevation are such that a 72-hour warning of an impending flood can be given to all campground occupants;

4. There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the municipal emergency government coordinator, and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation;

5. This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated - by the officials identified in sub. (4) - to remain in compliance with all applicable regulations, including those of the state Department of Health Services and all other applicable regulations;

6. All mobile recreational vehicles placed on the site must meet one of the following:

i. Only camping units that are fully licensed, if required, and ready for highway use are allowed; or

ii. The camping units shall not occupy any site in the campground for more than 180 consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of 24 hours;

iii. A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.

7. All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed 180 days and shall ensure compliance with all the provisions of this section;

8. The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section;

9. All camping units that remain in place for more than 180 consecutive days must meet the applicable requirements in either 18.200.110, 18.20.120, 18.20.130 or 18.200.140 for the floodplain district in which the structure is located;

10. All camping units that remain in place for more than 180 consecutive days must meet the applicable requirements in 18.200.100, 18.20.120, 18.20.130 or 18.200.140 for the floodplain district in which the structure is located;

11. The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued; and

12. All service facilities, including but not limited to refuse collection, electrical service, gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation.

13. Standards for structures in a campground:

a. All structures must comply with section 18.200.090 F. or meet the applicable requirements in sections, 18.200.110, 18.200.120, 18.200.130 for the floodplain district in which the structure is located.

b. Deck/landing-a portable landing may be allowed for a camping unit for each entry provided that the landing is not permanently attached to the ground or camping unit, is no more than 200 square feet in size, shall be portable, contain no walls or roof, and can be removed from the campground by a truck and/or trailer. Sections of such portable landings may be placed together to form a single deck not greater than 200 square feet at one entry point. Provisions for the removal of these temporary landings during flood events must be addressed within the written agreement with the municipality compliant with section 18.200.090 F. (4). Any such deck/landing structure may be constructed at elevations lower than the flood protection elevation but must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.

c. Decks/patios that are constructed completely at grade may be allowed but must also comply with applicable shoreland zoning standards.

d. Camping equipment and appurtenant equipment in the campground may be allowed provided that the equipment is not permanently attached to the ground or camping unit, is not used as a habitable structure, and must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood. Provisions for the removal of this equipment during flooding events shall be addressed within the written agreement with the municipality compliant with section 18.200.090 F. (4).

e. Once a flood warning in the written agreement has been issued for the campground, the campground owner or the designated operator shall ensure that all persons, camping units, decks, camping equipment and appurtenant equipment in the campground shall be evacuated within the timelines specified within the written agreement with the municipality compliant with section 18.200.090 F. (4).

14. A land use permit shall be obtained as provided under 18.200.170 B. (2) before any development; repair, modification, or addition to an existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated. (Ord. 167-3, Sec. 1, 2023)

18.200.100 Flooded agriculture - cranberry farms (FA-C).

A. Statement of Purpose.

1. The Federal government created the National Flood Insurance Program (NFIP) to establish flood risk zones and to provide flood insurance to property owners in communities that adopt and enforce floodplain regulations in accordance with regulatory floodplain maps approved by the Federal Emergency Management Agency (FEMA). In recognition of the NFIP's requirements, this section shall apply to flooded agriculture–cranberry farms (FA-C).

2. Cranberry farming uses extensive water management systems that are often located in areas designated as a Special Flood Hazard Area (SFHA).

3. Within the SFHA, this section establishes the minimum floodplain regulations, which apply to maintenance and FA-C development activities and it preserves the orderly and efficient use of land for agricultural purposes. The provisions of this section are limited to floodplain management requirements. This section is designed to clarify permit procedures for routine activities related to cranberry culture.

B. Applicability.

1. The ordinance provisions for this district shall apply to all flooded agriculture-cranberry farms (FA-C) in the SFHA as identified on the effective Flood Insurance Rate Map (FIRM) or Flood Hazard Boundary Map (FHBM) for the community. The intent of this district is to provide a consistent regulatory framework for both maintenance and development activities, which are required for the efficient management of a cranberry farming operation.

2. These provisions describe the activities associated with FA-C, the potential for each activity to impact the Base Flood Elevation (BFE) or floodway and the requirements for each activity. This section does not apply to the construction, maintenance, repair, or modification of any building in this district. Buildings and all other development activities not associated with cranberry farming are regulated by other sections of this floodplain zoning ordinance.

C. Permitted Use. Any use or development activity, which occurs in a FA-C must meet the requirements in this section.

D. Definitions. In this section:

1. "Department" means the Wisconsin Department of Natural Resources.

2. "Existing cranberry farm" means the area of active cranberry farming as established pursuant to 18.200.100 E.

3. "FA-C" means the portions of the existing cranberry farm as defined in Section 18.200.100 E. and that are subject to the SFHA regulations.

4. "FA-C development activities" are development activities listed in Section 18.200.100 F. FA-C development activities do not include maintenance activities and do not include the construction, maintenance, repair, or modification of any building.

5. "Permit required" means that a FA-C Permit is required.

6. "Perimeter dike" means the dike or system of dikes that are closest to the boundary line of the existing cranberry farm, usually the outermost dike.

7. “Maintenance activities” are activities identified in 18.200.100 that take place within the boundary of an existing cranberry farm.

8. “Special Flood Hazard Area (SFHA)” means an area having special flood hazards and is shown on a Flood Hazard Boundary Map or a Flood Insurance Rate Map as an A, AE, AH, or AO zone.

E. Establishment of Existing Cranberry Farm. The construction or maintenance of a building is not covered by this section. (For construction or maintenance, please refer to 18.200.110, 18.200.120, and 18.200.130.

1. To establish the boundary of an “existing cranberry farm,” a person must file with the community a certified legal description of the farm boundary as it existed on February 18, 2009 or April 16, 2014. The area of existing use includes all farm production areas, all farm support land and all farm support areas including dikes, impoundments, water storage reservoirs, ditches, sand stockpiles, and roads. The area of established use does not include buildings.

2. Upon issuance of the FA-C permit, the FA-C development that is completed in accordance with the FA-C permit shall be established as an existing cranberry farm upon completion.

F. Requirements for New FA-C Development Activities in Flooded Agriculture - Cranberry Farms. (For construction or maintenance, please refer to 18.200.110, 18.200.120 and 18.200.130

1. A Zones: FA-C development activities in an A Zone may not cause a cumulative impact on the base flood elevation (BFE) of more than 1.0 (one) foot at any point on the waterway. If any project causes an increase in flooding elevations that would impact other properties, then the provisions of the community’s floodplain zoning standards apply. Increases equal to or greater than one foot would require submittal of the engineering study to FEMA for a Conditional Letter of Map Revision (CLOMR). It is the project sponsor’s responsibility to contract for and submit the engineering study to the community. All studies shall be reviewed and approved by the Department at the community’s request. It is the community’s responsibility to determine if the project meets the district criteria, determine if a permit is appropriate, and submit the CLOMR application to FEMA when necessary.

2. AE Zones: FA-C development activities in the designated floodway of an AE Zone must be analyzed using the current, effective hydraulic model to ensure that the project does not cause an increase to the BFE. If any project causes an increase in flooding elevations that would impact other properties, the provisions of Wis. Admin. Code § NR 116.11(3) apply. Any increase requires submittal of the engineering study to FEMA for a Conditional Letter of Map Revision (CLOMR). It is the project sponsor’s responsibility to contract for and submit the engineering study to the community. All studies shall be reviewed and approved by the Department at the community’s request. It is the community’s responsibility to determine if the project meets the district criteria, determine if a permit is appropriate, and submit the CLOMR application to FEMA when necessary.

a. All FA-C development activities require an FA-C permit in accordance with Chapter 18.210.

b. FA development activities include:

i. New Dikes and Impoundments. Construction of a dike or an impoundment outside the boundary of existing cranberry farm. Includes the use of heavy machinery.

ii. New Ditches. Construction of a new ditch outside the boundary of existing cranberry farm. Includes the use of heavy machinery to dig the ditch and the removal of plant and debris material.

iii. New Farm Roads. Construction of a farm road outside the boundary of existing cranberry farm. Includes the placement of materials as appropriate to build a road that is adequate for expected loads.

iv. New Reservoirs. Construction of a reservoir outside the boundary of existing cranberry farm. Includes the use of heavy machinery for excavation.

v. Sand Mining. Sand Mining outside the boundary of existing cranberry farm. Includes the extraction and stockpiling of sand using heavy equipment or hydraulic dredges.

vi. New Water Control Structures. Placement of a water control structure in a ditch or reservoir outside the boundary of existing cranberry farm. Includes the placement of a bulkhead or other water control structure in a dike to control water movement in ditches and reservoirs. Rip rap and other material may be used to prevent erosion and failure of the structure.

vii. New Bed Construction. Construction of a new cranberry bed outside of the boundary of an existing cranberry farm.

G. Maintenance Activities.

1. Maintenance activities conducted in accordance with 18.200.100 in the designated floodway of an A Zone or an AE Zone will not cause an increase in the BFE.

2. Maintenance activities do not require an FA-C permit.

H. Requirements for Maintenance Activities in Flooded Agriculture - Cranberry Farms.

1. Maintenance activities must take place within the boundary of an existing cranberry farm and below the top of the existing perimeter dike.

2. Maintenance of dikes or impoundments must be conducted such that the height of the existing dike or impoundment is maintained.

3. No spoil materials may be placed such that the height of the top of the perimeter dike on an existing cranberry farm is increased above the established height of the perimeter dike. If spoils materials are placed outside of the existing farm perimeter dike but within the existing farm boundary, then they must be placed outside of the SFHA, must meet the cumulative impact requirement for an A Zone or must be in the non-floodway portion of an AE Zone.

4. Maintenance activities include the following:

a. New Bed Drainage within Boundary of Existing Cranberry Farm. Includes installation of drain tiles to improve water management; creation of perimeter ditches around the bed area (inside the impoundments) to direct water on and off the bed; and/or installation of water control structures on ends of beds to allow for flooding and drainage.

b. Bed Drainage – Renovation within Boundary of Existing Cranberry Farm. Includes installation of drain tiles to improve water management; creation of perimeter ditches around the bed area (inside the impoundments) to direct water on and off the bed; and/or installation of water control structures on ends of beds to allow for flooding and drainage.

c. New Bed Leveling within Boundary of Existing Cranberry Farm. Cranberry beds are leveled using heavy equipment and a laser level. Sand is deposited onto the bed surface as needed to achieve a level surface with a slight crown in the center such that water drains to the edges of the bed. Beds are entirely surrounded by dikes.

d. Bed Leveling – Renovation within Boundary of Existing Cranberry Farm. Cranberry beds are leveled using heavy equipment and a laser level. Sand is deposited onto the bed surface as needed to achieve a level surface with a slight crown in the center such that water drains to the edges of the bed. Beds are entirely surrounded by dikes.

e. New Bed Planting within Boundary of Existing Cranberry Farm. Vines are planted into the bed surface using plugs, mechanical planting equipment and/or vines spread on the ground and pushed into the surface with a modified disc. Beds are entirely surrounded by dikes.

f. Bed Planting – Renovation within Boundary of Existing Cranberry Farm. Vines are planted into the bed surface using plugs, mechanical planting equipment and/or vines spread on the ground and pushed into the surface with a modified disc. Beds are entirely surrounded by dikes.

g. New Bed Removal of Materials or Scalping within Boundary of Existing Cranberry Farm. Existing plant material is removed. Plant material is loaded into trucks and removed.

h. Bed Removal of Materials or Scalping – Renovation within Boundary of Existing Cranberry Farm. Existing plant material is removed. Plant material is loaded into trucks and removed.

i. New Bed Sanding within Boundary of Existing Cranberry Farm. Sand is deposited onto the bed surface using heavy equipment to bring the planting surface to the desired level.

j. Bed Sanding – Renovation within Boundary of Existing Cranberry Farm. Sand is deposited onto the bed surface using heavy equipment to bring the planting surface to the desired level.

k. Dike – Seeding. Reservoirs and bed dikes are seeded to stabilize banks and prevent erosion. Most seeding is done with a hydro seeder after a suitable planting medium has been placed on the area to be seeded.

l. New Dike or Impoundment within Boundary of Existing Cranberry Farm. New construction of dikes and impoundments and placement of new water control structures within the established perimeter of an existing cranberry farm.

m. Dike or Impoundment – Repair / Maintenance of Existing Structures. Includes excavating adjacent to dikes to increase storage capacity and control of water flow, excavating sand from a reservoir to increase the water storage capacity, installation of splitter dikes to manage water flow and subdivide reservoirs, and replacement of existing water control structures.

n. Ditch – Cleaning and Maintenance of Existing Ditches. Drainage and irrigation ditches are cleaned using heavy equipment to remove plant material and debris. Spoils cannot be placed on the ditch side of any adjacent dike.

o. New Ditch within Boundary of Existing Cranberry Farm. New ditches are constructed using heavy machinery. Plant material and debris are removed.

p. Farm Road – Maintenance of Existing Roads. Farm roads are graded and repaired to maintain height, stability and width. Sand or gravel is placed in damaged areas. Culverts are replaced. Roads are mowed to prevent growth of brush or flowers that serve as competition for pollinators.

q. New Farm Road within Boundary of Existing Cranberry Farm. Farm roads are constructed using placement of materials as appropriate for the loads expected to be carried.

r. Harvest – Flood. Water is released from storage areas and gravity flowed or pumped into production (cranberry bed) areas. An initial "raking" flood of 6 to 12 inches is applied. After harvest machinery moves through the beds, the water level is increased above the vine canopy to allow the fruit to be corralled and removed.

s. Irrigation – Flood. Water is released from the reservoir or pumped onto the beds to provide a flood for insect control or protection during severe weather. Water is then returned to the reservoir or other water body.

t. Irrigation System Maintenance and Renovation. Periodic repair of cranberry bed sprinkler systems includes nozzle replacement; mainline replacement with aluminum or plastic materials; burial of laterals; upgrades to pumping systems and construction of pumping stations within the perimeter of the most-external impoundment of the farm.

u. Reservoir Maintenance and Construction of Reservoirs within the Boundary of Existing Cranberry Farm. Reservoirs are periodically excavated to alter or maintain depth levels. Heavy equipment is used for excavation.

I. FA-C Permits. A FA-C permit shall be obtained before any development in the FA-C may be initiated. Application to the zoning administrator shall include:

1. General Information.

a. Name and address of the applicant, property owner, and contractor;

b. Legal description of the proposed development area; and

c. Statement that the proposed use is cranberry farming.

2. Site Development Plan. A site plan drawn to scale shall be submitted with the permit application form and shall contain:

a. Location, dimensions, area and elevation of the proposed development area;

b. Location of the ordinary high-water mark of any abutting navigable waterways;

c. Location of any structures with distances measured from the lot lines and street center lines; and

d. Location of SFHA floodplain and floodway limits as determined from the official floodplain zoning maps.

3. A Zone Application. An application for FA-C development activity in an A zone shall include a certificate of no-rise, or a technical analysis sufficient to show that the proposed development will not cause a cumulative impact on the base flood elevation (BFE) of more than 1.0 (one) foot within the regulatory floodway of a particular reach on the waterway.

4. AE Zone Application. An application for FA-C development activity in an AE zone shall include submission of a certificate of no-rise. If the analysis shows the project will cause an increase greater than 0.00 feet in the BFE, then the project sponsor shall provide the community with information necessary for the community to evaluate the proposed project. (Ord. 167-3, Sec. 1, 2023)

18.200.110 Floodway District (FW).

A. Applicability. This section applies to all floodway areas on the floodplain zoning maps and those identified pursuant to 18.200.130.

B. Permitted Uses.

1. The open space uses listed in paragraphs 2-8, below, are allowed in the FW and the floodway areas of the GFP, if:

a. they are not prohibited by any other ordinance;

b. they meet the standards in 18.200.110 C. and 18.200.110 D.; and

c. all permits or certificates have been issued according to Chapter 18.104 and Subtitle VI, Procedures:

2. Agricultural uses, such as farming, outdoor plant nurseries, horticulture, viticulture, and wild crop harvesting.

3. Nonstructural industrial and commercial uses, such as loading areas, parking areas, and airport landing strips.

4. Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas, and hiking and horseback riding trails, subject to fill limitations of 18.200.110.

5. Uses or structures accessory to open space uses or classified as historic structures that comply with this section.

6. Extraction of sand, gravel, or other materials that comply with 18.200.110C. and 18.200.110D.

7. Functionally water-dependent uses such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with Wis. Stat. chs. 30 and 31.

8. Public utilities, streets, and bridges that comply with Section 18.200.110C.3.

9. Portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and Wis. Admin. Code ch. SPS 383.

10. Public or private wells used to obtain potable water for recreational areas that meet the requirements of local ordinances and Wis. Admin Code chs. NR 811 and NR 812.

11. Wastewater treatment ponds or facilities permitted under Wis Admin Code § NR 110.15(3)(b.

12. Sanitary sewer or water supply lines to service existing or proposed development located outside the floodway that complies with the regulations for the floodplain area occupied.

C. Standards for Development in the Floodway.

1. General.

a. Any development in the floodway shall comply with Section 18.200.090 and have a low flood damage potential.

b. Applicants shall provide an analysis calculating the effects of this proposal on the regional flood height to determine the effects of the proposal according to Section 18.200.170 B.2.c. The analysis must be completed by a registered professional engineer in the state of Wisconsin.

c. Any encroachment in the regulatory floodway is prohibited unless the data submitted for 18.200.110 (C)(1)(b.) above demonstrates that the encroachment will cause no increase in flood elevations in flood events up to the base flood at any location or removes the encroached area from the regulatory floodway as provided in18.200.090 C.

2. Structures. Structures accessory to permanent open space uses, including utility and sanitary facilities, or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:

a. Not designed for human habitation, does not have a high flood damage potential, and is constructed to minimize flood damage;

b. Shall either have the lowest floor elevated to or above the flood protection elevation or shall meet all the following standards:

i. Have the lowest floor elevated to or above the regional flood elevation and be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and completely dry to the flood protection elevation without human intervention during flooding;

ii. Have structural components capable of meeting all provisions of 18.200.110 C.2. and;

iii. Be certified by a registered professional engineer or architect, through the use of a Federal Emergency Management Agency Floodproofing Certificate, that the design and methods of construction are in accordance with 18.200.110 C.2.

c. Must be anchored to resist flotation, collapse, and lateral movement;

d. Mechanical and utility equipment must be elevated or flood proofed to or above the flood protection elevation; and

e. Must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.

f. For a structure designed to allow the automatic entry of floodwaters below the Regional Flood Elevation, the applicant shall submit a plan that meets 18.200.110 C. and meets or exceeds the following standards:

i. The lowest floor must be elevated to or above the regional flood elevation;

ii. a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

iii. the bottom of all openings shall be no higher than one foot above the lowest adjacent grade; openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters, otherwise must remain open.

iv. The use must be limited to parking, building access or limited storage.

g. Certification: Whenever floodproofing measures are required, a registered professional engineer or architect shall certify that the following floodproofing measures will be utilized, where appropriate, and are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the regional flood:

i. Reinforcement of floors and walls to resist rupture, collapse, or lateral movement caused by water pressures or debris buildup;

ii. Construction of wells, water supply systems and waste treatment systems so as to prevent the entrance of flood waters in such systems and must be in accordance with provisions in 18.200.110 D.

iii. Subsurface drainage systems to relieve external pressures on foundation walls and basement floors;

iv. Cutoff valves on sewer lines or the elimination of gravity flow basement drains; and

v. Placement of utilities to or above the flood protection elevation.

3. Public Utilities, Streets, and Bridges. Public utilities, streets, and bridges may be allowed by permit, if:

a. Adequate floodproofing measures are provided to the flood protection elevation; and

b. Construction meets the development standards of Section 18.200 090.

4. Fills or Deposition of Materials. Fills or deposition of materials may be allowed by permit, if:

a. The requirements of 18.200.090 are met;

b. No material is deposited in navigable waters unless a permit is issued by the DNR pursuant to Wis. Stats. § ch. 30, and a permit pursuant to Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and the other requirements of this section are met;

c. The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling, or bulkheading;

d. The fill is not classified as a solid or hazardous waste material; and

e. A storm water management and erosion control plan in compliance with Chapter 17.05 be submitted to and approved by the land conservation division.

D. Prohibited Uses. All uses not listed as permitted uses in 18.200.110 B. are prohibited, including the following uses:

1. Habitable structures, structures with high flood damage potential, or those not associated with permanent open space uses;

2. Storing materials that are buoyant; flammable; explosive; or injurious to property, water quality, or human, animal, plant, fish, or other aquatic life;

3. Uses not in harmony with, or detrimental to, uses permitted in the adjoining districts;

4. Any private or public sewage systems except portable latrines that are removed prior to flooding and systems associated with recreational areas and DNR-approved campgrounds that meet the applicable provisions of local ordinances and Wis. Admin. Code ch. SPS 383;

5. Any public or private wells, which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and Wis. Admin Code chs. NR 811 and NR 812;

6. Any solid or hazardous waste disposal sites;

7. Any wastewater treatment ponds or facilities, except those permitted under Wis. Admin. Code § NR 110.15(3)(b);

8. Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied. (Ord. 167-3, Sec. 1, 2023)

18.200.120 Floodfringe District (FF).

A. Applicability. This section applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to 18.200.130.

B. Permitted Uses. Any structure, land use, or development is allowed in the FF if:
the standards in 18.200.120 are met,
the use is not prohibited by this or any other ordinance or regulation, and
all permits or certificates specified in Subtitle VI and 18.200.170 B. have been issued.

C. Standards for Development in the floodfringe. All of the provisions of Section 18.200.090 shall apply. In addition, the following requirements shall apply according to the use requested. Any existing structure in the floodfringe must meet the requirements of 18.200.160.

1. Residential Uses. Any habitable structure, including a manufactured home, which is to be newly constructed or moved into the floodfringe, shall meet or exceed the following standards. Any existing structure in the floodfringe must meet the requirements of 18.200.160, Nonconforming Uses.

a. All new construction, including placement of manufactured homes, and substantial improvement of residential structures, shall have the lowest floor elevated to or above the flood protection elevation on fill. The fill around the structure shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure. No area may be removed from the floodfringe district unless it can be shown to meet 18.200.070.

b. Notwithstanding 18.200.120(C.)(1.)(a.), a basement or crawlspace floor may be placed at the regional flood elevation if the basement or crawlspace is designed to make all portions of the structure below the flood protection elevation watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. No floor of any kind is allowed below the regional flood elevation;

c. Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in d.

d. In developments where existing street or sewer line elevations make compliance with c. impractical, the department may permit new development and substantial improvements where roads are below the regional flood elevation if:

i. The county has written assurance from police, fire, and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or

ii. The county has a DNR-approved emergency evacuation plan that follows acceptable hazard mitigation planning guidelines.

2. Accessory Structures or Uses.

a. In addition to 18.200.090, new construction and substantial improvements of Accessory structures shall be constructed on fill with the lowest floor at or above the regional flood elevation.

3. Commercial Uses. In addition to 18.200.090, any commercial structure which is erected, altered or moved into the floodfringe shall meet the requirements of 18.200.120 (C.). Subject to the requirements of 18.200.120 (C.)(5.), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

4. Manufacturing and Industrial Uses. In addition to 18.200.090, any manufacturing or industrial structure which is erected, altered, or moved into the floodfringe shall have the lowest floor elevated to or above the flood protection elevation or meet the floodproofing measures in 18.200.150. Subject to the requirements of 18.200.120 C.5., storage yards, surface parking lots, and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

5. Storage of Materials. Materials that are buoyant; flammable; explosive; or injurious to property, water quality, or human, animal, plant, fish or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with 18.200.150. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.

6. Public Utilities, Streets, and Bridges. All utilities, streets, and bridges shall be designed to be compatible with comprehensive floodplain development plans; and

a. When failure of public utilities, streets, and bridges would endanger public health or safety or where such facilities are deemed essential, construction or repair of such facilities may only be permitted if they are designed to comply with Section 18.200.150;

b. Minor roads or nonessential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.

7. Sewage Systems. All sewage disposal systems shall be designed to minimize or eliminate infiltration of flood water into the system, pursuant to 18.200.150 C., to the flood protection elevation and meet the provisions of all local ordinances and Wis. Admin. Code ch. SPS 383.

8. Wells. All wells shall be designed to minimize or eliminate infiltration of flood waters into the system, pursuant to 18.200.150 C., to the flood protection elevation and shall meet the provisions of Wis. Admin Code chs. NR 811 and NR 812.

9. Solid Waste Disposal Sites. Disposal of solid or hazardous waste is prohibited in the floodfringe areas.

10. Deposition of Materials. Any deposited material must meet all the provisions of this floodplain ordinance.

11. Manufactured Homes.

a. Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval, and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.

b. In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:

i. have the lowest floor elevated to the flood protection elevation; and

ii. be anchored so they do not float, collapse, or move laterally during a flood.

c. Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement, and substantially improved manufactured homes shall meet the residential development standards for the FF in 18.200.120 C.1.

12. Mobile Recreational Vehicles. All mobile recreational vehicles must be on site for less than 180 consecutive days and be either:

a. fully licensed and ready for highway use; or

b. shall meet the elevation and anchoring requirements in 18.200.120 C.11.b. and c.

c. A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions. (Ord. 167-3, Sec. 1, 2023)

18.200.130 General Floodplain District (GFP).

A. Applicability. The provisions for the General Floodplain District shall apply to development in all floodplains mapped as A, AO, AH, and in AE zones within which a floodway is not delineated on the Flood Insurance Rate Maps identified in 18.200.050.

B. Floodway Boundaries. For proposed development in zone A, or in zone AE within which a floodway is not delineated on the Flood Insurance Rate Map identified in 18.200.050, the boundaries of the regulatory floodway shall be determined pursuant to 18.200.030 E. If the development is proposed to encroach upon the regulatory floodway, the development is subject to the standards of 18.200.110. If the development is located entirely within the floodfringe, the development is subject to the standards of 18.200.120.

C. Permitted Uses.

1. Pursuant to 18.200.130, it shall be determined whether the proposed use is located within a floodway or floodfringe.

2. Those uses permitted in 18.200.110 and 18.200.120 are allowed within the GFP according to the standards of 18.200.130 C., provided that all permits or certificates required under 18.200.170 B., have been issued.

D. Standards for Development in the GFP. Section 18.200.110 applies to floodway areas, determined to pursuant to 18.200.130E.; Section 18.200.120 applies to the floodfringe areas, determined to pursuant to 18.200.130E..

1. New construction and substantial improvement of structures in zone AO shall have the lowest floor, including basement, elevated:

a. To or above the depth, in feet, as shown on the FIRM above the highest adjacent natural grade; or

b. If the depth is not specified on the FIRM, to or above two (2) feet above the highest adjacent natural grade.

2. New Construction and substantial improvement of structures in zone AH shall have the lowest floor, including basement, elevated to or above the flood protection elevation.

3. In AO/AH zones, provide adequate drainage paths to guide floodwaters around structures.

4. All development in zones AO and zone AH shall meet the requirements of Section 18.200.120 applicable to flood fringe areas.

E. Determining floodway and floodfringe limits. Upon receiving an application for development within zone A, or within zone AE where a floodway has not been delineated on the Flood Insurance Rate Maps, the department shall:

1. Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the GFP limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures, and the flood zone as shown on the FIRM.

2. Require the applicant to furnish any of the following information deemed necessary by the DNR to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation, and to determine floodway boundaries:

a. A hydrologic and hydraulic study as specified in 18.200.170.

b. Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill, or storage elevations; size, location, and layout of all proposed and existing structures on the site; location and elevations of streets, water supply and sanitary facilities, soil types, and other pertinent information;

c. Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, and water supply and sanitary facilities. (Ord. 167-3, Sec. 1, 2023)

18.200.140 Flood Storage District (FSD). The Flood Storage District delineates that portion of the floodplain where storage of floodwaters has been taken into account and is relied upon to reduce the regional flood discharge. The district protects the flood storage areas and assures that any development in the storage areas will not decrease the effective flood storage capacity which would cause higher flood elevations.

A. Applicability. The provisions of this section apply to all areas within the Flood Storage District (FSD), as shown on the official floodplain zoning maps.

B. Permitted Uses. Any use or development which occurs in a Flood Storage District must meet the applicable requirements in 18.200.120 C.

C. Standards for Development in Flood Storage Districts.

1. Development in a Flood Storage District shall not cause an increase equal or greater than 0.00 of a foot in the height of the regional flood.

2. No development shall be allowed which removes flood storage volume unless an equal volume of storage as defined by the pre-development ground surface and the regional flood elevation shall be provided in the immediate area of the proposed development to compensate for the volume of storage which is lost (compensatory storage). Excavation below the groundwater table is not considered to provide an equal volume of storage.

3. If compensatory storage cannot be provided, the area may not be developed unless the entire area zoned as Flood Storage District – on this waterway – is rezoned to the Floodfringe District. This must include a revision to the floodplain study and map done for the waterway to revert to the higher regional flood discharge calculated without floodplain storage, as per 18.200.180, Amendment Procedures.

4. No area may be removed from the Flood Storage District unless it can be shown that the area has been filled to the flood protection elevation and is contiguous to other lands lying outside of the floodplain. (Ord. 167-3, Sec. 1, 2023)

18.200.150 Floodproofing standards

A. No permit or variance shall be issued for a non-residential structure designed to be watertight below the regional flood elevation until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to or above the flood protection elevation and submits a FEMA Floodproofing Certificate. Floodproofing is not an alternative to the development standards in 18.200.090, 18.200.110, 18.200120, or 18.200.130.

B. For a structure designed to allow the entry of floodwaters, no permit or variance shall be issued until the applicant submits a plan either:

1. Certified by a registered professional engineer or architect; or

2. Meeting or exceeding the following standards:

a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

b. The bottom of all openings shall be no higher than one foot above grade; and

c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

C. Floodproofing measures shall be designed, as appropriate, to:

1. Withstand flood pressures, depths, velocities, uplift and impact forces, and other regional flood factors;

2. Protect structures to the flood protection elevation;

3. Anchor structures to foundations to resist flotation and lateral movement;

4. Minimize or eliminate infiltration of flood waters; and

5. Minimize or eliminate discharges into flood waters.

6. Placement of essential utilities to or above the flood protection elevation; and

7. If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:

a. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;

b. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;

c. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and

d. The use must be limited to parking, building access or limited storage. (Ord. 167-3, Sec. 1, 2023)

18.200.160 Nonconforming uses.

A. General.

1. Applicability.

a. The standards in this section shall apply to all uses and buildings that do not conform to the provisions contained within a floodplain zoning ordinance or with Wis. Stat. § 87.30 and Wis. Admin. Code § NR 116.15 and 44 CFR 59-72, these standards shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this ordinance or any amendment thereto. A party asserting existence of a lawfully established nonconforming use or structure has the burden of proving that the use or structure was compliant with the floodplain zoning ordinance in effect at the time the use or structure was created.

b. As permit applications are received for additions, modifications, or substantial improvements to nonconforming buildings in the floodplain, municipalities shall develop a list of those nonconforming buildings, their present equalized assessed value and a list of the costs of those activities associated with changes to those buildings.

2. Continuation of Nonconforming Uses. The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this ordinance may continue subject to the following conditions:

a. No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this ordinance.

i. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding, or replacement of any such existing use, structure or accessory structure, or use. The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph.

ii. Maintenance is not considered a modification; this includes painting, decorating, paneling, and other nonstructural components and the maintenance, repair, or replacement of existing private sewage or water supply systems or connections to public utilities. Any costs associated with the repair of a damaged structure are not considered maintenance.

iii. The construction of a deck that does not exceed 200 square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification, or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.

b. If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this ordinance;

c. The municipality shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent;

d. No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with 18.200.120 C. The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph;

e. No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with 18.200.120 C. Maintenance to any nonconforming structure, which does not exceed 50% of its present equalized assessed value on a per event basis, does not count against the cumulative calculations over the life of the structure for substantial improvement calculations.

f. If, on a per event basis, the total value of the work being done under subd. (d) and (e) equals or exceeds 50% of the present equalized assessed value, the work shall not be permitted unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with Section 18.200.120 C. The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph;

g. Except as provided in subd. (h), if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed, or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50% of the structure's present equalized assessed value.

h. For nonconforming buildings that are substantially damaged or destroyed by a non-flood disaster, the repair or reconstruction of any such nonconforming building shall be permitted in order to restore it to the size and use in effect prior to the damage event, provided that the following minimum requirements are met and all required permits have been granted prior to the start of construction:

1. Residential Structures.

a. Shall have the lowest floor, including basement, elevated to or above the flood protection elevation using fill, pilings, columns, posts, or perimeter walls. Perimeter walls must meet the requirements of 18.200.150 B.

b. Shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy and shall be constructed with methods and materials resistant to flood damage.

c. Shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.

d. In A Zones, obtain, review, and utilize any flood data available from a federal, state, or other source.

e. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in 18.200.130 C.

f. In AO Zones, shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.

2. Nonresidential Structures.

a. Shall meet the requirements of A.2.h.i., above.

b. Shall either have the lowest floor, including basement, elevated to or above the regional flood elevation; or, together with attendant utility and sanitary facilities, shall meet the standards in 18.200.150 A. or B.

c. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in Section 18.200.130 D.

3. Historic Structures.

a. A nonconforming historic structure may be altered if the alteration will not preclude the structure's continued designation as a historic structure, the alteration will comply with Section 18.200.110 C.1., flood resistant materials are used, and construction practices and floodproofing methods that comply with Section 18.200.150 are used.

b. Repair or rehabilitation of historic structures shall be exempt from the development standards of A.2.h. (above), if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure.

B. Floodway District.

1. No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the Floodway District, unless such modification or addition:

a. Has been granted a permit or variance which meets all ordinance requirements;

b. Meets the requirements of paragraph A.;

c. Does not increase the obstruction to flood flows or regional flood height;

d. Any addition to the existing structure shall be floodproofed, pursuant to 18.200.150, by means other than the use of fill, to the flood protection elevation; and

e. If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:

i. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;

ii. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;

iii. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and

iv. The use must be limited to parking, building access, or limited storage.

2. No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in the Floodway District. Any replacement, repair, or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all county ordinances, 18.200.150 C. and Wis. Adm. Code ch. SPS 383.

3. No new well or modification to an existing well used to obtain potable water shall be allowed in the Floodway District. Any replacement, repair, or maintenance of an existing well in the Floodway District shall meet the applicable requirements of all county ordinances, 18.200.150 C. and Wis. Adm. Code chs. NR 811 and NR 812.

C. Floodfringe District.

1. No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the county and meets the requirements of 18.200.120 C., except where subd. 2. is applicable.

2. Where compliance with the provisions of subd. 1. would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the board of land use appeals, using the procedures established in 18.200.170 D., Procedures, may grant a variance from those provisions of subdivision. 1. for modifications or additions using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:

a. No floor is allowed below the regional flood elevation for residential or commercial structures;

b. Human lives are not endangered;
c. Public facilities, such as water or sewer, are not installed;
d. Flood depths do not exceed two feet;
e. Flood velocities do not exceed two feet per second; and
f. The structure is not used for storage of materials as described in Section 18.200.120 C. 5.

3. All new private sewage disposal systems, or addition to, replacement, repair, or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances, 18.200.150 C., and Wis. Admin. Code ch. SPS 383.

4. All new wells, or addition to, replacement, repair, or maintenance of a well shall meet the applicable provisions of this ordinance, 18.200.150 C., and Wis. Admin. Code chs. NR 811 and NR 812.

D. Flood Storage District. No modifications or additions shall be allowed to any nonconforming structure in a flood storage area unless the standards outlined in 18.200.140 C. are met. (Ord. 167-3, Sec. 1, 2023)

18.200.170 Administration.

A. Where a zoning administrator, planning agency, or a board of adjustment has already been appointed to administer a zoning ordinance adopted under Wis. Stats. § 59.69, 59.692 or 62.23(7), these officials shall also administer this ordinance.

B. Zoning administrator

1. Duties and powers. The zoning administrator is authorized to administer this ordinance and shall have the following duties and powers:

a. Advise applicants of the ordinance provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.

b. Issue permits and inspect properties for compliance with provisions of this ordinance and issue certificates of compliance where appropriate.

c. Inspect and assess all damaged floodplain structures to determine if substantial damage to the structures has occurred.

d. Keep records of all official actions such as:

i. All permits issued, inspections made, and work approved;

ii. Documentation of certified lowest floor and regional flood elevations;

iii. Floodproofing certificates.

iv. Water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.

v. All substantial damage assessment reports for floodplain structures.

vi. List of nonconforming structures and uses.

e. Submit copies of the following items to the DNR Regional office:

i. Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;

ii. Copies of case-by-case analyses and other required information including an annual summary of floodplain zoning actions taken; and

iii. Copies of substantial damage assessments performed and all related correspondence concerning the assessments.

f. Investigate, prepare reports, and report violations of this ordinance to the municipal zoning agency and attorney for prosecution. Copies of the reports shall also be sent to the DNR Regional office.

g. Submit copies of amendments to the FEMA Regional office.

2. Land use permit. A land use permit shall be obtained before any new development; repair, modification or addition to an existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated. Application to the zoning administrator shall include:

a. General information.

i. Name and address of the applicant, property owner and contractor; and

ii. Legal description, proposed use, and whether it is new construction or a modification.

b. Site development plan. A site plan drawn to scale shall be submitted with the permit application form and shall contain:

i. Location, dimensions, area and elevation of the lot;

ii. Location of the ordinary highwater mark of any abutting navigable waterways;

iii. Location of any structures with distances measured from the lot lines and street center lines;

iv. Location of any existing or proposed on-site sewage systems or private water supply systems;

v. Location and elevation of existing or future access roads;

vi. Location of floodplain and floodway limits as determined from the official floodplain zoning maps;

vii. The elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study – either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD);

viii. Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of 18.200.110 or 18.200.120 are met; and

ix. Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to Section 18.200.090 C. This may include any of the information noted in 18.200.110 C.1.

c. Hydraulic and hydrologic studies to analyze development. All hydraulic and hydrologic studies shall be completed under the direct supervision of a professional engineer registered in the state. The study contractor shall be responsible for the technical adequacy of the study. All studies shall be reviewed and approved by the Wisconsin Department of Natural Resources.

i. Zone A Floodplains and in AE zones within which a floodway is not delineated.

(a) Hydrology. The appropriate method shall be based on the standards in Wis. Admin Code § NR 116.07(3, Hydrologic Analysis: Determination of Regional Flood Discharge.

(b) Hydraulic Modeling. The regional flood elevation shall be based on the standards in Wis. Admin Code § NR 116.07(4), Hydraulic Analysis: Determination of Regional Flood Elevation, and the following:

(i). Determination of the required limits of the hydraulic model shall be based on detailed study information for downstream structures (dam, bridge, culvert) to determine adequate starting WSEL for the study.

(ii). Channel sections must be surveyed.

(iii). Minimum four-foot contour data in the overbanks shall be used for the development of cross section overbank and floodplain mapping.

(iv). A maximum distance of 500 feet between cross sections is allowed in developed areas with additional intermediate cross sections required at transitions in channel bottom slope including a survey of the channel at each location.

(v). The most current version of HEC-RAS shall be used.

(vi). A survey of bridge and culvert openings and the top of road is required at each structure.

(vii). Additional cross sections are required at the downstream and upstream limits of the proposed development and any necessary intermediate locations based on the length of the reach if greater than 500 feet.

(viii). Standard accepted engineering practices shall be used when assigning parameters for the base model such as flow, Manning's N values, expansion and contraction coefficients or effective flow limits. The base model shall be calibrated to past flooding data such as high water marks to determine the reasonableness of the model results. If no historical data is available, adequate justification shall be provided for any parameters outside standard accepted engineering practices.

(ix). The model must extend past the upstream limit of the difference in the existing and proposed flood profiles in order to provide a tie-in to existing studies. The height difference between the proposed flood profile and the existing study profiles shall be no more than 0.00 feet.

(c). Mapping. A work map of the reach studied shall be provided, showing all cross-section locations, floodway/floodplain limits based on best available topographic data, geographic limits of the proposed development and whether the proposed development is located in the floodway.

(i). If the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation.

(ii). If any part of the proposed development is in the floodway, it must be added to the base model to show the difference between existing and proposed conditions. The study must ensure that all coefficients remain the same as in the existing model, unless adequate justification based on standard accepted engineering practices is provided.

ii. Zone AE Floodplains.

(a). Hydrology. If the proposed hydrology will change the existing study, the appropriate method to be used shall be based on Wis. Admin Code § NR 116.07(3), Hydrologic Analysis: Determination of Regional Flood Discharge.

(b). Hydraulic Model. The regional flood elevation shall be based on the standards in Wis. Admin Code § NR 116.07(4), Hydraulic Analysis: Determination of Regional Flood Elevation and the following:

(i). Duplicate Effective Model. The effective model shall be reproduced to ensure correct transference of the model data and to allow integration of the revised data to provide a continuous FIS model upstream and downstream of the revised reach. If data from the effective model is available, models shall be generated that duplicate the FIS profiles and the elevations shown in the Floodway Data Table in the FIS report to within 0.1 foot.

(ii). Corrected Effective Model. The Corrected Effective Model shall not include any manmade physical changes since the effective model date, but shall import the model into the most current version of HEC-RAS for DNR review.

(iii). Existing (Pre-Project Conditions) Model. The Existing Model shall be required to support conclusions about the actual impacts of the project associated with the Revised (Post-Project) Model or to establish more up-to-date models on which to base the Revised (Post-Project) Model.

(iv). Revised (Post-Project Conditions) Model. The Revised (Post-Project Conditions) Model shall incorporate the Existing Model and any proposed changes to the topography caused by the proposed development. This model shall reflect proposed conditions.

(v). All changes to the Duplicate Effective Model and subsequent models must be supported by certified topographic information, bridge plans, construction plans, and survey notes.

(vi). Changes to the hydraulic models shall be limited to the stream reach for which the revision is being requested. Cross sections upstream and downstream of the revised reach shall be identical to those in the effective model and result in water surface elevations and top widths computed by the revised models matching those in the effective models upstream and downstream of the revised reach as required. The Effective Model shall not be truncated.

(c). Mapping. Maps and associated engineering data shall be submitted to the DNR for review which meet the following conditions:

(i). Consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised flood profiles, topographic work map, annotated FIRMs and/or Flood Boundary Floodway Maps (FBFMs), construction plans, bridge plans.

(ii). Certified topographic map of suitable scale, contour interval, and a planimetric map showing the applicable items. If a digital version of the map is available, it may be submitted in order that the FIRM may be more easily revised.

(iii). Annotated FIRM panel showing the revised 1% and 0.2% annual chance floodplains and floodway boundaries.

(iv). If an annotated FIRM and/or FBFM and digital mapping data (GIS or CADD) are used, then all supporting documentation or metadata must be included with the data submission along with the Universal Transverse Mercator (UTM) projection and State Plane Coordinate System in accordance with FEMA mapping specifications.

(v). The revised floodplain boundaries shall tie into the effective floodplain boundaries.

(vi). All cross sections from the effective model shall be labeled in accordance with the effective map, and a cross section lookup table shall be included to relate to the model input numbering scheme.

(vii). Both the current and proposed floodways shall be shown on the map.

(viii). The stream centerline, or profile baseline used to measure stream distances in the model, shall be visible on the map.

(d). Expiration. All permits issued under the authority of this ordinance shall expire no more than 180 days after issuance. The permit may be extended for a maximum of 180 days for good and sufficient cause. If the permitted work has not started within 180 days of the permit date, the development must comply with any regulation, including any revision to the FIRM or FIS, that took effect after the permit date.

3. Certificate of compliance. No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt or replaced shall be occupied until a certificate of compliance is issued by the zoning administrator, except where no permit is required, subject to the following provisions:

a. The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this ordinance;

b. Application for such certificate shall be concurrent with the application for a permit;

c. If all ordinance provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed;

d. The applicant shall submit a certification signed by a registered professional engineer, architect or land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or architect that the requirements of Section 18.200.150 are met.

e. Where applicable pursuant to Section 18.200.130 C. , the applicant must submit a certification by a registered professional engineer or surveyor of the elevation of the bottom of the lowest horizontal structural member supporting the lowest floor (excluding pilings or columns), and an indication of whether the structure contains a basement.

f. Where applicable pursuant to Section 18.200.130 C., the applicant must submit certifications by a registered professional engineer or architect that the structural design and methods of construction meet accepted standards of practice as required by Section 18.200.130 C..

4. Other permits. Prior to obtaining a floodplain development permit the applicant must secure all necessary permits from federal, state, and local agencies, including but not limited to those required by the U.S. Army Corps of Engineers under s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.

C. Zoning agency.

1. The committee on planning and development shall:

a. oversee the functions of the office of the zoning administrator; and

b. review and advise the governing body on all proposed amendments to this ordinance, maps and text.

c. publish adequate notice pursuant to Wis. Stat. ch. 985, specifying the date, time, place and subject of the public hearing.

2. The committee on planning and development shall not:

a. grant variances to the terms of the ordinance in place of action by the board of land use appeals; or

b. amend the text or zoning maps in place of official action by the governing body.

D. Board of land use appeals. The board of land use appeals, created under Wis. Stat. § 59.694, for counties is hereby authorized or shall be appointed to act for the purposes of this ordinance. The board shall exercise the powers conferred by Wisconsin Statutes and adopt rules for the conduct of business. The zoning administrator shall not be the secretary of the board.

1. Powers and duties. The board of land use appeals shall:

a. Appeals - 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 or administration of this ordinance;

b. Boundary disputes - Hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map; and

c. Variances - Hear and decide, upon appeal, variances from the ordinance standards.

2. Appeals to the board.

a. Appeals to the board may be taken by any person aggrieved, or by any officer or department of the county affected by any decision of the zoning administrator or other administrative officer. Such appeal shall be taken within 30 days unless otherwise provided by the rules of the board, by filing with the official whose decision is in question, and with the board, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the board all records regarding the matter appealed.

b. Notice and hearing for appeals, including variances.

i. Notice - The board shall:

(a). Fix a reasonable time for the hearing;

(b). Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place and subject of the hearing; and

(c). Assure that notice shall be mailed to the parties in interest and the DNR Regional office at least 10 days in advance of the hearing.

ii. Hearing - Any party may appear in person or by agent. The board shall:

(a). Resolve boundary disputes according to 18.200.170 D.3.;

(b). Decide variance applications according to 18.200.170 D.4.; and

(c). Decide appeals of permit denials according to 18.200.170 E.

c. Decision. The final decision regarding the appeal or variance application shall:

i. Be made within a reasonable time;

ii. Be sent to the Department Regional office within 10 days of the decision;

iii. Be a written determination signed by the chairman or secretary of the board;

iv. State the specific facts which are the basis for the board's decision;

v. Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance application; and

vi. Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the board proceedings.

3. Boundary disputes. The following procedure shall be used by the board in hearing disputes concerning floodplain district boundaries:

a. If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary.

b. The person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the board; and

c. If the boundary is incorrectly mapped, the board should inform the zoning committee or the person contesting the boundary location to petition the governing body for a map amendment according to 18.200.180 Amendments.

4. Variance.

a. The board may, upon appeal, grant a variance from the standards of this ordinance if an applicant convincingly demonstrates that:

i. Literal enforcement of the ordinance will cause unnecessary hardship;

ii. The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises. In such case the ordinance or map must be amended;

iii. The variance is not contrary to the public interest; and

iv. The variance is consistent with the purpose of this ordinance in Section 18.200.030.

b. In addition to the criteria in subdivision. a., to qualify for a variance under FEMA regulations, the Board must find that the following criteria have been met:

i. The variance shall not cause any increase in the regional flood elevation;

ii. The applicant has shown good and sufficient cause for issuance of the variance;

iii. Failure to grant the variance would result in exceptional hardship;

iv. Granting the variance will not result in additional threats to public safety, extraordinary expense, create a nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;

v. The variance granted is the minimum necessary, considering the flood hazard, to afford relief.

c. A variance shall not:

i. Grant, extend or increase any use prohibited in the zoning district;

ii. Be granted for a hardship based solely on an economic gain or loss;

iii. Be granted for a hardship which is self-created.

iv. Damage the rights or property values of other persons in the area;

v. Allow actions without the amendments to this ordinance or map(s) required in Section 18.200.180 Amendments; and

vi. Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.

d. When a floodplain variance is granted, the board shall notify the applicant in writing that it may increase risks to life and property and flood insurance premiums could increase up to $25.00 per $100.00 of coverage. A copy shall be maintained with the variance record.

E. To review appeals of permit denials.

1. The zoning agency (18.200.170 C) or board shall review all data related to the appeal. This may include:

a. Permit application data listed in Section 18.200.170 B.2.;

b. Floodway/floodfringe determination data in 18.200.130 D.;

c. Data listed in 18.200.110 C.1. where the applicant has not submitted this information to the zoning administrator; and

d. Other data submitted with the application or submitted to the board with the appeal.

2. For appeals of all denied permits the board shall:

a. Follow the procedures of 18.200.170 D.;

b. Consider zoning agency recommendations; and

c. Either uphold the denial or grant the appeal.

3. For appeals concerning increases in regional flood elevation the board shall:

a. Uphold the denial where the board agrees with the data showing an increase in flood elevation. Increases may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners as per the requirements of 18.200.180; and

b. Grant the appeal where the board agrees that the data properly demonstrates that the project does not cause an increase provided no other reasons for denial exist. (Ord. 167-3, Sec. 1, 2023)

18.200.180 Amendments. Obstructions or increases may only be permitted if amendments are made to this ordinance, the official floodplain zoning maps, floodway lines, and water surface profiles, in accordance with paragraph C. below.

A. In AE Zones with a mapped floodway, no obstructions or increases shall be permitted unless the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with Section C below. Any such alterations must be reviewed and approved by FEMA and the DNR.

B. In A Zones increases equal to or greater than 1.0 foot may only be permitted if the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain maps, floodway lines, and water surface profiles, in accordance with Section C. below.

C. General. The governing body shall change or supplement the floodplain zoning district boundaries and this ordinance in the manner outlined in paragraph D below. Actions which require an amendment to the ordinance and/ or submittal of a Letter of Map Change (LOMC) include, but are not limited to, the following:

1. Any fill or floodway encroachment that obstructs flow causing any increase in the regional flood height;

2. Any change to the floodplain boundaries and/or watercourse alterations on the FIRM;

3. Any changes to any other officially adopted floodplain maps listed in 18.200.050;

4. Any floodplain fill which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain;

5. Correction of discrepancies between the water surface profiles and floodplain maps;

6. Any upgrade to a floodplain zoning ordinance text required by Wis. Admin. Code § NR 116.05, or otherwise required by law, or for changes by the county; and

7. All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.

D. Procedures. Ordinance amendments may be made upon petition of any party according to the provisions of Wis. Stats. § 59.69. The petitions shall include all data required by 18.200.130 D. and 18.200.170 B.2, Land Use Permits. The Land Use Permit shall not be issued until FEMA issues a Letter of Map Revision for the proposed changes.

1. The proposed amendment shall be referred to the zoning agency for a public hearing and recommendation to the governing body. The amendment and notice of public hearing shall be submitted to the DNR regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of Wis. Stats. § 59.69.

2. No amendments shall become effective until reviewed and approved by the department of natural resources.

3. All persons petitioning for a map amendment that obstructs flow causing any increase in the regional flood height shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body. (Ord. 167-3, Sec. 1, 2023)

18.200.190 Notification to the Wisconsin Department of Natural Resources.

A. Written notice shall be given to the regional office of the Wisconsin Department of Natural Resources (DNR) at least 10 days prior to hearings on variances, conditional uses, appeals, and map and text amendments.

B. Copies of decisions on variances, appeals, conditional uses, and map and text amendments shall be submitted to the regional office of the DNR.

C. No amendment to the maps or text of this ordinance shall become effective until reviewed and approved by the DNR. (Ord. 167-3, Sec. 1, 2023)

18.200.200 Approval of other agencies. It is the responsibility of the landowner or his or her agent to secure all other necessary permits or approvals from all appropriate federal, state, and local agencies, including those required under s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344. (Ord. 167-3, Sec. 1, 2023)

18.200.210 Public information.

A. Place marks on structures to show the depth of inundation during the regional flood.

B. All maps, engineering data, and regulations shall be available and widely distributed.

C. Real estate transfers should show the floodplain zoning district in which any real property is located. (Ord. 167-3, Sec. 1, 2023)

18.200.220 Interpretation.

A. In their interpretation and application, the provisions of this subtitle are the minimum requirements liberally construed in favor of the governing body and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes.

B. If a provision of this subtitle, required by Wis. Admin. Code ch. NR 116, is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of this subtitle or in effect on the date of the most recent text amendment to this subtitle. (Ord. 167-3, Sec. 1, 2023)

18.200.230 Warning & disclaimer of liability.

A. The flood protection standards in this subtitle are based on engineering experience and scientific research. Larger floods may occur or the flood height may be increased by manmade or natural causes.

B. This subtitle does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. This subtitle does not create liability on the part of, or a cause of action against, Eau Claire County or any officer or employee thereof for any flood damage that may result from reliance on this subtitle. (Ord. 167-3, Sec. 1, 2023)

18.200.240 Enforcement & penalties.

A. Any violation of the provisions of this ordinance by any person shall be unlawful and shall be referred to the municipal attorney who shall expeditiously prosecute all such violators.

B. A violator shall, upon conviction, forfeit to the county a penalty of not more than $50.00 (fifty dollars), together with a taxable cost of such action.

C. Each day of continued violation shall constitute a separate offense.

D. Every violation of this ordinance is a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the county, the state, or any citizen thereof pursuant to Wis. Stat. § 87.30. (Ord. 167-3, Sec. 1, 2023)

18.200.250 Severability. Should any portion of this subtitle be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this subtitle shall not be affected. (Ord. 167-3, Sec. 1, 2023)

18.200.260 Definitions.

A. These definitions apply only within this subtitle and supersede any similar definitions elsewhere in Title 18. Unless specifically defined, words and phrases in this subtitle shall have their common law meaning and shall be applied in accordance with their common usage. Words used in the present tense include the future, the singular number includes the plural and the plural number includes the singular. The word "may" is permissive, "shall" is mandatory and is not discretionary.

1. "A" Zones" Those areas shown on the official floodplain zoning map which would be inundated by the regional flood. These areas may be numbered or unnumbered A Zones. A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.

2. “AH Zone” See Area of Shallow Flooding.

3. “AO Zone” See Area of Shallow Flooding.

4. “Accessory Structure or Use” A facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building. An accessory structure shall not be used for human habitation.

5. “Alteration” An enhancement, upgrade or substantial change or modification other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning and other systems within a structure.

6. “Area of Shallow Flooding” A designated AO, AH, AR/AO, AR/AH, or VO zone on a community’s Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flood may be evident. Such flooding is characterized by ponding or sheet flow.

7. “Base Flood” Means the flood having a one percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.

8. “Basement” Any enclosed area of a building having its floor sub-grade on all sides.

9. “Breakaway Wall” A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

10. “Building” See Structure.

11. “Bulkhead Line” A geographic line along a reach of navigable water that has been adopted by a local ordinance and approved by the DNR pursuant to Wis. Stats. sec. 30.11, and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this ordinance.

12. “Campground” Any parcel of land which is designed, maintained, intended, or used for the purpose of providing sites for non-permanent overnight use by 4 or more camping units, or which is advertised or represented as a camping area.

13. “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, or tent that is fully licensed, if required, and ready for highway use.

14. “Certificate of Compliance” A certification that the construction and the use of land or a building, the elevation of fill, or the lowest floor of a structure is in compliance with all of the provisions of this subtitle.

15. “Channel” A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.

16. “Crawlways or Crawl Space” An enclosed area below the first usable floor of a building, generally less than five feet in height, used for access to plumbing and electrical utilities.

17. “Deck” An unenclosed exterior structure that has no roof or sides and has a permeable floor which allows the infiltration of precipitation.

18. “DNR” The Wisconsin Department of Natural Resources.

19. “Development” Any artificial change to improved or unimproved real estate including, but not limited to, the construction of buildings, structures, or accessory structures; the construction of additions or alterations to buildings, structures, or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation, or drilling operations; the storage, deposition, or extraction of materials or equipment; and the installation, repair, or removal of public or private sewage disposal systems or water supply facilities.

20. “Dryland Access” A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.

21. “Encroachment” Any fill, structure, equipment, use, or development in the floodway.

22. “Equal Degree of Hydraulic Encroachment” The effect of any encroachment into the floodway must be computed by assuming an equal degree of hydraulic encroachment on the other side of a river or stream for a significant hydraulic reach. This computation assures that property owners located on opposite sides of a riverine floodplain are treated equally.

23. “Federal Emergency Management Agency (FEMA)” The federal agency that administers the National Flood Insurance Program.

24. “FIA” The Federal Insurance Administration

25. “Flood or Flooding” A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:

a. The overflow or rise of inland waters;

b. The rapid accumulation or runoff of surface waters from any source;

c. The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior; or

d. The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.

26. “Flood Frequency” The probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average, once in a specified number of years or as a percent chance of occurring in any given year.

27. “Floodfringe” That portion of the floodplain outside of the floodway which is covered by floodwaters during the regional flood and associated withstanding water rather than flowing water.

28. “Flood Hazard Boundary Map” A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.

29. “Flood Insurance Rate Map (FIRM)” A map of a community on which the Federal Insurance Administration has delineated both the floodplain and the risk premium zones applicable to the community. This map can only be amended by the FEMA.

30. “Flood Insurance Study (FIS)” A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. FIRMs that accompany the FIS form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.

31. “Floodplain” Land which has been or may be covered by floodwater during the regional flood. It includes the floodway and the floodfringe and may include other designated floodplain areas for regulatory purposes.

32. “Floodplain Island” A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.

33. “Floodplain Management” The policies and procedures to ensure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.

34. “Flood Profile” A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.

35. “Floodproofing” Any combination of structural provisions, changes, or adjustments to properties and structures, water and sanitary facilities, and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.

36. “Flood Protection Elevation” An elevation of two feet of freeboard above the Regional Flood Elevation. (Also see: FREEBOARD.)

37. “Flood Storage” Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.

38. “Floodway” The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.

39. “Freeboard” A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development, and aggregation of the river or stream bed.

40. “Habitable Structure” Any structure or portion thereof used or designed for human habitation.

41. “Hearing Notice” Publication or posting meeting the requirements of Wis. Stats. Ch. 985. For appeals, a Class 1 notice, published once at least one week (7 days) before the hearing, is required. For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week consecutively, the last at least a week (7 days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.

42. “High Flood Damage Potential” Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.

43. “Highest Adjacent Grade” The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

44. “Historic Structure” Any structure that is either:

45. Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

46. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

47. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

48. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.

49. “Increase in Regional Flood Height” A calculated upward rise in the regional flood elevation greater than 0.00 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients, and discharge.

50. “Land Use” Any nonstructural use made of unimproved or improved real estate. (Also see Development.)

51. “Lowest Adjacent Grade” Elevation of the lowest ground surface that touches any of the exterior walls of a building.

52. “Lowest Floor” The lowest floor of the lowest enclosed area (including basement).

53. “Maintenance” The act or process of ordinary upkeep and repairs, including redecorating, refinishing, nonstructural repairs, or the replacement of existing fixtures, systems or equipment with equivalent fixtures, systems or structures.

54. “Manufactured Home” A structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle."

55. “Mobile/Manufactured Home Park or Subdivision” A parcel (or contiguous parcels) of land, divided into two or more manufactured home lots for rent or sale.

56. “Mobile/Manufactured Home Park or Subdivision, Existing” A parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this ordinance. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.

57. “Mobile/Manufactured Home Park, Expansion to Existing” The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring if concrete pads.

58. “Mobile Recreational Vehicle” A vehicle, which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles."

59. “Model, Corrected Effective” A hydraulic engineering model that corrects any errors that occur in the Duplicate Effective Model, adds any additional cross sections to the Duplicate Effective Model, or incorporates more detailed topographic information than that used in the current effective model.

60. “Model, Duplicate Effective” A copy of the hydraulic analysis used in the effective FIS and referred to as the effective model.

61. “Model, Effective” The hydraulic engineering model that was used to produce the current effective Flood Insurance Study.

62. “Model, Existing (Pre-Project)” A modification of the Duplicate Effective Model or Corrected Effective Model to reflect any manmade modifications that have occurred within the floodplain since the date of the effective model but prior to the construction of the project for which the revision is being requested. If no modification has occurred since the date of the effective model, then this model would be identical to the Corrected Effective Model or Duplicate Effective Model.

63. “Model, Revised (Post-Project)” A modification of the Existing or Pre-Project Conditions Model, Duplicate Effective Model, or Corrected Effective Model to reflect revised or post-project conditions.

64. “Municipality or Municipal” The county, city, or village governmental units enacting, administering and enforcing this zoning ordinance.

65. “NAVD or North American Vertical Datum” Elevations referenced to mean sea level datum, 1988 adjustment.

66. “National Geodetic Vertical Datum (NGVD)” Elevations referenced to mean sea level datum 1929 adjustment.

67. “New Construction” Structures for which the start of construction commenced on or after the effective date of a floodplain zoning regulation adopted by this community and includes any subsequent improvements to such structures.

68. “Non-flood Disaster”: A fire or an ice storm, tornado, windstorm, mudslide or other destructive act of nature, but excludes a flood.

69. “Nonconforming Structure” An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this ordinance for the area of the floodplain which it occupies. (For example, an existing residential structure in the floodfringe district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)

70. “Nonconforming Use” An existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this ordinance for the area of the floodplain which it occupies. (Such as a residence in the floodway.)

71. “Obstruction to Flow” Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.

72. “Official Floodplain Zoning Map” That map, adopted and made part of this subtitle as described in 18.200.050 which has been approved by the DNR and FEMA.

73. “Open Space Use” Those uses having a relatively low flood damage potential and not involving structures.

74. “Ordinary Highwater Mark” The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

75. “Person” An individual, or group of individuals, corporation, partnership, association, municipality or state agency.

76. “Private Sewage System” A sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Department of Safety and Professional Services, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.

77. “Public Utilities” Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.

78. “Reasonably Safe from Flooding” Means base flood waters will not inundate the land or damage structures to be removed from the floodplain and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

75. “Regional Flood” A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a 1% chance of being equaled or exceeded in any given year and, if depicted on the FIRM, the Regional Flood Elevation is equivalent to the Base Flood Elevation.

76. “Start of Construction” The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

77. “Structure” Any manmade object with form, shape, and utility, either permanently or temporarily attached to, placed upon, or set into the ground, stream bed, or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams, and culverts.

78. “Subdivision” Has the meaning given in Wis. Stat. § 236.02(12).

79. “Substantial Damage” Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50% of the equalized assessed value of the structure before the damage occurred.

80. “Substantial Improvement:” Any repair, reconstruction, rehabilitation, addition, or improvement of a building or structure, the cost of which equals or exceeds 50% of the equalized assessed value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the work performed. The term does not include either any project for the improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions; or any alteration of a historic structure provided that the alteration will not preclude the structure’s continued designation as a historic structure.

81. “Unnecessary Hardship” Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height, or density unnecessarily burdensome or unreasonable in light of the purposes of this subtitle.

82. “Variance” An authorization by the board of land use appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in the floodplain zoning ordinance.

83. “Violation” The failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

84. “Watershed” The entire region contributing runoff or surface water to a watercourse or body of water.

85. “Water Surface Profile” A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.

86. “Well” An excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use. (Ord. 167-3, Sec. 1, 2023)

Chapter 18.230

GROUNDWATER OVERLAY (G-O)

Sections:

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18.230.010 Purpose. The residents of Eau Claire County depend exclusively on groundwater for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade groundwater quality. The purpose of this subtitle is to protect municipal water supplies and to promote the public health, safety, and general welfare of the residents of Eau Claire County. (Ord. 167-3, Sec. 1, 2023)

18.230.020 Authority. This subtitle is created pursuant to Wis. Stat. § 59.69 (1). The provisions of Wis. Admin. Code ch. NR 811 are incorporated as if fully set forth herein. (Ord. 167-3, Sec. 1, 2023)

18.230.030 Applicability. The regulations specified in this section shall apply to the unincorporated areas of Eau Claire County that lie within the recharge area of a municipal water supply and are in addition to the requirements in the underlying zoning district. If there is a conflict between this subtitle and other subtitles in Title 18, in general, the more restrictive provisions shall apply. (Ord. 167-3, Sec. 1, 2023)

18.230.040 Definitions. These definitions apply only within this subtitle and supersede any similar definitions elsewhere in Title 18. The following definitions shall apply in this subtitle unless the context dictates otherwise:

A. "Animal confinement facilities" means locations of confinement of livestock in at a density exceeding 4 animal units per acre, except as applies to livestock production facilities, which incorporate areas for manure application (at rates not to exceed the nutrient requirements of the crops grown thereon) as an integral part of the operation.

B. "Animal waste storage facility" means a waste storage impoundment made by constructing an embankment and/or excavating a pit or dugout, or by fabricating a structure.

C. "Aquifer" means a saturated, permeable geologic hydro stratigraphic unit that contains and will yield usable quantities of water.

D. "Cone of Depression" means the area around a well, in which the water level has been lowered at least one-tenth of a foot by pumping of the well.

E. "Department" means the Eau Claire County Department on Planning and Development.

F. "Feedlot" means an open lot or enclosed building in which poultry or livestock are closely confined in excess of 45 days per year for the purpose of feeding or holding and where such confinement does not or is not intended to provide natural pasture for animals.

G. "Five-year time of travel" means the recharge area for which it is determined or estimated through accepted hydrological analysis that groundwater will take five years to reach a pumping well.

H. "Groundwater" means water occurring in saturated geologic material below the water table.

I. "Municipal water supply" means the municipal water supplies of a village, city, and town in Eau Claire County, as governed by Wis. Admin. Code ch. NR 811.

J. "Nutrient Management" means managing the amount, form, placement, and timing of applications of plant nutrients.

K. "Pasture" means grazing animals, on growing vegetation, with no supplemental feed, exceeding 4 animal units (or manure production equivalent as referenced in the Eau Claire County Technical Guide, specification 590) per acre; also rotation grazing systems (designed to periodically exceed 3 head per acre) which comply with the standards of the Eau Claire County Technical Guide adopted by the Eau Claire County Land Conservation Commission.

L. "Person" means an individual, partnership, association, corporation, municipality or state agency, or other legal entity.

M. "Recharge area" means the area which encompasses all areas or features that, by surface infiltration of water that reaches the zone of saturation of an aquifer, supplies groundwater to a well.

N. "Ten-year time of travel" means the recharge area for which it is determined or estimated through hydrological analysis that groundwater will take ten years to reach a pumping well.

O. "Thirty-day time of travel" means the recharge area for which it is determined or estimated through acceptable hydrological analysis that groundwater will take thirty days to reach a pumping well.

P. "Water table" means the surface in geological material at which the pore water pressure is atmospheric.

Q. "Well field" means a piece of land used primarily for the purpose of locating wells to supply a municipal water system.

R. "Zone of saturation" means geologic material that is saturated with water and constitutes groundwater. (Ord. 167-3, Sec. 1, 2023)

18.230.050 Establishment of a Groundwater Protection Overlay District.

A. A groundwater protection overlay district shall only be created at the request of a municipality to institute land use regulations and restrictions within a defined area, which contributes water directly to a municipal water supply and promotes public health, safety, and welfare. The district is intended to protect the groundwater recharge area for the existing and future municipal water supply from contamination.

B. The boundaries of the groundwater protection overlay district shall be shown on the map "Groundwater Protection Districts for Public Water Supply Recharge Areas in Eau Claire County." This map will be an overlay of the "Official Zoning Maps of Eau Claire County, Wisconsin" as maintained by the department.

C. Whenever a municipality establishes the location of a new well or modifies an existing well resulting in a change to the public water supply recharge area for the municipality which extends into the unincorporated areas of the county, the municipality shall notify the department and submit a written request to the department to adopt a groundwater protection overlay district which shall include:

1. A 1-inch equals 2,000 feet (1:24,000) or larger scale map shall be used for municipal boundaries of the proposed wellhead protection zones, which conform to the provisions in this section.

2. A report describing the background information, research, and methodology used to develop the wellhead protection zones.

3. A wellhead protection plan for the well or wells within the proposed district.

4. An existing wellhead protection ordinance for the well or wells within the proposed wellhead protection district, effective within the incorporated areas of the municipality.

5. A list of tax parcels, any part of which falls within the proposed wellhead protection district.

6. An inventory of all existing facilities which may cause or threaten to cause groundwater contamination within the proposed wellhead protection district. The inventory shall include:

a. The county tax parcel number of each facility and the name and telephone number of a facility contact.

b. A list of the uses, activities, materials, structures, and facility type which may cause or threaten to cause groundwater contamination for each existing facility.

D. The county board shall create a groundwater protection overlay district, with the map "Groundwater Protection Districts for Public Water Supply Recharge Areas in Eau Claire County" after receipt of recommendations made by the groundwater advisory committee and the committee on planning and development. (Ord. 167-3, Sec. 1, 2023)

18.230.060 Zones. The Groundwater Protection Overlay District is divided into three zones. All zone boundaries shall be normalized to road centerlines, railways, surface water features, and the public land survey lines of 1/2, 1/4, 1/8, 1/16 section lines. Each zone is described as follows:

A. Zone 1. Zone 1 is area of land, which contributes the water to a municipal well in question to the 30-day time of travel.

B. Zone 2. Zone 2 encompasses the area of land which contributes water to the well starting at the line which delineates the 30-day time of travel and ends at the line delineating the 5- year time of travel to a municipal well.

C. Zone 3. Zone 3 encompasses the area of land which contributes water to a municipal well at the line which delineates the 5-year time of travel and ends at the line delineating the 10-year time of travel to a municipal well. (Ord. 167-3, Sec. 1, 2023)

18.230.070 Permitted & prohibited uses. Permitted and Prohibited Uses in Zones 1, 2, and 3. Uses are specified in Table 1. (Ord. 167-3, Sec. 1, 2023)

	Zone 1	Zone 2	Zone 3
P = Permitted | **X** = Expressly Prohibited			
Public and private parks, playgrounds and beaches, provided there are no on-site wastewater disposal systems or holding tanks and follows an approved Nutrient Management Plan	**P**	**P**	**P**
Wildlife and natural and woodland areas	**P**	**P**	**P**
Biking, hiking, skiing, nature, equestrian, & fitness trails	**P**	**P**	**P**
Residential areas that are municipally sewered	**P**	**P**	**P**
Routine tillage, planting, and field management operations in support of agricultural crop production where nutrients from legume, manure, and commercial sources are accounted for and credited toward crop nutrient needs. The combination of all nitrate sources applied or available on individual fields may not exceed University of Wisconsin Soil Test Recommendations for that field.	**P**	**P**	**P**
Single family residences on a minimum lot of 1 acre with a private on-site sewage system		**P**	**P**
Commercial establishments which are served by municipal sewer and water		**P**	**P**
Industrial establishments which are served by municipal sewer and water and without outside storage		**P**	**P**
Residential use of above and below ground LP gas tanks for heating not to exceed 1000 gallons		**P**	**P**
Salt storage, including sand-salt combinations			**P**
Above ground petroleum product storage tanks with leak detection			**P**
Above and below ground hydrocarbon, petroleum, or hazardous chemical storage tanks	**X**	**X**	
Cemeteries	**X**	**X**	**X**
Chemical manufacturers (Standard Industrial Classification Major Group 28)	**X**	**X**	**X**
Storage of extremely hazardous substance, radioactive materials or substances listed in Table 1, NR140 of the Wisconsin Administrative Code (Extremely hazardous Substances are identified by SARA/EPCRA criteria under 40 CFR Parts 302 and 355)	**X**	**X**	**X**
Coal storage	**X**	**X**	**X**
Dry cleaners	**X**	**X**	**X**
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Industrial lagoons and pits	X	X	X
Landfills and other solid waste facilities	X	X	X
Manure and animal waste storage facilities	X	X	X
Non-metallic earthen materials extraction sites	X	X	X
Pesticide and fertilizer dealer, transfer or storage	X	X	X
Railroad yards and maintenance stations	X	X	X
Rendering plants and slaughterhouses	X	X	X
Salt or deicing material storage	X	X	
Salvage yards and junkyards	X	X	X
Septage or sludge spreading, storage, or treatment	X	X	X
Septage, wastewater, or sewage lagoons	X	X	X
Private on-site wastewater treatment systems or holding tanks unless replacing an existing private on-site wastewater treatment system	X	X	X
Stockyards and feedlots	X	X	X
Stormwater infiltration basins without pre-treatment, which is defined to include vegetative filtration and/or temporary detention basins	X	X	X
Motor vehicle services, including filling and service stations, repair, renovation, and body work	X	X	X
Wood preserving operations	X	X	X

18.230.080 Separation distances

A. The following minimum separation distances as specified in Wis. Adm. Code § NR 811.12(5), shall be maintained within the groundwater protection overlay district.

1. Ten (1O') feet between a well and an emergency or standby power system that is operated by the same facility which operates the well and that has a double wall above ground storage tank with continuous electronic interstitial leakage monitoring. These facilities shall meet the installation requirements of Wis. Adm. Code § ATCP 93.260 and receive written approval from the department of safety and professional services or its designated Local Program Operator under Wis. Adm. Code § ATCP 93.110.

2. Fifty (50') feet between a well and a storm sewer main or a sanitary sewer main where the sanitary sewer main is constructed of water main class materials and joints. Gravity sanitary sewers shall be successfully low pressure air tested in place. Force mains shall be successfully pressure tested with water to 50 psi above normal operating pressure, 100 psi minimum.

3. Two hundred (200') feet between a well and any sanitary sewer main not constructed of water main class materials, sanitary sewer manhole, lift station, one or two family residential heating fuel oil underground storage tank or above ground storage tank or private onsite wastewater treatment system (POWTS). treatment tank or holding tank component and associated piping.

4. Three hundred (300') feet between a well and any farm underground storage tank system or other underground storage tank system with double walls and with electronic interstitial monitoring for the system; the system means the tank and any piping connected to it. These installations shall meet the most restrictive installation requirements of Wis. Adm. Code § ATCP 93.260 and receive written approval from the Department of Safety and Professional Services or its designated Local Program Operator under Wis. Adm. Code § ATCP 93.110. These requirements apply to tanks containing gasoline, diesel, biodiesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances.

5. Three hundred (300') feet between a well and any farm above ground storage tank with double walls, or single wall tank with other secondary containment and under a canopy; other above ground storage tank system with double walls, or single wall tank with secondary containment and under a canopy and with electronic interstitial monitoring for a double wall tank or electronic leakage monitoring for a single wall tank secondary containment structure. These installations shall meet the most restrictive installation requirements of Wis. Adm. Code § ATCP 93.260 and receive written approval from the Department of Safety and Professional Services or its designated Local Program Operator under Wis. Adm. Code § ATCP 93.110. These requirements apply to tanks containing gasoline, diesel, biodiesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances.

6. Four hundred (400') feet between a well and a POWTS dispersal component with a design capacity of less than 12,000 gallons per day, a cemetery or a storm water retention or detention pond.

7. Six hundred (600') feet between a well and any farm underground storage tank system or other underground storage tank system with double walls and with electronic interstitial monitoring for the system; the system means the tank and any piping connected to it; any farm above ground storage tank with double walls, or single wall tank with other secondary containment and under a canopy or other above ground storage tank system with double wall, or single wall tank with secondary containment and under a canopy; and with electronic interstitial monitoring for a double wall tank or electronic leakage monitoring for a single wall tank secondary containment structure. These installations shall meet the standard double wall tank or single wall tank secondary containment installation requirements of Wis. Adm. Code § ATCP 93.260 and receive written approval from the Department of Safety and Professional Services or its designated Local Program Operator under Wis. Adm. Code § ATCP 93.110. These requirements apply to tanks containing gasoline, diesel, biodiesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances.

8. One thousand (1,000') feet between a well and land application of municipal, commercial, or industrial waste; the boundaries of a land spreading facility for spreading of petroleum-contaminated soil regulated under state administrative regulations while that facility is in operation; agricultural, industrial, commercial or municipal waste water treatment plant treatment units, lagoons, or storage structures; manure stacks or storage structures; or POWTS dispersal component with a design capacity of 12,000 gallons per day or more.

9. Twelve hundred (1,200') feet between a well and any solid waste storage, transportation, transfer, incineration, air curtain destructor, processing, wood burning, one time disposal or small demolition facility; sanitary landfill; any property with residual groundwater contamination that exceeds Wis. Adm. Code § ch. NR 140 enforcement standards; coal storage area; salt or deicing material storage area; any single wall farm underground storage tank or single wall farm above ground storage tank or other single wall underground storage tank or above ground storage tank that has or has not received written approval from the Department of Safety and Professional Services or its designated Local Program Operator under Wis. Adm. Code § ATCP 93.110, for a single wall tank installation. These requirements apply to tanks containing gasoline, diesel, biodiesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances; and bulk pesticide or fertilizer handling or storage facilities. (Ord. 167-3, Sec. 1, 2023)

18.230.090 Changing technology & uses not listed.

A. The uses prohibited by this subtitle are prohibited based upon the combined pollution experience of many individual uses, and the technology generally employed by a particular use considered to be of a high risk for pollution to the groundwater resource. As the technology of other uses change to low or non-risk materials or methods and by petition from the user of that technology, the committee on planning and development with recommendations from the groundwater advisory committee shall recommend removal of the use as a prohibited use and establish any performance standards that are deemed necessary.

B. Any use not listed specifically as permitted in this subtitle is considered prohibited use. Upon its own initiative or upon a request from a specific property owner, the committee on planning and development with recommendations from the groundwater advisory committee may recommend adding a use as a permitted or prohibited use to this subtitle and establish any performance standards that are deemed necessary. (Ord. 167-3, Sec. 1, 2023)

18.230.100 Requirements for existing uses.

A. Existing uses that are listed as prohibited in a zone but exist on the effective date of this ordinance are grandfathered in and will be allowed to upgrade to facilitate or enhance groundwater protection. The department must approve the proposed upgrade plans and all required permits shall be issued before work is initiated. Expansion of prohibited use is not allowed.

B. Owners and/or operators of existing nonconforming uses which exist within a zone at the time of enactment of this subtitle shall provide copies of all current, revised, or new federal, state, and local facility operation approvals, permits, or certificates, operational safety plans, and on-going environmental monitoring results, to the county and the municipality with wells in the wellhead protection district.

C. Owners and/or operators of existing nonconforming uses which exist within a zone at the time of enactment of this subtitle shall have the responsibility of devising, filing, and maintaining with the county a current contingency plan which details how they intend to respond to any emergency which may cause or threaten to cause groundwater contamination that occurs at their facility, including notifying municipal, county, and state officials. (Ord. 167-3, Sec. 1, 2023)

18.230.110 Administration.

A. The county hereby designates the department to administer and enforce this subtitle. The department may seek the technical advice of the groundwater advisory committee in the administration and enforcement of this subtitle.

B. The department shall have the following duties in administering and enforcing this subtitle.

1. Inspection Authority. The department staff may enter the premises of a property under the terms of this Section in the performance of their duties or pursuant to a special inspection warrant issued under Wis. Stat. § 66.122, in order to inspect those premises and to ascertain compliance with this Section and permit or to investigate an alleged violation.

2. Enforcement Authority. The department may issue a compliance order, field directive, suspension order, or termination order to assure compliance with a permit or the provisions of this subtitle. Any permit revocation or stop work order shall remain in effect unless retracted by the department or by a court of general jurisdiction or until the activity is brought into compliance with this subtitle. The department is authorized to refer any violation of this subsection or a stop work order to the corporation counsel's office for commencement of further legal action. (Ord. 167-3, Sec. 1, 2023)

18.230.120 Penalties & enforcement.

A. Penalties. Any person who violates, neglects or refuses to comply with or resists the enforcement of any of the provisions of this subtitle shall be subject to a forfeiture of not less than $500 nor more than $2,500 per day plus cost of prosecution for each violation. Any violation includes failure to comply with any standard of this subtitle or with any condition or qualification attached to the permit. Each day that a violation exists shall be a separate offense.

B. Enforcement of Injunction. As a substitute or in conjunction with a forfeiture action, the county may seek enforcement of any part of this subtitle by court actions, an injunction or restraining order, the cost of which shall be charged to the defendant in such action.

C. Cleanup Costs. The county may commence legal action against both the person who releases the contaminants and the owner of the facility whereupon the contaminants were released to recover the costs, together with the costs of prosecution. Any person who causes the release of any contaminants, which may endanger or contaminate a municipal water supply system, shall immediately cease such discharge and immediately initiate clean up satisfactory to the county and other state or federal agencies. The person who releases such contaminants and the person who owns the facility whereon the contaminants have been released shall be jointly and severally responsible for the cost of cleanup, consultant, or other contractor fees, including all administrative costs for oversight, review, and documentation, including the county employees time, equipment, and mileage. (Ord. 167-3, Sec. 1, 2023)

18.230.130 Appeals. At the written request of any aggrieved person or the department, the county board of land use appeals shall hold a public hearing and decide on the merits of the appeal.

A. Appeals shall follow the applicable sections of the code as found in Subtitle VI, Procedures.

B. Appeals shall be filed with the board of land use appeals and the department within 30 days after the date of written notice of the decision or the order of the department.

C. All appeals shall be filed on applications provided by the department. (Ord. 167-3, Sec. 1, 2023)

18.230.140 Groundwater Protection Overlay District - Village of Fall Creek.

A Groundwater Protection Overlay District is created for the Village of Fall Creek with the boundaries as shown on the map dated February 2, 2012 entitled "Map of the Groundwater Protection Districts for Public Water Supply Recharge Areas in Eau Claire County-Village of Fall Creek" on file in the office of the department. (Ord. 167-3, Sec. 1, 2023)

18.230.150 Groundwater Protection Overlay District - Village of Fairchild.

A Groundwater Protection Overlay District is created for the Village of Fairchild with the boundaries as shown on the map dated September 25, 2012 entitled "Map of the Groundwater Protection Districts for Public Water Supply Recharge Areas in Eau Claire County-Village of Fairchild" on file in the office of the department. (Ord. 167-3, Sec. 1, 2023)

18.230.160 Groundwater Protection Overlay District - City of Augusta.

A Groundwater Protection Overlay District is created for the City of Augusta with the boundaries as shown on the map (page 11) attached to the City of Augusta's Wellhead Protection ordinance dated September 14, 2021, on file in the office of the department. (Ord. 167-3, Sec. 1, 2023)

18.230.170 Groundwater Protection Overlay District- City of Altoona.

A groundwater protection overlay district is created for the City of Altoona with the boundaries as shown on the map dated October 2023, entitled Map of the Groundwater Protection Districts for Public Water Supply Recharge Areas in Eau Claire County – City of Altoona on file in the office of the department. (Ord. 168-32, Sec. 1, 2024)

Chapter 18.250

NONMETALLIC MINERAL MINE RECLAMATION (M-O)

Sections:

18.250.010 Authority
18.250.020 Purpose & findings
18.250.030 Applicability
18.250.040 Exempt activities
18.250.050 Permitting
18.250.060 Project site modification & transfer of permits.
18.250.070 Reclamation standards
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18.250.090 Permit decision and appeals process
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18.250.130 Definitions

18.250.010 Authority. Wis. Stats. §§ 295.13 and 59.02 grant the county the authority to establish a nonmetallic mining ordinance. (Ord. 167-3, Sec. 1, 2023)

18.250.020 Purpose & findings.

A. Nonmetallic mineral mining is recognized as an important industry which contributes to the county's economic and social well-being.

B. However, the long-term damage to the physical environment and tax base that can be caused by nonmetallic mining must be reduced.

It is the purpose of this section to establish regulations for nonmetallic mining site reclamation that will restore the site to a purposeful and acceptable landscape appearance and use. (Ord. 167-3, Sec. 1, 2023)

18.250.030 Applicability.

A. The requirements of this subtitle apply to all operators of nonmetallic mining sites within Eau Claire County operating on or commencing to operate after August 1, 2001 except as exempted in Section 18.230.060 and for nonmetallic mining sites located in a city, village or town within Eau Claire County that has adopted an ordinance pursuant to Wis. Stat. § 295.14 and Wis. Admin. Code § NR 135.32(2). This subtitle does not apply to nonmetallic mining sites where nonmetallic mining permanently ceases before August 1, 2001.

B. This subtitle applies to nonmetallic mining conducted by or on behalf of the state of Wisconsin, by or on behalf of a municipality, or for the benefit or use of the state or any state agency, board, commission, or department, except for the waiver of financial assurance in 18.250.110.

C. This section applies to a site located in more than one county if it is less restrictive than or equally as restrictive as the adjacent county's nonmetallic mining reclamation ordinance, or if the other county has no nonmetallic mining reclamation ordinance and shall apply to the entire site.

D. It is the responsibility of the operator to obtain all applicable local, state, and federal permits or approvals. (Ord. 167-3, Sec. 1, 2023)

18.250.040 Exempt activities. This section does not apply to the following activities:

A. Excavations or grading by a person solely for domestic use at their residence or farm operation.

B. Excavation or grading conducted for highway construction purposes within the highway or railroad right-of-way, excavating or grading done within the boundary of an airport or other transportation facility or for highway safety in or adjacent to a vision clearance triangle and where a reclamation plan is in place meeting the requirements of the Wisconsin Department of Transportation.

C. Preparing a construction site for a project which has been issued a building or zoning permit or is consistent with applicable zoning ordinances or restoring land following a flood or natural disaster.

D. Excavations for building construction purposes on the construction site for a project which has been issued a building or zoning permit.

E. Nonmetallic mining at nonmetallic mining sites where less than one acre of total affected acreage occurs on a parcel over the life of the mine.

F. Any mining operation, the reclamation of which is required in a permit obtained under Wis. Stat. ch. 293.

G. Any activities conducted at a solid or hazardous waste disposal site required to prepare, operate or close a solid waste disposal facility under Wis. Stat. chs. 289 or 291. This section applies to activities related to solid or hazardous waste disposal which are conducted at a nonmetallic mining site separate from the solid or hazardous waste disposal facility, such as activities to obtain nonmetallic minerals to be used for lining, capping, covering, or constructing berms, dikes, or roads.

H. Any nonmetallic mining site or portion of a site which is subject to permit and reclamation requirements of the DNR under Wis. Stat. §§ 30.19, 30.195 and 30.20 and complies with Wis. Admin. Code ch. NR 340.

I. Nonmetallic mining conducted to obtain stone, soil, sand or gravel for construction, reconstruction, maintenance or repair of a highway, railroad, airport, or any other transportation facility or part thereof, if the nonmetallic mining is subject to the requirements of the Wisconsin Department of Transportation concerning the restoration of the nonmetallic mining site.

1. This exemption only applies to a nonmetallic mining operation with limited purpose and duration where the Wisconsin Department of Transportation actively imposes reclamation requirements and the operator reclaims the nonmetallic mining site in accordance with these requirements.

2. The duration of the exemption shall be specific to the length of the Wisconsin Department of Transportation contract for construction of a specific transportation project.

3. If a nonmetallic mining site covered under this subsection is used to concurrently supply materials for projects unrelated to the Wisconsin Department of Transportation project, the exemption in this subsection still applies, provided that the site is fully reclaimed under Wisconsin Department of Transportation contract and supervision.

J. Dredging for navigational purposes, to construct or maintain farm drainage ditches, and for the remediation of environmental contamination and the disposal of spoils from these activities.

K. Excavations subject to the permit and reclamation requirements of Wis. Stat. §§ 30.30 or 30.31. (Ord. 167-3, Sec. 1, 2023)

18.250.050 Permitting.

A. No person may engage in nonmetallic mining or in nonmetallic mining reclamation without possessing a nonmetallic mining reclamation permit issued pursuant to the applicable reclamation ordinance unless the activity is specifically exempted in Section 18.250.040.

B. Local Transportation Site Permits. A permit shall be issued under this section for any nonmetallic mine that meets the following conditions:

1. The mine will be opened and reclaimed under contract with a municipality within a period not exceeding 36 months.

2. The mine is intended to provide stone, soil, sand or gravel for the construction, reconstruction, maintenance or repair of a highway, railroad, airport facility or other transportation facility under contract with the municipality. Municipality has the meaning defined in Wis. Stat. § 299.01(8).

3. The mine is regulated and will be reclaimed under contract with the municipality in accordance with the requirements of the Wisconsin Department of Transportation concerning the restoration of nonmetallic mining sites.

4. The mine is not a commercial source of nonmetallic minerals.

5. All applicable zoning requirements have been met.

6. The applicant shall provide the following information:

a. A copy of the contract which outlines the terms and conditions of the reclamation of the borrow site.

b. A scaled drawing that identifies the area that will be impacted by the contract.

C. Permit Requirements.

1. A permit application by the department.

2. The fees as specified in this title.

3. A reclamation plan conforming to this title.

4. A certification that the operator will provide, as a condition of the reclamation permit, provide financial assurance as required by 18.250.110 upon granting of the reclamation permit and before mining commences.

5. To avoid duplication, the permit application and submittals required under this subsection may, by reference, incorporate existing plans or materials that meet the requirements of this title.

D. Application. All operators of nonmetallic mining sites shall apply for a reclamation permit from the department. The application for a permit shall be submitted to the department on forms provided by the department. The applicant shall submit 12 complete hard copies, along with 1 digital copy in PDF searchable form, of the application and required documents required by this section. The application for a mining reclamation permit shall be signed and dated by the applicant. All applications for reclamation permits under this section shall be accompanied by the following information:

1. Reclamation Plan. All operators who conduct or plan to conduct nonmetallic mining shall submit a reclamation plan to the department that meets all of the following requirements and complies with the reclamation standards of 18.250.070 and provide four copies of the required site information on maps drawn at a scale of no less than 1-inch equals 200 feet. The reclamation plan shall include site information sufficient to describe the existing natural and physical conditions of the site, including, but not limited to:

a. The extent of the deposit and the property boundaries of the operator's owned or leased land and the location of other owners' property boundaries at the point where they abut the boundary of the project site.

b. Topography of affected lands at contour intervals no greater than 10 feet.

c. Location and names of all streams, lakes, other water features and roads on or within 300 feet of the project site.

d. The aerial extent with the boundaries of the nonmetallic mining site shown.

e. The geologic composition and depth of the nonmetallic mineral deposit.

f. Indicate the distribution, thickness, and type of topsoil.

g. Identify the drainage patterns on a contour map.

h. The approximate elevation of ground water, as determined by existing hydro-geologic information. In specific instances where the existing hydro geologic information is insufficient for purposes of the reclamation plan, the applicant may supplement the information with the opinion of a licensed professional geologist or hydrologist.

i. Information available to the mine operator on biological resources, plant communities, and wildlife use at and adjacent to the proposed or operating mine sites.

j. Location of all man-made features on or adjacent to the site and the purpose for which each man-made feature and the adjoining land is used.

k. For proposed nonmetallic mining sites that include previously mined areas, a plan view drawing showing the location and extent of land previously affected by nonmetallic mining, including the location of stockpiles, wash ponds and sediment basins.

l. Location and description of mining site boundary stakes, which delineate the permit area and a permanent reference point.

m. Location of phase boundary stakes if the site will be mined in phases.

n. Location and description of the permanent reference point with all horizontal and vertical measurements.

o. Topsoil or topsoil substitute material, if required to support revegetation needed for reclaiming the site to approved post-mining land use, can be identified using county soil surveys or other available information, including that obtained from a soil scientist or the University of Wisconsin soil science extension agent or other available information resources.

2. Reclamation Permit Application Contents. The operator of any nonmetallic mine site shall submit an application that meets the requirements specified below to the department prior to beginning operations.

a. The information required by 18.250.050 D.3.

b. The plan review and annual fees required by 18.250.100.

c. A reclamation plan conforming to 18.250.050 D.1.

d. A certification that the operator will provide, as a condition of the reclamation permit, financial assurance as required by 18.250.050 D.5. upon granting of the reclamation permit and before mining begins.

e. To avoid duplication, the permit application and submittals required under this subsection may, by reference, incorporate existing plans or materials that meet the requirements of this section.

3. General Information.

a. The name, address, and telephone number of the operator, plus fax number and e-mail address if available.

b. Lease. A signed copy of the lease or a letter signed by the owner(s) of record which authorizes the operator to enter upon the lessor's land for the purpose of mining as defined in this section. The expiration date of the lease or agreement shall clearly be indicated thereon.

c. Legal Description. A legal description and general location map of the tracts of land to be involved and affected by the proposed operation and the approximate total number of acres involved.

d. A description of the nature of the deposit and the mining methods that will be used to extract and process the material.

e. The names, addresses and telephone numbers of all persons or organizations who are owners or lessors of the property on which the nonmetallic mining site is located.

f. A certification by the operator of his or her intent to comply with the statewide nonmetallic mining reclamation standards established by this section.

4. Reclamation Measures.

a. A description of the proposed reclamation and post-mine land use including methods and procedures to be used and a proposed timetable for completion of various stages of reclamation of the nonmetallic mining site including provisions for interim reclamation.

b. A plan drawing showing the location of erosion control practices necessary during reclamation including final slope angles, high wall reduction, benching, terracing and other structural slope stabilization measures; including a description of anticipated topography, water impoundments, artificial lakes and anticipated post-mining land use. If necessary, a specific engineering analysis performed by a registered professional engineer as provided by 18.250.070 E.

c. Description of the volume of topsoil or topsoil substitute and other earth materials that will be necessary to complete the proposed reclamation, and the methods for stripping, storage, stabilization, reapplication and conservation methods that will be used during replacement. If off-site material will be used in site reclamation, a description of the source, nature and volume of material.

d. A statement from the applicable planning or zoning authority that the proposed post-mine land use is consistent with zoning and land use plans in effect at the time the application is submitted unless a change in the zoning or land use plan is proposed.

e. Description of plans for disposition of man-made features and related facilities after cessation of mining unless they serve to support the post-mine land use.

f. The estimated cost of reclamation for each stage of the project or the entire site if staging is not planned.

g. A seeding plan which shall include methods of seed bed preparation, seeding rates, mulching, netting and/or other techniques needed to accomplish soil and slope stabilization.

h. A timetable of the commencement, duration, and cessation of reclamation activities.

i. Quantifiable standards for revegetation adequate to show that a suitable stand of vegetation has been established which will support the post-mine land use. Standards for revegetation may be based on the percent of vegetative cover, productivity, plant density, diversity or other applicable measures.

5. Certification of Reclamation Plan.

a. The operator shall provide a signed certification that reclamation will be carried out in accordance with the reclamation plan. The landowner and lessee, if different from the operator, shall also provide signed certification that they concur with the reclamation plan and will allow its implementation, except as provided in b. below.

b. For the following situations, the landowner and lessee if different from the mine operator, are not required to submit a written certification in accordance with 1. For these situations, the operator shall provide written evidence that the landowner and lessee, if different from the operator, have been provided with a written copy of the reclamation plan.

i. The mine operator has a nonmetallic mine reclamation permit in compliance with this subtitle or has applied for a permit for an existing mine in accordance with 18.250.050 B.

ii. The operator has submitted a reclamation plan for a new or reopened mine which is located on land for which a lease agreement or memorandum of lease between the landowner and the applicant was recorded prior to August 1, 2001.

6. Other Information. The department may require the submittal of such other information as may be necessary to determine the feasibility of the proposed reclamation. (Ord. 167-3, Sec. 1, 2023)

18.250.060 Project site modification & transfer of permits.

A. Site Modification. An operator may apply in writing for a modification or cancellation of a permit or for a change in the reclamation plan for a project site. The application for permit or plan modification shall be acted on using the standards and procedures of 18.250.050.

B. Transfer of Permit. When one operator succeeds to the interest of another in an uncompleted site, the department shall release the first operator of the responsibilities imposed by the permit only if:

1. Both operators are in compliance with the requirements and standards of this section.

2. The new operator assumes the responsibility of the former operator to complete the reclamation of the entire project site by a written, witnessed document.

3. Site enlargement. Any proposed enlargement shall be reviewed by the department and shall be approved only if it meets all of the standards and procedures of Section 18.250.050.

4. The new operator shows proof of financial responsibility. (Ord. 167-3, Sec. 1, 2023)

18.250.070 Reclamation standards. All nonmetallic mining sites subject to this section shall be reclaimed in conformance with the standards contained in this section.

A. General Standards.

1. Refuse & Other Solid Wastes. Nonmetallic mining refuse shall be reused in accordance with a reclamation plan. Other solid waste shall be disposed of in accordance with applicable rules of the DNR adopted pursuant to Wis. Stat. chs. 289 and 291.

2. Area Disturbed & Contemporaneous Reclamation. Nonmetallic mining reclamation shall be conducted, to the extent practicable, to minimize the area disturbed by nonmetallic mining and to provide for reclamation of portions of the site while nonmetallic mining continues on other portions of the site.

3. Public Health, Safety, & Welfare. All nonmetallic mining sites shall be reclaimed in a manner so as to comply with federal, state and local regulations governing public health, safety and welfare.

4. Habitat Restoration. When the land use required by the reclamation plan approved pursuant to this section requires plant, fish or wildlife habitat, it shall be restored, to the extent practicable, to a condition at least as suitable as that which existed before the lands were affected by nonmetallic mining operations.

5. Compliance with Environmental Regulations. Reclamation of nonmetallic mining sites shall comply with any other applicable federal, state and local laws including those related to environmental protection, zoning or land use control.

6. Standards Applied to All Permits.

a. Right of Access. The filing of an application shall grant the department the right of access onto the site and contiguous lands owned or leased by the applicant for any purposes relative to this section.

b. Boundary Staking. All excavation and phase boundaries shall be staked or otherwise marked and the operator shall notify the department that the site is staked at least 2 workdays prior to commencing operations on a site. Stakes shall be made of steel, fiberglass or other material acceptable to the department. Stakes may be removed after reclamation is completed and accepted. Painted wood lath may be used for operations of one year or less. Staking may be waived with department approval if an operation boundary is the same as an existing fence line or other easily identifiable feature.

c. Conflicts with Other Regulations. The operator shall obtain any local, state and federal permits or approvals. Copies of these permits must be provided before a county nonmetallic mine reclamation permit will be issued.

d. Compliance with Reclamation. The operator shall comply with contemporaneous and final reclamation plans for the site.

e. Notification of Completion of Reclamation. The operator shall notify the department in writing that interim or complete reclamation has been completed. All stages within a site shall also comply with the notification requirements above. When a stage is complete, the operator shall notify the department for approval of the reclamation before entering the next stage.

f. Fees & Financial Assurances. Once a nonmetallic mining site or a portion of a nonmetallic mining site has been certified as reclaimed, no fees shall be assessed for the area reclaimed and the financial assurance for the area reclaimed shall be released or reduced.

g. Hazardous Waste. Unless permitted under State or Federal authority, no solid or hazardous waste shall be stored, buried, or deposited in or on any nonmetallic mining site.

h. Other Standards. The department may apply such other requirements as are reasonably necessary to ensure progressive and final reclamation in a manner consistent with this section and to limit environmental pollution including but not limited to the financial assurance provisions of this section.

B. Surface Water and Wetlands Protection. Nonmetallic mining reclamation shall be conducted and completed in a manner that assures compliance with the DNR's water quality standards for surface waters and wetlands contained in Wis. Admin. Code chs. NR 102 to NR 105. Before disturbing the surface of a nonmetallic mining site and removal of topsoil, all necessary measures for diversion and drainage of runoff from the site to prevent pollution of waters of the state shall be installed in accordance with the reclamation plans approved pursuant to this section. Diverted or channelized runoff resulting from reclamation may not adversely affect neighboring properties.

C. Groundwater Protection.

1. Groundwater Quantity. A nonmetallic mining site shall be reclaimed in a manner that does not cause a permanent lowering of the water table that results in adverse effects on surface waters of a significant reduction in the quantity of groundwater reasonably available for future users of groundwater.

2. Groundwater Quality. Nonmetallic mining reclamation shall be conducted in a manner which does not cause groundwater quality standards in Wis. Admin. Code ch. NR 140, to be exceeded at the point of standards application.

D Topsoil Management.

1. Removal. Topsoil and topsoil substitute material shall be provided as specified in the reclamation plan approved pursuant to this section in order to achieve reclamation to the approved post-mining land use. Removal of onsite topsoil and topsoil substitute material removal, when specified in the reclamation plan, shall be performed, prior to any mining activity associated with any specific phase of the mining operation.

2. Volume. The operator shall obtain the volume of soil required to perform final reclamation by removal of on-site topsoil or topsoil substitute material or by obtaining topsoil or substitute material as needed to make up the volume of topsoil as specified in the reclamation plan approved pursuant to this section.

3. Storage. Once removed, topsoil or topsoil substitute material shall, as required by the reclamation plan approved pursuant to this section, either be used in contemporaneous reclamation or stored in an environmentally acceptable manner. The location of stockpiled topsoil or topsoil substitute material shall be chosen to protect the material from erosion or further disturbances or contamination. Runoff water shall be diverted around all locations in which topsoil or topsoil substitute material is stockpiled.

4. Topsoil Redistribution for Reclamation. Topsoil or topsoil substitute material shall be redistributed in accordance with the reclamation plan approved pursuant to this section in a manner which minimizes compaction and prevents erosion. Topsoil or topsoil substitute material shall be uniformly redistributed except where uniform redistribution is undesirable. Topsoil or topsoil substitute material redistribution may not be performed during or immediately after a precipitation event until the soils have sufficiently dried.

E. Final Grading and Slopes.

1. All areas affected by mining shall be addressed in the approved reclamation plan, pursuant to 18.250.050 D.1., to provide that a stable and safe condition consistent with the post-mining land use is achieved. The reclamation plan may designate highwalls or other unmined and undisturbed natural solid bedrock as stable and safe and not in need of reclamation or designate other areas affected by mining including slopes comprised of unconsolidated materials that exceed a 3:1 slope, whether or not graded, as stable and safe. For slopes designated as stable under this subsection, the regulatory authority may require that either: a site-specific engineering analysis be performed by a registered professional engineer to demonstrate that an acceptable slope stability factor is attainable at a steeper slope, or the operator perform a field test plot demonstration to demonstrate that a stable and safe condition will be achieved and that the post-mining land use specified in the reclamation plan will not be adversely affected.

2. Final reclaimed slopes covered by topsoil or topsoil substitute material may not be steeper than a 3:1 horizontal to vertical incline, unless found acceptable through one or more of the following:

a. Alternative requirements are approved pursuant to Wis. Adm. Code § NR 135.26;

b. Steeper slopes are shown to be stable through a field plot demonstration approved as part of an approved reclamation plan; or

c. Stable slopes can be demonstrated based on site-specific engineering analysis performed by a registered professional engineer. All areas in the nonmetallic mine site where topsoil or topsoil substitute material is to be reapplied shall be graded or otherwise prepared prior to topsoil or topsoil substitute material redistribution to provide the optimum adherence between the topsoil or topsoil substitute material and the underlying material.

3. When the approved post-mining land use includes a body of water, the approved final grade at the edge of a body of water shall extend vertically 6 feet below the lowest seasonal water level. A slope no steeper than 3:1 shall be created at a designated location or locations, depending on the size of the water body to allow for a safe exit.

F. Revegetation and Site Stabilization. Except for permanent roads or similar surfaces identified in the reclamation plan approved pursuant to this section, all surfaces affected by nonmetallic mining shall be reclaimed and stabilized by revegetation or other means. Revegetation and site stabilization shall be in accordance with the approved reclamation plan and shall be performed as soon as practicable after mining activity has permanently ceased in any part of the mine site.

G. Assessing Completion of Successful Reclamation.

1. The criteria for assessing when reclamation is complete and, therefore, when the financial assurance may be released shall be specified in the reclamation plan approved pursuant to this section. Criteria to evaluate reclamation success shall be quantifiable.

2. Compliance with the revegetation success standards in the approved reclamation plan shall be determined by:

a. On-site inspections by department staff.

b. Reports presenting results obtained during reclamation evaluations including summarized data on revegetation, photo documentation or other evidence that the criteria approved in the reclamation plan to ascertain success have been met.

c. A combination of inspections or reports.

3. In those cases where the post-mining land use specified in the reclamation plan requires a return of the mining site to a pre-mining condition, the operator shall obtain baseline data on the existing plant community for use in the evaluation of reclamation success pursuant to this section.

4. Revegetation success may be determined by:

a. Comparison to an appropriate reference area.

b. Comparison to baseline data acquired at the mining site prior to its being affected by mining.

c. Comparison to an approved alternate technical standard.

5. Revegetation using a variety of plants indigenous to the area is favored.

H. Intermittent Mining. Intermittent mining may be conducted provided that the possibility of intermittent cessation of operations is addressed in an operator's reclamation permit, no environmental pollution or erosion of sediments is occurring, and financial assurance for reclamation pursuant to 18.250.050 is maintained covering all remaining portions of the site that have been affected by nonmetallic mining and that have not been reclaimed. An intermittent mine is a mine where the operator has periods of inactivity greater than one year but has a long-term mining operation plan for the site. Reclamation of the mined area is required.

I. Maintenance. During the period of the site reclamation, after the operator has stated that reclamation is complete, but prior to release of financial assurance, the operator shall perform any maintenance necessary to prevent erosion, sedimentation or environmental pollution, comply with the standards of this section, or to meet the goals specified in the reclamation plan approved pursuant to this section. (Ord. 167-3, Sec. 1, 2023)

18.250.080 Public notice & right of hearing.

A. Public notice.

1. The department shall publish a public notice of application within 30 days of the receipt of a complete application for a nonmetallic mine reclamation permit.

2. The notice shall be published as a class 2 notice pursuant to Wis. Stat. § 985.07(2). The notice shall contain the following:

3. A description of the mining and reclamation planned at the proposed site.

4. The opportunity for a public hearing pursuant to this section.

5. The location at which the public may review the application.

6. Copies of the notice shall be forwarded by the department to the clerk of the municipality in which the proposed site is located, the land conservation division and owners of land within one-half mile of the boundaries of the parcel or parcels of land on which the proposed site is located.

B. Public hearing.

1. Sites Located in Towns Under County Zoning Jurisdiction. If a public hearing is required for a conditional use permit under Chapter 18.103, an opportunity shall be provided to give testimony on reclamation related matters. The department shall consider the reclamation related testimony in deciding on a permit application pursuant to this section.

2. Sites Located in Municipalities That Are Independently Zoned. If a public hearing is required by the local zoning authority and if the local zoning authority requests that the department be represented at the public hearing, an opportunity shall be provided for the department to take testimony on reclamation related matters. The department shall consider the reclamation related testimony in deciding on a permit application pursuant to this section.

3. All Other Sites. If there was not an opportunity for the department to take testimony under 1. or 2., an opportunity for a public hearing shall be provided as follows:

a. Any person residing within, owning property within, or whose principal place of business is within 660 feet of the boundary of a parcel or parcels of land in which the nonmetallic mining site is proposed may request a public informational hearing.

b. The request must be made within 30 days of the date of the public notice specified in paragraph A.

c. The hearing shall be held no sooner than 30 days nor later than 60 days after being requested.

d. The hearing shall be conducted as an informational hearing for the purpose of explaining and receiving comments from affected persons on the nature, feasibility and effects of the proposed reclamation.

4. The subject matter and testimony at this informational hearing, if it is held separately from any zoning related hearing, shall be limited to the reclamation of the proposed nonmetallic mine site. (Ord. 167-3, Sec. 1, 2023)

18.250.090 Permit decisions & appeal process.

A. Municipality notification. Upon receipt of a complete permit application or appeal, the department shall notify by mail the clerk of the town in which the operation is located.

B. Permit decisions.

1. Standard Procedure for Permit Application. Permits shall be granted or denied no sooner than 30 days nor later than 60 days following receipt of a complete application, where the department finds that the provisions of this section and the relevant standards have been met unless a public hearing is held per 18.250.080. If a public hearing is held, the permit decision shall be made no later than 30 days after the public hearing. One copy of all plans will be stamped "Approved" and returned to the applicant at the time of permit issuance. Failure of the applicant to notify the department within 5 workdays of the receipt of the permit will constitute acceptance of the permit and all conditions and amendments to the application and plans. Permits shall be denied where the provisions of this section have not been met or if the applicant has failed or continues to fail to comply in a significant manner with this section.

2. Walk-Through Procedure for Permit Application. Any person who wishes to obtain a permit more quickly than outlined in the standard procedure above, may request a walk-through appointment with the department. Plans and other pertinent documents will be reviewed at the time of the appointment and if the application is complete, the permit will be granted or denied within 30 days of the appointment unless a public hearing is required under 18.250.080. If a public hearing is required a decision shall be made within 10 workdays following the public hearing. All other conditions outlined in 1. shall apply.

3. Automatic permits shall be approved within 5 working days if the application meets the standards of 18.250.050 B.

C. Appeals Procedures.

1. Board of Land Use Appeals. At the written request of any aggrieved person, the operator, or the department, the board of land use appeals shall hold a public hearing.

2. Applicable sections of Subtitle VI, Procedures, apply.

3. Appeals & application.

a. A notice of appeal and variances shall be filed with both the board of land use appeals and the department within 30 days after the date of written notice of the decision or the order of the department.

b. All appeals or variances shall be filed on applications provided by the department.

c. A variance shall include:

i. A map drawn to scale of no less than 1-inch equals 200 feet of the mineral deposit the property boundaries of the operators owned or leased land.

ii. Topography of affected lands at a contour interval no wider than 2 feet.

iii. Location and names of all navigable waters and roads within 500 feet of the project site.

iv. Location of all man-made features or structures on or adjacent to the site and their purpose and adjoining land use.

v. Boundaries of previous excavations, stockpiles, sediment basins, wash plants, or other land previously affected by nonmetallic mining on the site.

vi. Location and description of mining site boundary stakes which delineate the permit area and a permanent reference point.

vii. Location of phase boundaries stakes and a permanent reference point. (Ord. 167-3, Sec. 1, 2023)

18.250.100 Fees.

A. Application & annual report fee.

1. An application for a permit shall be accompanied by a reclamation plan review fee. The reclamation plan review fee shall be as follows:

a. Plan Review Fees (one-time fee based on the life of the mine)

Size of Mine Site	Fee
1-10 acres	$1,500
11-25 acres	$3,500
26-50 acres	$8,500
51-100 acres	$12,500
101-200 acres	$15,000
201-400 acres	$18,000
401-600 acres	$23,000
801-1,000 acres	$27,000
1,000 acres or more	$30,000

a. Fees are established as base rate fees. In addition to the plan review fee, applicants shall be responsible for the payment of all reasonable expenses of the department for retaining outside expert assistance in analyzing the applicant's application and its conformity to the requirements of this subtitle.

b. A separate plan review fee of $1,000 shall be paid under this section for any modification to an existing reclamation plan submitted pursuant to 18.250.060 A.

c. Proposed changes to a previously approved reclamation plan shall be subject to plan review fees based on the area affected by the plan changes.

d. Mine size is in acres rounded to the nearest whole acre. Does not include mines less than 1 acre.

e. In addition to the stated fees, applicants shall be responsible for the payment of all reasonable expenses of the committee on planning and development for retaining outside expert assistance in determining conformity with the requirements of the Nonmetallic Mining Reclamation Ordinance.

f. Reclamation plans which include transportation facilities (i.e. railroad spurs/roads) and/or water features, including but not limited to lined ponds, wetland restorations, and lakes will be charged any additional costs exceeding the plan review fees under sub.(a) to fully process the permit application.

g. 2. The annual report fee shall be paid no later than January 31. The annual report fee is based on the unreclaimed acreage of the nonmetallic mining site from the previous year. A fee of $100 per acre shall be submitted for each acre rounded to the nearest whole acre not released pursuant to 18.250.110 F., but the total annual fee shall not be less than $100.

h. 3. Walk-through and after-the-fact permit fees shall be double the application fees.

i. 4. Fees are not refundable after a permit has been issued.

B Reduced fee for inactive mines.

1. Any site on which no nonmetallic mining activity has taken place in the previous calendar year shall be assessed a fee as follows:

Size of Mine Site	Fee
1-5 acres	$100
6-10 acres	$200
11-15 acres	$300
16-25 acres	$400
26-50 acres	$500
51-100 acres	$600
101-200 acres	$700
201 acres or more	$800

2. For nonmetallic mining sites at which no nonmetallic mining has taken place in the previous calendar year, the share for the Wisconsin Department of Natural Resources shall be $15.

C. DNR fee. In addition to the fee listed in subsection A., the operator shall submit to the department an annual permit fee which shall be paid to the DNR as set forth in Wis. Admin. Code § NR 135.39(3).

D. Public notice and hearing fees.

1. Public notice fee. A public notice fee of $800.00 shall accompany applications which require a public notice under this section.

2. Public informational hearing fee. A public informational hearing fee of $300.00 shall be paid by the applicant when a public information hearing is required under this section.

3. All requests for a public hearing before the board of land use appeals shall be accompanied by a fee as set forth in Chapter 4.35. This fee is in addition to any other fee required by this section. (Ord. 167-3, Sec. 1, 2023)

18.250.110 Financial assurance.

A. Notification.

1. The department shall review the proposed financial assurance level submitted by the operator and determine the required financial assurance level of the project site and shall notify the applicant.

2. Following approval of the permit, and as a condition of the permit, except for governmental units and local transportation projects, the department shall require a financial assurance to be filed with the department equal to the estimated cost of fulfilling reclamation.

3. Upon notification of financial assurance levels by the department, but prior to commencing nonmetallic mining, the operator shall file with the department financial assurance conditioned on faithful performance of all requirements of this section, and the reclamation plan.

4. Upon notification by the department of bonding or deposit approval and conformance with permit conditions, the operator may commence nonmetallic mining and reclamation operations.

B. Bond requirements.

1. Bonds shall be issued by a surety company licensed to do business in Wisconsin. At the option of the operator, a performance bond or a forfeiture bond may be filed. Surety companies may have the opportunity to complete the reclamation in lieu of cash payment to the department.

2. Each bond shall provide that the bond shall not be canceled by the surety, except after not less than 90 days' notice to the department, in writing, by registered or certified mail. Not less than 30 days prior to the expiration of the 90-day notice of cancellation, the operator must deliver to the department a replacement bond or approved alternate financial assurance in absence of which all nonmetallic mining shall cease.

3. The bond shall be payable to "Eau Claire County, Wisconsin."

4. Bond may be provided to the department for phases of a site, but in no instance shall the bond be for an area less than 1/2 acre. Nonmetallic mining shall be limited to the phases which have bonds approved for them.

C. Alternate financial assurance.

1. An operator may deposit cash, irrevocable letters of credit, irrevocable trusts, established escrow accounts, negotiable certificates of deposit or negotiable government securities with the department in lieu of a bond or may demonstrate financial responsibility by meeting net worth requirements as outlined in Wis. Stat. § 289.41. Certificates of deposit shall be automatically renewed or replaced with an alternate security before the maturity date. Any interest earned by the financial assurance will be paid to the operator. Interest will be paid on cash bonds annually according to county procedures.

2. Alternate financial assurance may be provided to the department for stages of a site but in no instance shall such assurance be for an area of less than 1/2 acre or for less than a one-month supply of material whichever is larger. Excavation and reclamation activities shall be limited to the stage(s) which have financial assurance approved for them.

D. Financial assurance reevaluation.

1. The department may reevaluate and adjust accordingly the amount of the project financial assurance. Reclaimed areas may be released from the bond coverage and the amount of the bond may be lowered proportionately.

2. The operator shall notify the department in writing at the time he or she determines that reclamation of a portion of the site or the entire site is complete.

3. The department shall notify the operator in writing within 60 days of receipt of the notification whether or not the reclamation is complete unless weather conditions or snow cover make a determination impractical.

E. Financial assurance on multiple projects. Any operator who obtains a permit from the department for two or more project sites may elect, at the time the second or subsequent site is approved, to post a single financial assurance in lieu of separate financial assurance on each site. Any single financial assurance so posted shall be in an amount equal to the estimated cost to the county for reclaiming all sites the operator has under project permits. When an operator elects to post a single financial assurance in lieu of separate financial assurance previously posted on individual sites the separate financial assurance shall not be released until the new bond or deposit has been accepted by the department.

F. Multiple jurisdictions. In cases where more than one regulatory authority has jurisdiction, a cooperative financial security arrangement may be developed and implemented by the regulatory authorities to avoid requiring the permittee to prove financial assurance with more than one regulatory authority for the same mining site. Financial assurance is required for each site and two or more sites of less than one acre by the same operator, except that governmental units are not required to obtain financial assurance.

G. Financial assurance release. The department shall release the operator's financial assurance if it finds, after inspection of the project site and review of documentation provided by the operator, that the operator has fully carried out and completed reclamation of the project site in accordance with the reclamation plan and has otherwise complied with this section.

H. Cancellation. The financial assurance shall provide that it may not be canceled by the surety or other holder or issuer except after no less than 90-day notice to the department in writing by registered or certified mail. Not less than 30 days prior to the expiration of the 90-day notice of cancellation, the operator shall deliver to the department a replacement financial assurance. In the absence of this replacement financial assurance, all mining shall cease until the time it is delivered and in effect.

I. Changing methods of financial assurance. The operator of a nonmetallic mining site may change from one method of financial assurance to another. This may not be done more than once a year unless required by an adjustment imposed pursuant to this section. The operator shall give the department at least 60 days' notice prior to changing methods of financial assurance and may not actually change methods without the written approval of the department.

J. Bankruptcy notification. The operator of a nonmetallic mining site shall notify the department by certified mail of the commencement of voluntary or involuntary proceedings under bankruptcy code, 11 USC, et seq., naming the operator as a debtor, within 10 days of commencement of the proceedings. (Ord. 167-3, Sec. 1, 2023)

18.250.120 Administration & enforcement.

A. Inspections.

1. Department staff may enter the premises of a nonmetallic mining site in the performance of their official duties or pursuant to a special inspection warrant issued under Wis. Stat. § 66.0119, in order to inspect those premises and to ascertain compliance with this section and permit or to investigate an alleged violation.

2. Each active project site shall be inspected by department personnel at least once annually to ensure that the site is in conformance with the operator's permit and shall make a report of the inspection. The report of the inspection shall contain a map or diagram which illustrates the area that has been affected by nonmetallic mining, the area that has been reclaimed and the unreclaimed area and shall document any activity that is inconsistent with the terms of the permit for the site. The operator shall be provided a copy of the information obtained during the inspection.

3. The department shall retain the inspection reports for a period of 10 years and shall make the information available to the DNR upon request.

4. The department shall inspect a nonmetallic mining site for which an operator has submitted a report under 18.250.070 A.6.e. of the completion of reclamation or interim reclamation within 60 days of receipt of the report and make a determination in writing. If it is determined that interim or final reclamation is complete, including revegetation meeting the quantifiable standard as specified in the reclamation plan approved under 18.250.050 D.1., the department shall issue the mine operator a written certification of completion.

B. Annual Operator Reporting. Annual operating reports that satisfy the requirements of this section shall be submitted by the operator of nonmetallic mining sites.

1. Contents. The annual report shall include the following:

a. The name and address of the operator.

b. The parcel identification number.

c. The nonmetallic mine reclamation permit number.

d. The acreage currently affected by nonmetallic mining and not yet reclaimed.

e. The amount of acreage that has been reclaimed to date, on a permanent basis and the amount reclaimed on an interim basis.

f. A plan, map, or diagram, drawn to scale, accurately showing the acreage described in d. and e.

g. The following certification signed by the operator: "I certify that this information is true and accurate, and that the nonmetallic mining site described herein complies with all conditions of the applicable nonmetallic mine reclamation permit and Wis. Admin. Code ch. NR 135."

2. Deadline. The annual report shall cover the activities for a calendar year and be submitted within 60 days following the end of the year.

3. Annual reports shall be submitted by an operator for all active and intermittent mining sites to the department for each calendar year until the nonmetallic mine reclamation is complete and a notice as specified in 18.250.120 B. is filed with the department.

C. Enforcement.

1. The department may issue a compliance order, field directive, suspension order or termination order to assure compliance with a permit or the provisions of this section.

2. Special Orders. The department may issue a special order as set forth in Wis. Stat. § 295.19(1)(b) and (c). To enforce Wis. Stat. ch. 295, subch. I, Wis. Admin. Code ch. NR 135, or this subtitle, a permit issued pursuant to this subtitle or a reclamation plan required by Section 18.250.050 D. shall be considered a violation of Wis. Stat. ch. 295, subch. I and Wis. Admin. Code ch. NR 135 or this subtitle until the necessary permits are obtained.

3. Review of orders. A person holding a reclamation permit who is subject to an order pursuant to this section shall have the right to review the order in a contested case hearing under Wis. Stat. § 68.11. Notwithstanding the provisions of Wis. Stats. §§ 68.001, 68.03(8) and (9), 68.06, and 68.10(1)(b).

D. Waiver of liability.

1. In carrying out any of the provisions of this section or in exercising any power or authority granted to them thereby, there shall be no personal liability upon the department, its agents and employees.

2. In such matters, it is understood that they act as agents and representatives of the county.

3. In performing their duties, department staff, in so far as practical, shall conform to safety rules governing mining sites.

E. Penalties. Any operator who fails to comply with any provisions of this section or who fails to comply with any field directive, compliance order, suspension order or termination order issued by the department shall be subject to the penalties as directed in Chapters 18.153 and 18.154 with the exception that forfeitures of not less than $500 or more than $2,500 per day shall be imposed. (Ord. 167-3, Sec. 1, 2023)

18.250.130 Definitions.

A. These definitions apply only within this subtitle and supersede any similar definitions elsewhere in Title 18. The following definitions shall apply unless the context dictates otherwise:

1. "Board of land use appeals" means the Eau Claire County Board of Land Use Appeals as defined in Chapter 18.144.

2. "Department" means the Eau Claire County Department of Planning and Development.

3. "DNR" means the Wisconsin Department of Natural Resources.

4. "Enlargement" means any vertical or horizontal increase beyond dimensions of the original application for the project site.

5. "Environmental Pollution" means the contaminating or rendering unclean or impure the air, land, or waters of the State or making the same injurious to public health, harmful for commercial or recreational use or deleterious to animal, or plant life.

6. “Highwall” means a vertical or nearly vertical face in solid rock or a slope of consolidated or unconsolidated material that is steeper than 3:1.

7. “Licensed professional geologist” means a person who is licensed as a professional geologist pursuant to Wis. Stat. § 470.

8. "Modification" means any vertical or horizontal decrease within the dimensions of the original application for the project site.

9. "Nonmetallic mineral" means a product, commodity or material consisting principally of naturally occurring, organic or inorganic, nonmetallic, nonrenewable material. Nonmetallic minerals include, but are not limited to, stone, sand, gravel, asbestos, beryl, diamond, clay, coal, feldspar, peat, talc and topsoil.

10. "Nonmetallic mining" means operations or activities for the extraction from the earth of mineral aggregates and nonmetallic minerals and related operations or activities, including, but not limited to, excavation, grading, or dredging if the purpose of those operations or activities is the extraction of mineral aggregates and nonmetallic minerals and related processes including, but not limited to, stockpiling, crushing, screening, scalping, dewatering, and blending. It does not include removal from the earth of products or commodities that contain only minor or incidental amounts of nonmetallic mining minerals such as commercial sod, agricultural crops, ornamental or garden plants, forest products, Christmas trees or plant nursery stock.

11. "Nonmetallic mining reclamation or reclamation" means the rehabilitation of a nonmetallic mining site to achieve a land use specified in an approved nonmetallic mining reclamation plan, including removal or reuse of nonmetallic mining refuse, grading of the nonmetallic mining site, removal, storage and replacement of topsoil, stabilization of soil conditions, reestablishment of vegetative cover, control of surface water and groundwater, prevention of environmental pollution and if practicable the restoration of plant, fish and wildlife habitat.

12. "Nonmetallic mining refuse" means waste soil, rock, mineral, liquid, vegetation and other waste material resulting from a nonmetallic mining operation. This term does not include merchantable by-products resulting directly from or displaced by the nonmetallic mining operation that are to be removed from the nonmetallic mine prior to completion of the reclamation of the mine or incorporated into the post mine land use specified in the approved reclamation plan.

13. "Nonmetallic mining site, project site, or site" means the location where a nonmetallic mining operation is proposed or conducted including all surface areas from which minerals are removed, related storage and processing areas, areas where nonmetallic mining refuse is deposited and areas disturbed by the nonmetallic mining operation and by activities, including but not limited to, the construction or improvement of roads or haulage ways.

14. "Operator" means any person or business entity engaged in nonmetallic mining who/which applies for or holds a nonmetallic mine reclamation permit issued under a nonmetallic mining reclamation ordinance whether individually, jointly, or through subsidiaries, agents, employees, contractors, or subcontractors.

15. "Permit" means any permit which may be required under this section of an operator as a condition precedent to commencing or continuing nonmetallic mining at a project site.

16. “Person” means an individual, owner, operator, corporation, limited liability company, partnership, association, county, municipality, interstate agency, state agency or federal agency.

17. "Registered Professional Engineer" means a person who is registered as a professional engineer pursuant to Wis. Stat. §§ 443.04 and 443.09.

18. "Replacement of topsoil" means the replacement or redistribution of topsoil or topsoil substitute material to all areas where topsoil was actually removed or affected by nonmetallic mining for the purpose of providing adequate vegetative cover and stabilization of soil conditions needed to achieve the approved post mining land use and as required by the reclamation plan approved pursuant to this subtitle.

19. "Topsoil" means that material (normally the A and upper part of the B horizon) which, based upon the official national cooperative soil survey, is acceptable for respreading on the surface of regraded areas to provide a medium which sustains a dense plant growth and soil stability needed to achieve the approved post mining land use specified in the reclamation plan approved under this section.

20. "Topsoil substitute" means soil or other unconsolidated material either used alone or mixed with other beneficial materials and which can provide the plant growth, site stability and other attributes necessary to meet the success standards approved in the reclamation plan.

21. "Unreclaimed acre" or "unreclaimed acres" means those unreclaimed areas in which nonmetallic mining has occurred after August 1, 2001 and areas where nonmetallic mining reclamation has been completed but is not yet certified as reclaimed. However, the term does not include any areas described below:

a. Those areas where reclamation has been completed and certified as reclaimed.

b. Those areas previously affected by nonmetallic mining but which are not used for nonmetallic mining after August 1, 2001.

c. Those portions of nonmetallic mining sites which are included in a nonmetallic mining reclamation plan approved pursuant to this section but are not yet affected by nonmetallic mining.

d. Areas previously mined but used after August 1, 2001 for a non-mining activity, such as stockpiling of materials used for an industrial activity such as an asphalt plant, concrete batch plant, block and tile operation or other industry that uses products produced from nonmetallic mining.

e. For purposes of fees under 18.250.100, those areas within a nonmetallic mining site which the department has determined to have been successfully reclaimed on an interim basis in accordance with 18.250.070 A.6.f. (Ord. 167-3, Sec. 1, 2023)

Chapter 18.260

SHORELAND OVERLAY (S-O)

Sections:

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18.260.300 Appendix A

18.260.010 Title. This Chapter shall be known as the "Shoreland Overlay Protection Ordinance for Eau Claire County, Wisconsin." (Ord. 167-3, Sec. 1, 2023)

18.260.020 Authority. This subtitle is adopted pursuant to the authorization in Wis. Stat. § 59.692, to effectuate the policies and purpose(s) outlined in Wis. Stat. § 281.31. (Ord. 167-3, Sec. 1, 2023)

18.260.030 Findings of fact.

A. Uncontrolled use of the shorelands and pollution of the navigable waters of Eau Claire County will adversely affect the public health, safety, convenience, and general welfare and impair the tax base.

B. The legislature of Wisconsin has delegated responsibility to the counties to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures, and land uses; and to preserve shore cover and natural beauty. This responsibility is hereby recognized by Eau Claire County, Wisconsin. (Ord. 167-3, Sec. 1, 2023)

18.260.040 Purpose & intent. This subtitle has been established for the purpose of promoting the public health, safety, convenience and welfare, and to promote and protect the public trust in navigable waters. Further, this ordinance has been established to: Wis. Admin. Code § NR 115.01.

A Further the maintenance of safe and healthful conditions and prevent and control water pollution through:

1. Limiting structures to those areas where soil and geological conditions will provide a safe foundation.
2. Establishing minimum lot sizes to provide adequate area for private on-site waste treatment systems.
3. Controlling filling and grading to prevent soil erosion problems.
4. Limiting impervious surfaces to control runoff which carries pollutants.

B. Protect spawning grounds, fish and aquatic life through:

1. Preserving wetlands and other fish and aquatic habitat.
2. Regulating pollution sources.
3. Controlling shoreline alterations, dredging and lagooning.

C. Control building sites, placement of structures and land uses through:

1. Prohibiting certain uses detrimental to the shoreland-wetlands.
2. Setting minimum lot sizes and widths.
3. Setting minimum building setbacks from waterways.
4. Setting the maximum height of near shore structures.

D. Preserve and restore shoreland vegetation and natural scenic beauty through:

1. Restricting the removal of natural shoreland cover.
2. Preventing shoreline encroachment by structures.
3. Controlling shoreland excavation and other earth moving activities.
4. Regulating the use and placement of boathouses and other structures.(Ord. 167-3, Sec. 1, 2023)

18.260.050 Applicability.

A. Areas regulated by this ordinance shall include all the lands (referred to herein as shorelands) in the unincorporated areas of Eau Claire County which are:

1. Within one thousand (1,000) feet of the ordinary high-water mark of navigable lakes, ponds, or flowages. Lakes, ponds or flowages in Eau Claire County shall be presumed to be navigable if they are listed in the Wisconsin Department of Natural Resources (WDNR) publication FH-800 2009 "Wisconsin Lakes" book available electronically at the following web site: http://dnr.wi.gov/lakes/lakebook/wilakes2009bma.pdf or are shown on United States Geological Survey quadrangle maps (1:24,000 scale), or other zoning base maps. (See Wis. Admin. Code § NR 115.03(8)).

2. Within three hundred (300) feet of the ordinary high-water mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater. Rivers and streams in Eau Claire County shall be presumed to be navigable if they are designated as perennial waterways or intermittent waterways on United States Geological Survey quadrangle maps (1:24,000). Flood hazard boundary maps, flood insurance rate maps, flood boundary-floodway maps, county soil survey maps or other existing county floodplain zoning maps shall be used to delineate floodplain areas. (See Wis. Admin. Code § NR 115.03 (8)).

B. Determinations of navigability and ordinary high-water mark location shall initially be made by the Land Use Manager. When questions arise, the Land Use Manager shall contact the appropriate office of the WDNR for a final determination of navigability ordinary high-water mark. The county may work with surveyors with regard to Wis. Stat. § 59.692(1h).

C. Under Wis. Stat. § 281.31(2m), notwithstanding any other provision of law or administrative rule promulgated thereunder, this shoreland zoning ordinance does not apply to:

1. Lands adjacent to farm drainage ditches if:

a. Such lands are not adjacent to a natural navigable stream or river;

b. Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and

2. Lands adjacent to artificially constructed drainage ditches, ponds or storm water retention basins that are not hydrologically connected to a natural navigable waterbody.

D. Comprehensive / General Zoning [Wis. Stat. § 59.69] and Regulation of Matters that are Not Shoreland Zoning Standards [Wis. Stat. § 59.692(1d)(b)].

1. In any town where the Eau Claire County Comprehensive Zoning Ordinance is effective:

a. The Eau Claire County Comprehensive Zoning Ordinance, Title 18 is incorporated herein by reference as if set forth in full.

b. The provisions of the Eau Claire County Comprehensive Zoning Ordinance apply and may be enforced in "shorelands" to the extent that its provisions do not regulate a "shoreland zoning standard" as specified in Wis. Stat. §§ 59.692(1)(c) &(1)(d).

2. In any town where the Eau Claire County Comprehensive Zoning Ordinance is not in effect, the regulation of matters that are not shoreland zoning standards consistent with Wis. Stat. §§ 59.692(1)(c) & (1)(d) is as follows:

a. Setback Requirements & Related Restrictions.

i. Road. No structure shall be placed within a road right-of-way or easement.

ii. Property / Parcel Boundaries. No structure shall be placed across a parcel boundary.

iii. Wetland. No structure shall be placed closer than the provisions of Section 17.06.085 Protective Areas A. 2. allow.

b. Height. No structure located 75 feet or further from the ordinary high-water mark shall be taller than 35 feet. (Ord. 167-3, Sec. 1, 2023)

18.260.060 Municipalities & state agencies regulated.

A. Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this subtitle and obtain all necessary permits. Shoreland zoning requirements in annexed or incorporated areas are provided in Wis. Stats. § 61.353 and 62.233. (Wis. Admin. Code § NR 115.02).

B. State agencies are required to comply with local shoreland zoning ordinances when Wis. Stat. § 13.48(13) applies.

C. The construction, reconstruction, maintenance, and repair of state highways and bridges carried out under the direction and supervision of the Wisconsin Department of Transportation is not subject to local shoreland zoning ordinances when Wis. Stat. § 30.2022 applies. (Ord. 167-3, Sec. 1, 2023)

18.260.070 Compliance.

A. The use of any land; the size, shape, and placement of lots; the use, size, type, and location of structures on lots; the installation and maintenance of water supply and waste disposal facilities; the filling, grading, lagooning, and dredging of any lands; the cutting of shoreland vegetation; and the subdivision of lots shall be in full compliance with the terms of this subtitle and other applicable local, state, or federal regulations.

B. Buildings and other structures shall require a permit unless otherwise expressly excluded by a provision of this ordinance.

C. Property owners, builders, and contractors are responsible for compliance with the terms of this subtitle. (Ord. 167-3, Sec. 1, 2023)

18.260.080 General shoreland standards. The following provisions of this section apply to the shoreland jurisdictional area as defined by Section 18.260.050.

A. Reasonable Accommodation of Persons with Disabilities.

1. The department may issue a special permit that waives specific requirements of this ordinance if it is determined that the requested accommodation:

a. Is necessary to afford accommodations of persons with disabilities equal housing opportunities or equal access to public accommodations as required by provisions of federal and state law;

b. Is the minimum accommodation that will give persons with disabilities adequate relief; and

c. Will not unreasonably undermine the basic purposes of this ordinance.

2. If the department issues a special permit that waives specified zoning provisions pursuant to this section, the permit will include a condition that the structure authorized by the permit (such as an entrance ramp) shall be removed not more than 30 days after the handicapped or disabled person vacates the property or the structure ceases to be a public accommodation.

3. The special permit will not become effective until the property owner records a deed restriction with the register of deeds setting forth the condition that the structure authorized by the permit shall be removed as required in subpar. 2. above.

4. If the department denies a permit requesting an accommodation under this subsection, the denial may be appealed to the board of land use appeals pursuant to Section 18.260.220.

B. Agriculture Fence.

1. Agriculture fences consisting of post and wire require no setback from the property line and can be constructed up to the OHWM;

2. Property must be actively used for agriculture pasturing of livestock on one side of the fence;

3. Maximum height of 4 feet from the adjacent grade within 75 feet from the OHWM.

C. Livestock Facilities. Livestock facilities housing animals, manure storage areas, barnyards, or feedlots shall meet the following requirements:

1. Such facility shall be 300 feet or more from the ordinary high-water mark; or

2. May be located 100 to 300 feet from the ordinary high-water mark, provided that:

a. A plan for manure storage, barnyard and feedlot drainage that effectively prevents pollutants from entering the water be reviewed by the land conservation commission or its designee and implemented before use of the facility begins;

b. The area between the facility and the water shall be fenced to prevent access to the water by animals. The fenced area shall parallel the water in both directions for a sufficient distance to prevent concentration of animals or manure or destruction of ground cover that would result in an increased probability for pollutants to reach the water;

c. Construction and location of these facilities will be by permit issued by the department. The department shall inspect the facility before it is put to use to determine that the site and facility meet all requirements of this subtitle;

d. All existing and future barnyards, feedlots or manure storage areas located within the shoreland area are subject to periodic inspection and review for possible pollution of water bodies. Waste collection and disposal systems may be required to prevent pollutants from reaching the water.

D. Sawdust Storage. Sawdust storage shall be at least 100 feet from the ordinary high-water mark of navigable waters.

E. Dumps & Sanitary Landfills. Dumps, sanitary landfills, junkyards, and salvage yards are prohibited within the Shoreland Protection Overlay District. (Ord. 167-3, Sec. 1, 2023)

18.260.090 Development standards.

A. Minimum Lot Size.

1. Purpose. Minimum lot sizes in the shoreland area shall be established to afford protection against danger to health, safety and welfare, and protection against pollution of the adjacent body of water.

2. Minimum Lot Area and Average Lot Width. The minimum lot area and the minimum average lot width is specified in the table below. (See Wis. Admin. Code § NR 115.05 (1)(a)).

	Lot Area (min)	**Average Lot Width (min)**
Sewered Lots	10,000 sf	65 ft
Unsewered Lots	20,000 sf	100 ft

Notes: "min" = minimum required | "ft" = feet | "sf" = square feet

3. Calculating Lot Width.

a. The lot width shall be calculated by averaging measurements at the following 3 locations:

i. The ordinary high-water mark.

ii. The building setback line.

iii. One other location on the lot within 300 feet of the ordinary high-water mark.

b. In calculating the minimum area or width of a lot, the beds of navigable waters shall not be included. (See Wis. Admin. Code § NR 115.05 (1)(a)).

4. Substandard Lots. A legally created lot or parcel that met minimum area and minimum average width requirements when created, but does not meet current lot size requirements, may be used as a building site if all of the following apply: (See Wis. Admin. Code § NR 115.05 (1)(a) 3).

a. The substandard lot or parcel was never reconfigured or combined with another lot or parcel by plat, survey, or consolidation by the owner into one property tax parcel.

b. The substandard lot or parcel has never been developed with one or more of its structures placed partly upon an adjacent lot or parcel.

c. The substandard lot or parcel is developed to comply with all other ordinance requirements.

5. Other Substandard Lots. Except for lots which meet the requirements of subd. 4., a shoreland permit for the improvement of a lot having lesser dimensions than those stated in subd. 2. can only be used if a variance is granted by the county board of land use appeals.

B. Building Setbacks.

1. Shoreland Setbacks. Permitted building setbacks shall be established to conform to health, safety, and welfare requirements; preserve natural beauty; reduce flood hazards; and avoid water pollution. Unless exempt or reduced under this section, a setback of 75 feet from the ordinary high-water mark of any navigable water to the nearest part of a building or structure shall be required for all buildings and structures. (See Wis. Admin. Code § NR 115.05 (1)(b)1).

a. Exempt Structures. All of the following structures are exempt from the shoreland setback standards in this section: (See Wis. Admin. Code § NR 115.05 (1)(b)1m).

i. Existing boathouses, constructed before the effective date of this ordinance, located entirely above the ordinary high-water mark and entirely within the access and viewing corridor that do not contain plumbing and are not used for human habitation. The roof of a boathouse may be used as a deck provided that:

(a) The boathouse has a flat roof.

(b) The roof has no side walls or screens.

(c) The roof may have a railing that meets the Department of Safety and Professional Services standards. (See Wis. Stat. § 59.692 (1k)(a) (6)).

ii. Boathouses, constructed after the effective date of this ordinance, located entirely above the ordinary high-water mark and entirely within the access and viewing corridor that do not contain plumbing and are not used for human habitation.

(a) The construction or placement of boathouses below the ordinary high−water mark of any navigable waters shall be prohibited.

(b) Boathouses shall be designed and constructed solely for the storage of boats and related equipment.

(c) One boathouse is permitted on a lot as an accessory structure.

(d) The boathouse shall be setback ten feet from the ordinary high-water mark.

(e) Boathouses shall be constructed in conformity with local floodplain zoning standards.

(f) Boathouses shall not exceed one story, with a maximum side wall height of ten feet.

(g) The maximum square footage of a boathouse shall be 364 square feet, measured outside wall to outside wall, and a maximum width parallel to the shoreline of 14 feet.

(h) Boathouse roofs shall have a pitched roof that is no flatter than 4/12 pitch, and shall not be designed or used as decks, observation platforms or for other similar uses.

(i) Earth toned color shall be required for all exterior surfaces of a boathouse.

(j) The main door shall face the water.

(k) The side yard setback for a boat house is 5 feet.

(l) Patio doors, fireplaces and other features inconsistent with the use of the structure exclusively as a boathouse are not permitted.

iii. Open-sided and screened structures such as gazebos, decks, patios and screen houses in the shoreland setback area that satisfy the requirements in Wis. Stat. § 59.692(1v):

(a) The part of the structure that is nearest to the water is located at least 35 feet landward from the ordinary-high water mark.

(b) The floor area of all the structures in the shoreland setback area will not exceed 200 square feet.

(c) The structure that is the subject of the request for special zoning permission has no sides or has open or screened sides.

(d) The county must approve a plan that will be implemented by the owner of the property to preserve or establish a vegetative buffer zone that covers at least 70% of the half of the shoreland setback area that is nearest to the water.

iv. A fishing raft for which the WDNR has issued a permit under Wis. Stat. § 30.126.

v. Broadcast signal receivers, including satellite dishes or antennas that are one meter or less in diameter and satellite earth station antennas that are 2 meters or less in diameter.

vi. Utility transmission and distribution lines, poles, towers, water towers, pumping stations, well pump house covers, private on-site wastewater treatment systems that comply with Wis. Admin. Code ch. SPS 383, and other utility structures that have no feasible alternative location outside of the minimum setback and that employ best management practices to infiltrate or otherwise control storm water runoff from the structure.

vii. Walkways, stairways or rail systems that are necessary to provide pedestrian access to the shoreline and are a maximum of 60-inches in width.

viii. Devices or systems used to treat runoff from impervious surfaces.

b. Existing Exempt Structures.

i. Existing exempt structures may be maintained, repaired, replaced, restored, rebuilt, and remodeled if:

(a) the activity does not expand the footprint and

(b) does not go beyond the three-dimensional building envelope of the existing structure.

ii. Counties may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements. (See Wis. Stat. § 59.692 (1k)(a)2m).

2. Reduced Principal Structure Setback. A setback less than the 75 feet required setback from the ordinary high-water mark shall be permitted for a proposed principal structure and shall be determined as follows: (See Wis. Stat. § 59.692 (1n))

a. Where there are existing principal structures in both directions, the setback shall equal the average of the distances the two existing principal structures are set back from the ordinary high-water mark provided all of the following are met:

i. Both of the existing principal structures are located on adjacent lots to the proposed principal structure.

ii. Both of the existing principal structures are located within 250 feet of the proposed principal structure and are the closest structure.

iii. Both of the existing principal structures are located less than 75 feet from the ordinary high-water mark.

iv. The average setback shall not be reduced to less than 35 feet from the ordinary high-water mark of any navigable water.

b. Where there is an existing principal structure in only one direction, the setback shall equal the average of the distances of the existing principal structure set back from the ordinary high-water mark and the required setback of 75 feet from the ordinary high water mark provided all of the following are met:

i. The existing principal structure is located on an adjacent lot to the proposed principal structure.

ii. The existing principal structure is located within 250 feet of the proposed principal structure and is the closest structure.

iii. The existing principal structure is located less than 75 feet from the ordinary high-water mark.

iv. The average setback shall not be reduced to less than 35 feet from the ordinary high-water mark of any navigable water.

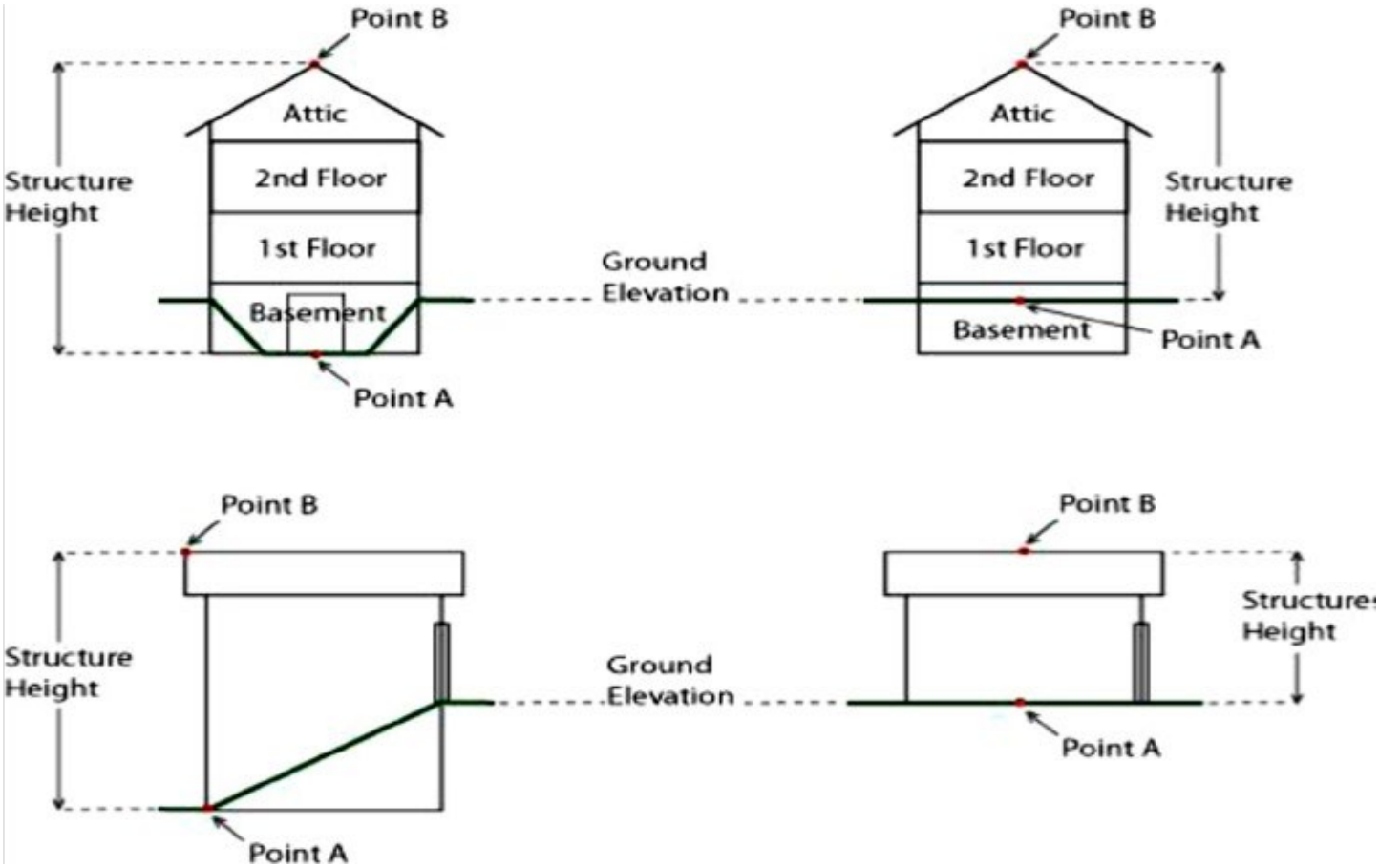
3. Floodplain Structures. Buildings and structures to be constructed or placed in a floodplain shall be required to comply with the county's floodplain zoning ordinance. (See Wis. Admin. Code § NR 115.05 (1)(b)2).

C. Height.

1. Maximum Structure Height. To protect and preserve wildlife habitat and natural scenic beauty, on or after February 1, 2010, a county may not permit any construction that results in a structure taller than 35 feet in the shoreland overlay protection district. (See Wis. Admin. Code § NR 115.05(1)(f)). A.)

2. Structure Height Measurement. Structure height is the measurement of the vertical line segment starting at the lowest point of any exposed wall and its intersection with the ground (Point A in the following diagram) to a line horizontal to the highest point of a structure (Point B in the following diagram), unless specified under other sections of this code. (Ord. 167-3, Sec. 1, 2023)

3.



18.260.100 Vegetation.

A. Purpose. To protect natural scenic beauty, fish and wildlife habitat, and water quality, a county shall regulate removal of vegetation in shoreland areas, consistent with the following: The county shall establish ordinance standards that consider sound forestry and soil conservation practices, as well as the effect of vegetation removal on water quality, including soil erosion, and the flow of effluents, sediments and nutrients. (See Wis. Admin. § NR 115.05 (1)(c)1).

B. Activities Allowed Within a Vegetative Buffer Zone. To protect water quality, fish and wildlife habitat and natural scenic beauty, and to promote preservation and restoration of native vegetation, the county ordinance shall designate land that extends from the ordinary high-water mark to a minimum of 35 feet inland as a vegetative buffer zone and prohibit removal of vegetation in the vegetative buffer zone except as follows: (See Wis. Admin Code § NR 115.05 (1)(c)2).

1. Routine maintenance of vegetation is allowed.

2. Removal of vegetation within the vegetative buffer zone to manage exotic or invasive species, dead diseased or damaged vegetation, vegetation that must be removed to control disease, or vegetation creating an imminent safety hazard, provided that any vegetation removed be replaced by replanting in the same area as soon as practicable.

3. Removal of trees and shrubs in the vegetative buffer zone to create access and viewing corridors is allowed. The access or viewing corridor may be up to 35% of the shoreline frontage. The access or viewing corridor may run contiguously for the entire maximum width of shoreline frontage owned.

4. Timber harvest is allowed on a parcel with 10 or more acres of forested land, provided that the vegetative removal activity is consistent and follows “generally accepted forestry management practices” as defined in Wis. Admin. Code § NR 1.25 (2)(b), and described in WDNR publication “Wisconsin Forest Management Guidelines” (publication FR- 226).

5. The department may authorize by permit additional vegetation management activities in the vegetative buffer zone. The permit issued under this subdivision paragraph shall require that all management activities comply with detailed plans approved by the department and designed to control erosion by limiting sedimentation into the waterbody, to improve the plant community by replanting in the same area, and to maintain and monitor the newly restored area. The permit also shall require an enforceable restriction to preserve the newly restored area.

C. Cutting More Than 35 feet Inland. From the inland edge of the 35-foot area to the outer limits of the shoreland, the cutting of vegetation shall be allowed when accomplished using accepted forest management and soil conservation practices which protect water quality. (Ord. 167-3, Sec. 1, 2023)

18.260.110 Filling, grading, lagooning, dredging, ditching, & excavating.

A. Filling, grading, lagooning, dredging, ditching, & excavating. Filling, grading, lagooning, dredging, ditching, and excavating may be permitted only in accordance with the provisions of Wis. Admin. Code § NR 115.04, the requirements of Wis. Stat. § 30, and other state and federal laws where applicable, and only if done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat and natural scenic beauty. (See Wis. Admin. Code § NR 115.05 (1)(d)).

B. General Standards. Filling, grading, lagooning, dredging, ditching or excavating which does not require a permit under paragraph C. may be permitted in the shoreland area provided that:

1. It is not done within the vegetative buffer zone unless necessary for establishing or expanding the vegetative buffer.

2. It is done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat.

3. Filling, grading, lagooning, dredging, ditching or excavating in a shoreland-wetland district meets the requirements of 18.260.150 D.2. and D.3. of this ordinance.

4. All applicable federal, state and local authority is obtained in addition to a permit under this ordinance.

5. Any fill placed in the shoreland area is protected against erosion by the use of riprap, vegetative cover, or a bulkhead.

C. Permit Required. Except as provided in paragraph B., a permit is required:

1. For any filling or grading of any area which is within 300 feet landward of the ordinary high-water mark of navigable water and which has surface drainage toward the water and on which there is either:

a. Any filling or grading on slopes of more than 20%.

b. Filling or grading of more than 1,000 square feet on slopes of 12%-20%.

c. Filling or grading of more than 2,000 square feet on slopes less than 12%.

2. For any construction or dredging commenced on any artificial waterway, canal, ditch, lagoon, pond, lake, or similar waterway that is within 300 feet landward of the ordinary high-water mark of a navigable body of water or where the purpose is the ultimate connection with a navigable body of water.

3. Permits required under this section, may consider items listed under 17.05.100 B. of the county code to protect the site against erosion.

D. Permit Conditions. In granting a permit under paragraph C., the county shall attach the following conditions, where appropriate, in addition to those provisions specified in 18.260.180.

1. If bare ground must be exposed, it shall be exposed for as short a time as feasible.

2. Temporary ground cover (such as mulch or jute netting) shall be used and permanent vegetative cover shall be established.

3. Diversion berms or bales, silting basins, terraces, filter fabric fencing, and other methods deemed acceptable by the county shall be used to prevent erosion.

4. Lagoons shall be constructed to avoid fish trap conditions.

5. Fill shall be stabilized according to accepted engineering standards.

6. Filling shall comply with any local floodplain zoning ordinance and shall not restrict a floodway or destroy the flood storage capacity of a floodplain.

7. Channels or artificial watercourses shall be constructed with side slopes of two (2) units horizontal distance to one (1) unit vertical or flatter which shall be promptly vegetated unless bulkheads or riprap are provided. (Ord. 167-3, Sec. 1, 2023)

18.260.120 Impervious surface standards.

A. Purpose. The purposes of these impervious surface standards are to:

1. protect water quality,
2. protect fish and wildlife habitat, and
3. protect against pollution of navigable waters.

B. Applicability. County impervious surface standards shall apply to the construction, reconstruction, expansion, replacement, or relocation of any impervious surface on a riparian lot or parcel and any nonriparian lot or parcel that is located entirely within 300 feet of the ordinary high-water mark of any navigable waterway.

C. Calculation of Percentage of Impervious Surface. Percentage of impervious surface shall be calculated by dividing the surface area of the existing and proposed impervious surfaces on the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark (SA-Impervious Surfaces) by the total surface area of that lot or parcel (SA-Total) and multiplying the result by 100. This calculation is represented by the following equation:

SA-Impervious Surfaces / SA-Total x 100

1. Treated impervious surfaces described in paragraph G. shall be excluded from the calculation of impervious surface on the lot or parcel.

2. If an outlot lies between the ordinary high-water mark and the developable lot or parcel and both are in common ownership, the lot or parcel and the outlot shall be considered one lot or parcel for the purposes of calculating the percentage of impervious surface. (See Wis. Admin. Code § NR 115.05 (1)(e)1).

D. General Impervious Surface Standard. Except as otherwise allowed in this section, the county shall allow up to 15% impervious surface on the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark. (See Wis. Admin. Code § NR 115.05 (1)(e)2).

E. Impervious Surface Standard for Highly Developed Shorelines. The county, at its discretion, may adopt an ordinance for highly developed shorelines allowing up to 30% for residential land use and up to 40% for commercial, industrial or business land uses for lands that meet one of the following standards: (See Wis. Admin. Code § NR 115.05 (1)(e)2m, and Wis. Stat. 59.692(1k)(am)2).

1. The highly developed shoreline is identified as an Urbanized Area or Urban Cluster in the 2010 US Census or has a commercial, industrial, or business land use as of January 31, 2013.

2. After conducting a hearing and receiving approval by the WDNR, the county has mapped additional areas of highly developed shorelines that are at least 500 feet in length and meet one of the following criteria:

a. The majority of the lots are developed with more than 30% of impervious surface are

b. Located on a lake served by a sewerage system as defined in Wis. Admin. Code § NR 110.03(30).

c. The majority of the lots contain less than 20,000 square feet in area.

F. Maximum Impervious Surface Standard. A property may exceed the impervious surface standard under paragraphs D. and E. provided the following standards are met: (See Wis. Admin. Code § NR 115.05(1)(e)3).

1. For properties where the general impervious surface standard applies under paragraph D., a property owner may have more than 15% impervious surface but not more than 30% impervious surface on the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark.

2. For properties on shorelands where the impervious surface standard for highly developed shorelines applies under 20.9.4, a property owner may have more than 30% impervious surface but not more than 40% impervious surface for residential land uses. For commercial, industrial or business land uses a property owner may have more than 40% impervious surface but not more than 60% impervious surface.

3. For properties that exceed the standard under paragraphs D. or E. but do not exceed the maximum standard under subd. 1 or 2, a shoreland permit can be issued for development with a mitigation plan that meets the standards found in Section 18.260.180.

G. Treated Impervious Surfaces.

1. Impervious surfaces that can be documented to demonstrate they meet either of the following standards shall be excluded from the impervious surface calculations under paragraph C.: (See Wis. Admin. Code § NR 115.05(1)(e)3m, and Wis. Stat. 59.692(1k)(am))

a. The impervious surface is treated by devices such as storm water ponds, constructed wetlands, infiltration basins, rain gardens, bio-swales, or other engineered systems.

b. The runoff from the impervious surface discharges to an internally drained pervious area that retains the runoff on or off the parcel and allows infiltration into the soil.

2. To qualify for the statutory exemption, property owners shall submit a complete shoreland permit application that is reviewed and approved by the department. The application shall include:

a. The required runoff volume of the impervious surface (IS) must use a rainfall depth derived from the current NOAA National Weather Service Precipitation Frequency Data Server (PFDS) 2-year 24-hour rainfall event;

b. A calculation showing how much runoff is coming from the impervious surface area. The calculation of the runoff volume to treat or infiltrate is the area of the impervious surface (IS) multiplied by the runoff depth (2.80 inch or 0.23 feet)
Example: (1,000 square feet IS) x (0.23 ft. runoff depth) = 230 cubic feet (total volume to infiltrate/treat).

c. Documentation by a professional engineer that the runoff from the impervious surface is being treated by devices such as storm water pond, rain gardens other engineered system to standards, and for storm volumes exceeding the PFDS 2-year, 24-hour rainfall event will require a stable outlet; or documentation that the runoff from the impervious surface discharges to an internally drained pervious area that retains the runoff on or off the parcel and allows infiltration into the soil;

d. Documentation that all applicable storm water BMP technical standards are met;

e. An implementation schedule and enforceable obligation on the property owner to establish and maintain the treatment system, treatment devices, or internally drained area. The enforceable obligations shall be evidenced by an instrument recorded in the office of the register of deeds prior to the issuance of the permit.

3. The provisions in this subsection are an exemption from the impervious surface standards and as such should be read and construed narrowly. As such, a property owner is entitled to this exemption only when the runoff from the impervious surface is being treated by a sufficient (appropriately sized) treatment system, treatment device or internally drained.

a. Property owners that can demonstrate that the runoff from an impervious surface is being treated consistent with this subsection will be considered pervious for the purposes of implementing the impervious surface standards in this ordinance.

b. If a property owner or subsequent property owner fails to maintain the treatment system, treatment device or internally drained area, the impervious surface is no longer exempt.

H. Existing Impervious Surfaces. For existing impervious surfaces that were lawfully placed when constructed but that do not comply with the impervious surface standard in paragraph or the maximum impervious surface standard in paragraph F., the property owner may do any of the following: (See Wis. Admin. Code § NR 115.05 (1)(e)4).

1. Maintain and repair the existing impervious surfaces;

2. Replace existing impervious surfaces with similar surfaces within the existing building envelope; or

3. Relocate or modify an existing impervious surface with similar or different impervious surface, provided that the relocation or modification does not result in an increase in the percentage of impervious surface that existed on the effective date of the county shoreland ordinance, and the impervious surface meets the applicable setback requirements in paragraphs B. and C. (Ord. 167-3, Sec. 1, 2023)

18.260.130 Land division review. Eau Claire County has enacted local subdivision regulations under Wis. Stat. § 236.45. (See Eau Claire County Subdivision Control Ordinance). The Eau Claire County Subdivision Control Ordinance, Subtitle V of Title 18, applies to shorelands without regard to Wis. Stat. § 59.692(1d)(a), and Wis. Admin. Code § NR 115.05, (See Wis. Admin. Code § NR 115.05 (2)). In such review, all of the following factors shall be considered:

A. Hazards to the health, safety or welfare of future residents.

B. Proper relationship to adjoining areas.

C. Public access to navigable waters, as required by law.

D. Adequate storm water drainage facilities.

E. Conformity to state law and administrative code provisions. (Ord. 167-3, Sec. 1, 2023)

18.260.140 Sanitary regulations. The county shall adopt sanitary regulations for the protection of health and the preservation and enhancement of water quality. (See Wis. Admin. Code § NR 115.05(3)).

A. Where public water supply systems are not available, private well construction shall be required to conform to Wis. Admin. Code ch. NR 812.

B. Where a public sewage collection and treatment system is not available, design and construction of private on-site waste treatment system shall, prior to July 1, 1980, be required to comply with Wis. Admin Code ch. SPS 383, and after June 30, 1980 be governed by a private sewage system ordinance adopted by the county under Wis. Stat. § 59.70(5). (Ord. 167-3, Sec. 1, 2023)

18.260.150 Shoreland-Wetland District.

A. Designation. This district shall include all shorelands within the jurisdiction of this ordinance that are designated as wetlands on the most recent version of the Wisconsin Wetland Inventory as depicted on the WDNR Surface Water Data Viewer, which is made part of this ordinance. The maps can be viewed at: http://dnrmaps.wi.gov/SL/Viewer.html?Viewer=SWDV&runWorkflow=Wetland

B. Locating Shoreland-Wetland Boundaries.

1. Where an apparent discrepancy exists between the shoreland-wetland district boundary shown on the Wisconsin Wetland Inventory and actual field conditions, the county shall contact the WDNR to determine if the map is in error.

2. If the WDNR determines that a particular area was incorrectly mapped as wetland or meets the wetland definition but was not shown as wetland on the map, the county shall have the authority to immediately grant or deny a shoreland permit in accordance with the applicable regulations based on the WDNR determination as to whether the area is wetland.

3. In order to correct wetland mapping errors on the official zoning map, an official zoning map amendment must be initiated within a reasonable period of time. (See Wis. Admin. § NR 115.04 (b) 2.)

C. Purpose. This district is created to:

1. maintain safe and healthful conditions,
2. prevent water pollution,
3. protect fish spawning grounds and wildlife habitat,
4. preserve shore cover and natural beauty, and
5. control building and development in wetlands whenever possible. When development is permitted in a wetland, the development should occur in a manner that minimizes adverse impacts upon the wetland.

D. Permitted Uses. The following uses shall be allowed, subject to general shoreland zoning regulations contained in this ordinance, the provisions of Wis. Stat. chs. 30 and 31, and Wis. Stat. § 281.36, and the provisions of other applicable local, state and federal laws: (See Wis. Admin. § NR 115.04(3))

1. Activities and uses which do not require the issuance of a shoreland permit, but which must be carried out without any filling, flooding, draining, dredging, ditching, tiling or excavating:

a. Hiking, fishing, trapping, hunting, swimming, and boating;

b. The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;

c. The pasturing of livestock;

d. The cultivation of agricultural crops;

e. The practice of silviculture, including the planting, thinning, and harvesting of timber; and

f. The construction or maintenance of duck blinds.

2. Uses that do not require the issuance of a shoreland permit and which may include limited filling, flooding, draining, dredging, ditching, tiling, or excavating but only to the extent specifically provided below:

a. Temporary water level stabilization measures necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on silvicultural activities if not corrected;

b. The cultivation of cranberries including flooding, dike and dam construction or ditching necessary for the growing and harvesting of cranberries,

c. The maintenance and repair of existing agricultural drainage systems including ditching, tiling, dredging, excavating and filling necessary to maintain the level of drainage required to continue the existing agricultural use. This includes the minimum filling necessary for disposal of dredged spoil adjacent to the drainage system provided that dredged spoil is placed on existing spoil banks where possible;

d. The construction or maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance;

e. The construction or maintenance of piers, docks or walkways built on pilings, including limited excavating and filling necessary for such construction and maintenance; and

f. The maintenance, repair, replacement or reconstruction of existing town and county highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.

3. Uses that require the issuance of a conditional use permit and which may include limited filling, flooding, draining, dredging, ditching, tiling or excavating, but only to the extent specifically provided below:

a. The construction and maintenance of roads which are necessary to conduct silvicultural activities or agricultural cultivation, provided that:

i. The road cannot as a practical matter be located outside the wetland;

ii. The road is designed and constructed to minimize adverse impact upon the natural functions of the wetland enumerated in paragraph F.;

iii. The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use; and

iv. Road construction activities are carried out in the immediate area of the roadbed only.

b. The construction or maintenance of nonresidential buildings, provided that:

i. The building is essential for and used solely in conjunction with the raising of waterfowl, minnows or other wetland or aquatic animals; or some other use permitted in the shoreland-wetland district;

ii. The building cannot, as a practical matter, be located outside the wetland;

iii. Such building is not designed for human habitation and does not exceed 500 square feet in floor area; and

iv. Only limited filling or excavation necessary to provide structural support for the building is authorized.

c. The establishment of public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, fish hatcheries, and public boat launching ramps and attendant access roads, provided that:

i. Any private development is used exclusively for the permitted use and the applicant has received a permit or license under Wis. Stat. ch. 29, where applicable;

ii. Filling or excavating necessary for the construction or maintenance of public boat launching ramps or attendant access roads is allowed only where such construction or maintenance meets the criteria in subd. 3.a.; and

iii. Ditching, excavating, dredging, or dike and dam construction in public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, and fish hatcheries is allowed only for the purpose of improving wildlife habitat and to otherwise enhance wetland values.

d. The construction or maintenance of electric, gas, telephone, water and sewer transmission and distribution facilities, by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power or water to their members and the construction or maintenance of railroad lines provided that:

i. The transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland;

ii. Such construction or maintenance is done in a manner designed to minimize adverse impact upon the natural functions of the wetland enumerated in paragraph F.

E. Prohibited Uses. Any use not listed in paragraph D. is prohibited unless the wetland or portion of the wetland has been rezoned by amendment of this ordinance in accordance with paragraph F. of this ordinance and Wis. Stat. § 59.69(5)(e). (See Wis. Admin. Code § NR 115.04 (4))

F. Rezoning of Land in Shoreland-Wetland District.

1. For all proposed text and map amendments to the shoreland-wetland provisions of this ordinance, the appropriate office with the WDNR shall be provided with the following:

a. A copy of every petition for a text or map amendment to the shoreland-wetland provisions of this ordinance, within 5 days of the filing of such petition with the county clerk. Such petition shall include a copy of the Wisconsin Wetland Inventory map adopted as part of this ordinance describing any proposed rezoning of a shoreland-wetland;

b. Written notice of the public hearing to be held on a proposed amendment at least 10 days prior to such hearing;

c. A copy of the county zoning agency's findings and recommendation son each proposed amendment within 10 days after the submission of those findings and recommendations to the county board; and

d. Written notice of the county board's decision on the proposed amendment within 10 days after it is issued (See Wis. Admin. Code § NR 115.04 (2)).

2. A wetland, or a portion thereof, in the shoreland-wetland district shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:

a. Storm and flood water storage capacity;

b. Maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland;

c. Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;

d. Shoreline protection against soil erosion;

e. Fish spawning, breeding, nursery or feeding grounds;

f. Wildlife habitat; or

g. Wetlands both within the boundary of designated areas of special natural resource interest and those wetlands which are in proximity to or have a direct hydrologic connection to such designated areas as defined in Wis. Admin. Code § NR 103.04, which can be accessed at the following website: http://www.legis.state.wi.us/rsb/code/nr/nr103.pdf.

3. If the Department of Natural Resources notifies the county zoning agency that a proposed text or map amendment to the shoreland-wetland provisions of this ordinance may have a significant adverse impact upon any of the criteria listed in subdivision. 2., that amendment, if approved by the county board, shall contain the following provision: "This amendment shall not take effect until more than 30 days have elapsed after written notice of the county board's approval of this amendment is mailed to the WDNR. During that 30-day period the WDNR may notify the county board that it will adopt a superseding shoreland ordinance for the county under Wis. Stat. § 59.692(6). If the WDNR does so notify the county board, the effect of this amendment shall be stayed until the Wis. Stat. § 59.692(6), adoption procedure is completed or otherwise terminated." (Ord. 167-3, Sec. 1, 2023)

18.260.160 Nonconforming uses & structures.

A. Discontinued nonconforming use. If a nonconforming use is discontinued for a period of 12 months, any future use of the building, structure or property shall conform to the ordinance. (See Wis. Admin. Code § NR 115.05(1)(g)3).

B. Maintenance, Repair, Replacement, or Vertical Expansion of Nonconforming Structures.

1. An existing structure that was lawfully placed when constructed but that does not comply with the required shoreland setback may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the nonconforming structure.

2. Further, an existing structure that was lawfully placed when constructed but that does not comply with the required shoreland setback may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level. Counties may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements. (See Wis. Stat. § 59.692(1k)(a)2,4 and (b)). A.)

C. Lateral Expansion of Nonconforming Principal Structures Within the Setback. An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback per 18.260.090 B.1. may be expanded laterally, provided that all of the following requirements are met: (See Wis. Admin. Code § NR 115.05(1)(g)5)

1. The use of the structure has not been discontinued for a period of 12 months or more if a nonconforming use.

2. The existing principal structure is at least 35 feet from the ordinary high-water mark.

3. Lateral expansions are limited to a maximum of 200 square feet over the life of the structure. No portion of the expansion may be any closer to the ordinary high-water mark than the closest point of the existing principal structure.

4. The county shall issue a shoreland permit that requires a mitigation plan that shall be approved by the county and implemented by the property owner by the date specified in the permit. The mitigation plan shall meet the standards found in 18.260.180.

5. All other provisions of the shoreland ordinance shall be met.

D. Expansion of a nonconforming principal structure beyond the setback.

1. An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback under Section 18.260.090 B. may be expanded horizontally, landward, or vertically provided that the expanded area meets the building setback requirements per 18.260.090 B. and that all other provisions of the shoreland ordinance are met.

2. A mitigation plan is not required solely for expansion under this paragraph, but may be required per 18.260.120 F. (See Wis. Admin. Code § NR 115.05(1)(g)5m). A.)

E. Relocation of nonconforming principal structures. An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback per Section 18.260.090 B.1. may be relocated on the property provided all of the following requirements are met: (See Wis. Admin. Code § NR 115.05(1)(g)6).

1. The use of the structure has not been discontinued for a period of 12 months or more if a nonconforming use.

2. The existing principal structure is at least 35 feet from the ordinary high-water mark.

3. No portion of the relocated structure is located any closer to the ordinary high-water mark than the closest point of the existing principal structure.

4. The county determines that no other location is available on the property to build a principal structure of a comparable size to the structure proposed for relocation that will result in compliance with the shoreland setback requirement per Section 18.260.090.

5. The county shall issue a shoreland permit that requires a mitigation plan that shall be approved by the county and implemented by the property owner by the date specified in the permit. The mitigation plan shall meet the standards found in Section 18.260.180 and include enforceable obligations of the property owner to establish or maintain measures that the county determines are adequate to offset the impacts of the permitted relocation on water quality, near-shore aquatic habitat, upland wildlife habitat and natural scenic beauty. The mitigation measures shall be proportional to the amount and impacts of the relocated structure being permitted. The obligations of the property owner under the mitigation plan shall be evidenced by an instrument recorded in the office of the county register of deeds.

6. All other provisions of the shoreland ordinance shall be met. (Ord. 167-3, Sec. 1, 2023)

18.260.170 Maintenance, repair, replacement, or vertical expansion of structures that were authorized by variance.

A. A structure of which any part has been authorized to be located within the shoreland setback area by a variance granted before July 13, 2015 may be maintained, repaired, replaced, restored, rebuilt, or remodeled if the activity does not expand the footprint of the authorized structure.

B. Additionally, the structure may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level. Counties may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements. (See Wis. Stat. § 59.692(1k)(a)2. and (a)4). A.) (Ord. 167-3, Sec. 1, 2023)

18.260.180 Mitigation.

A. When the county issues a shoreland permit requiring mitigation under 18.260.120 F.3., 18.260.160 C.4., and 18.260.160 E.5., the property owner must submit a complete shoreland permit application that is reviewed and approved by the county.

B. The application shall include the following: (See Wis. Admin. Code §§ NR 115.05 (1)(e)3, (g)5,(g)6)

1. A site plan which is designed and implemented to restore natural functions lost through development and human activities. The site plan shall include a scaled plot plan of the lot, including the following information:

a. Location of all existing and proposed structures, including paths, stairways, retaining walls, decks, patios, vegetative cover, etc. with accurate distances shown between the structures and all property lines.

b. Location of any areas of existing and proposed land disturbance.

c. Location of septic and well facilities.

d. Location of the viewing and access corridor.

e. Location of parking areas and driveways.

f. Location of ordinary high-water mark and any wetland areas.

g. Maps showing the existing and proposed topography and slope of the property.

h. Impervious surface calculations.

i. A minimum of four photos of the property.

i. These photos shall include a photo taken from the water, along the shoreline and from the principal structure.

ii. If necessary, the department may require additional photos and/or a site inspection of the property.

j. Properties which include flood hazard areas shall be required to submit documentation showing the base flood elevation and its location on the property.

2. Mitigation plans shall include enforceable obligations of the property owner to establish and/or maintain measures that the county determines adequate to offset the impacts of the proposal on water quality, near-shore aquatic habitat, upland wildlife habitat and natural scenic beauty.

3. The obligations of the property owner under the mitigation plan shall be evidenced by an instrument recoded in the office of the register of deeds.

4. For the purposes of administration, and in order to meet the requirements of this subtitle, mitigation plans submitted to the department shall meet the requirements specified in "Appendix A" of this subtitle, which is on file with the department. (Ord. 167-3, Sec. 1, 2023)

18.260.190 Administrative provisions. The following administrative shoreland provisions are adopted by Eau Claire County: (See Wis. Admin. Code § NR 115.05(4))

A. The appointment of an administrator and such additional staff as the workload may require.

B. The creation of a zoning agency as authorized by Wis. Stat. § 59.69, a board of land use appeals as authorized by Wis. Stat. § 59.694, and a county planning agency as defined in Wis. Stat. § 236.02(3) and required by Wis. Stat. §59.692(3).

C. A system of permits for all new construction, development, reconstruction, structural alteration or moving of buildings and structures. A copy of applications shall be required to be filed in the office of the county Land Use Manager, unless prohibited by Wis. Stat. § 59.692(1k).

D. Regular inspection of permitted work in progress to insure conformity of the finished structures with the terms of the ordinance.

E. A variance procedure which authorizes the board of land use appeals to grant such variance from the terms of the ordinance as will not be contrary to the public interest where, owing to special conditions and the adoption of the shoreland zoning ordinance, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship as long as the granting of a variance does not have the effect of granting or increasing any use of property which is prohibited in that zoning district by the shoreland zoning ordinance.

F. A conditional use procedure for uses presenting special problems.

G. The county shall keep a complete record of all proceedings before the board of land use appeals and the committee on planning and development.

H. Written notice to the appropriate office of the WDNR at least 10 days prior to any hearing on a proposed variance, special exception or conditional use permit, appeal for a map or text interpretation, map or text amendment, and copies of all proposed land divisions submitted to the county for review under 18.260.130.

I. Submission to the appropriate office of the WDNR, within 10 days after grant or denial, copies of any decision on a variance, special exception or conditional use permit, or appeal for a map or text interpretation, and any decision to amend a map or text of an ordinance.

J. Development and maintenance of an official map of all mapped zoning district boundaries, amendments, and recordings.

K. The establishment of appropriate penalties for violations of various provisions of the ordinance, including forfeitures. Compliance with the ordinance shall be enforceable by the use of injunctions to prevent or abate a violation, as provided in Wis. Stat. § 59.69(11).

L. Pursuing the prosecution of violations of the shoreland ordinance.

M. Shoreland-Wetland Map Amendments According to Wis. Admin. Code § NR 115.04.

1. Every petition for a shoreland-wetland map amendment filed with the county clerk shall be referred to the county zoning agency.

2. A copy of each petition shall be provided to the appropriate office of the WDNR within 5 days of the filing of the petition with the county clerk.

3. Written notice of the public hearing to be held on a proposed amendment shall be provided to the appropriate office of the WDNR at least 10 days prior to the hearing.

4. A copy of the county board's decision on each proposed amendment shall be forwarded to the appropriate office of the WDNR within 10 days after the decision is issued. (Ord. 167-3, Sec. 1, 2023)

18.260.200 Shoreland permits.

A. When required. A system of permits for all new construction, development, reconstruction, structural alteration, or moving of buildings and structures is hereby established. A copy of all applications shall be required to be filed in the office of the county land use manager. Regular inspection of permitted work in progress shall be required to insure conformity of the finished structures with the terms of the ordinance. (See Wis. Admin. Code § NR 115.05(4)).

1. A shoreland land use permit is required for: all new construction, including additions; development; ditching, dredging, excavating, filling, grading, or lagooning; moving of buildings or structures; reconstruction; or structural alteration.

2. A mitigation permit or permits shall be required as described in 18.260.120 F.3., 18.260.160 C.4., and 18.260.160 E.5.

3. An impervious surface authorization permit shall be required in order to have surfaces designated as treated surfaces, as described in 18.260.120, or to exceed impervious surface ratio allowances.

B. Application. An application for a shoreland permit shall be made to the land use manager upon forms furnished by the department and shall include the following information:

1. Name and address of applicant and property owner.

2. Legal description of the property and type of proposed use.

3. A to-scale drawing of the dimensions of the lot and location of all existing and proposed structures and impervious surfaces relative to the lot lines, centerline of abutting highways and the ordinary high-water mark of any abutting waterways.

4. Location and description of any existing private water supply or sewage system or notification of plans for any such installation.

5. Plans for appropriate mitigation when required.

6. Payment of the appropriate fee.

7. Additional information required by the land use manager.

C. Application Acceptance. The land use manager will determine whether a complete application has been submitted and, no later than ten (10) business days after the application is submitted, notify the applicant in writing about the determination of completeness.

1. If the land use manager determines that the application is incomplete, the notice will state the reason for the determination and information necessary to make the application complete.

2. If the land use manager determines that the application is complete, s/he will provide to the applicant a notice of complete application, unless s/he has already issued the permit.

3. Once the applicant receives notice of an incomplete application, the applicant must submit the information requested by the land use manager within one hundred and eighty (180) calendar days. If the additional information is submitted within this time period, the land use manager shall re-initiate the process for a determination of completeness and notify the applicant within ten (10) business days of the receipt of the additional information whether the application is complete or incomplete.

4. If the applicant fails to submit the information requested by the land use manager within one hundred and eighty (180) days, the land use manager will send a letter to the applicant, informing the applicant that unless the information is received within thirty (30) calendar days from the date of the letter, a decision will be issued that the application has expired for lack of the information necessary to complete review and processing. The decision shall be sent to the applicant and will also state that the county will take no further action on the application.

5. The land use manager will make a final decision on an application within thirty (30) calendar days of the notice of complete application.

6. The applicant will submit as requested by the land use manager, at any time during the review process, additional information the land use manager finds to be reasonably necessary for review of the application.

7. If the applicant makes any material additions or alterations to the project for which the application has been submitted, any calendar day time limit begins anew.

D. Expiration of a Shoreland Permit. Shoreland permits are valid for two years to complete the construction. (Ord. 167-3, Sec. 1, 2023)

18.260.210 Conditional use permits.

A. Application for a conditional use permit. Any use listed as a conditional use in this ordinance shall be permitted only after an application has been submitted to the land use manager and a conditional use permit has been granted by the committee. To secure information upon which to base its determination, the committee may require the applicant to furnish, in addition to the information required for a zoning permit, the following information:

1. A plan of the area showing surface contours, soil types, ordinary high-water marks, groundwater conditions, subsurface geology, and vegetative cover.

2. Location of buildings, parking areas, traffic access, driveways, walkways, piers, open space, and landscaping.

3. Plans of buildings, sewage disposal facilities, water supply systems and arrangement of operations.

4. Specifications for areas of proposed filling, grading, lagooning, or dredging.

5. Other pertinent information necessary to determine if the proposed use meets the requirements of this ordinance.

6. Rationale for why the proposed special exception meets all of the special exception criteria listed in the ordinance.

B. Notice, Public Hearing, & Decision. Before deciding whether to grant or deny an application for a conditional use permit, the board of land use appeals shall hold a public hearing. Notice of such public hearing, specifying the time, place and matters to come before the committee, shall be given as a Class 2 notice under Wis. Stat. ch. 985. Such notice shall be provided to the appropriate office of the WDNR at least 10 days prior to the hearing. The committee shall state in writing the grounds for granting or denying a conditional use permit.

C. Standards Applicable to All Conditional Use Permits. In deciding a conditional use permit, the committee shall evaluate the effect of the proposed use upon:

1. The maintenance of safe and healthful conditions.

2. The prevention and control of water pollution including sedimentation.

3. Compliance with local floodplain zoning ordinances and opportunity for damage to adjacent properties due to altered surface water drainage.

4. The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.

5. The location of the site with respect to existing or future access roads.

6. The need of the proposed use for a shoreland location.

7. Its compatibility with uses on adjacent land.

8. The amount of liquid and solid wastes to be generated and the adequacy of the proposed disposal systems.

9. Location factors under which:

a. Domestic uses shall be generally preferred;

b. Uses not inherently a source of pollution within an area shall be preferred over uses that are or may be a pollution source; and

c. Use locations within an area tending to minimize the possibility of pollution shall be preferred over use locations tending to increase that possibility. Additional standards such as parking, noise, etc. maybe referred to the applicable part of their ordinance.

D. Conditions Attached to Conditional Use Permits.

1. Such conditions may include specifications for, without limitation because of specific enumeration:

a. type of shore cover;

b. specific sewage disposal and water supply facilities;

c. landscaping and planting screens;

d. period of operation;

e. operational control;

f. sureties;

g. deed restrictions;

h. location of piers, docks, parking and signs; and

i. type of construction.

2. Upon consideration of the factors listed above, the committee shall attach such conditions, in addition to those required elsewhere in this ordinance, as are necessary to further the purposes of this ordinance. Violations of any of these conditions shall be deemed a violation of this ordinance.

3. In granting a conditional use permit, the committee may not impose conditions which are more restrictive than any of the specific standards in the ordinance. Where the ordinance is silent as to the extent of restriction, the board may impose any reasonable permit conditions to affect the purpose of this ordinance.

E. Recording. When a conditional use permit is approved, an appropriate record shall be made of the land use and structures permitted. Such permit shall be applicable solely to the structures, use and property so described. A copy of any decision on a conditional use permit shall be provided to the appropriate office of the WDNR within 10 days after it is granted or denied.

F. Revocation of Conditional Use Permit.

1. If, in the opinion of the department or a member of the committee, the terms of a conditional use permit have been violated, or that the use is substantially detrimental to persons or property in the Shoreland Protection Overlay District, the committee shall hold a public hearing on the revocation of the permit.

2. If, upon written findings of fact that the terms of the permit have been violated, the committee may revoke, modify, or leave the permit unchanged.

3. The permit holder and/or the property owner shall be responsible for the fees associated with the revocation hearing. (Ord. 167-3, Sec. 1, 2023)

18.260.220 Board of Land Use Appeals.

A. Appointment of Board of Land Use Appeals. The county executive, county administrator, or chair of the county board shall appoint a board of land use appeals consisting of 3 or 5 members under Wis. Stat. § 59.694. The county board shall adopt such rules for the conduct of the business of the board of land use appeals as required by Wis. Stat. §59.694(3).

B. Powers & duties.

1. The board of land use appeals shall adopt such additional rules as it deems necessary and may exercise all of the powers conferred on such boards by Wis. Stat. § 59.694.

2. It shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement or administration of this ordinance.

3. It shall hear and decide applications for conditional use permits pursuant to Section 18.103.

4. It may grant a variance from the dimensional standards of this ordinance pursuant to the provisions of this section.

5. In granting a variance, the board may not impose conditions which are more restrictive than any of the specific standards in the ordinance. Where the ordinance is silent as to the extent of restriction, the board may impose any reasonable permit conditions to affect the purpose of this ordinance.

C. Appeals to the Board. Appeals to the board of land use appeals may be made by any person aggrieved or by an officer, department, or board of the county affected by any decision of the land use manager or other administrative officer. Such appeal shall be made within 30 days, as provided by the rules of the board, by filing with the officer whose decision is in question, and with the board of land use appeals, a notice of appeal specifying the reasons for the appeal. The land use manager or other officer whose decision is in question shall promptly transmit to the board all the papers constituting the record concerning the matter appealed.

D. Variances.

1. Variance Criteria to be Met. The board of land use appeals may grant upon appeal a variance from the standards of this ordinance where an applicant convincingly demonstrates that:

a. Literal enforcement of the provisions of the ordinance will result in unnecessary hardship on the applicant;

b. The hardship is due to special conditions unique to the property;

c. The request is not contrary to the public interest; and

d. The request represents the minimum relief necessary to relieve unnecessary burdens.

2. Notice, Public Hearing, & Decision. Before deciding on an application for a variance, the board of land use appeals shall hold a public hearing.

a. Notice of such hearing specifying the time, place and matters of concern, shall be given a Class 2 notice under Wis. Stat. § 985.

b. Such notice shall be provided to the appropriate office of the WDNR at least 10 days prior to the hearing.

c. The board shall state in writing the reasons for granting or refusing a variance and shall provide a copy of such decision to the appropriate office of the WDNR within 10 days of the decision. (See Wis. Stat. § 59.694(6)).

E. Hearing appeals & applications for variances & conditional use permits.

1. The board of land use appeals shall fix a reasonable time for a hearing on the appeal or application. The board shall give public notice thereof by publishing a Class 2 notice under Wis. Stat. § 985, specifying the date, time and place of the hearing and the matters to come before the board. Notice shall be mailed to the parties in interest. Written notice shall be provided to the appropriate office of the WDNR at least 10 days prior to hearings on proposed shoreland variances, conditional uses, and appeals for map or text interpretations.

2. A decision regarding the appeal or application shall be made as soon as practical. Copies of all decisions on shoreland variances, conditional uses, and appeals for map or text interpretations shall be provided to the appropriate office of the WDNR within 10 days after they are granted or denied.

3. The final disposition of an appeal or application to the board of land use appeals shall be in the form of a written resolution or order signed by the chairman and secretary of the board. The final disposition of an appeal or application to the board of land use appeals shall be in the form of a written decision document signed by the chairman and secretary of the board. The decision document shall either; affirm, deny, vary or modify the appeal and list the specific reasons for the determination.

4. At the public hearing, any party may appear in person or by agent or by attorney. (Ord. 167-3, Sec. 1, 2023)

18.260.230 Fees. Application and review fees under this subtitle shall be in accordance with the following:

A. The department will, except where another provision of this ordinance prohibits doing so, charge a fee for permits, approvals, or determinations.

B. The permit, approval, or determination fee must accompany the application or request. Otherwise, the application will not be considered complete and the request will not be considered.

C. Fees charged for permits, approvals, or determinations will be as determined by the Eau Claire County General User Fees Schedule, established by the county board of supervisors.

D. If the applicant applies for a permit or requests an approval after a project is begun or after it is completed, the department will charge an amount equal to twice the amount of the fee that it would have charged under this section. Subsequent violations shall be subject to the fees specified in the Eau Claire County Citation Code.

E. The department will only refund a permit, approval, or determination fee when approved by the director of planning and development.

Multiple fees may be applicable, and will be charged, to a project. (Ord. 167-3, Sec. 1, 2023)

18.260.240 Changes & amendments. The county board may from time to time, alter, supplement, or change the regulations contained in this ordinance in accordance with the requirements of Wis. Stat. § 59.69(5)(e), Wis. Admin. Code ch. NR 115, and this ordinance where applicable.

A. Amendments. Amendments to this ordinance may be made on petition of any interested party as provided in Wis. Stat. § 59.69(5).

B. Shoreland-Wetland map amendments.

1. Every petition for a shoreland-wetland map amendment filed with the county clerk shall be referred to the county zoning agency. (Ord. 167-3, Sec. 1, 2023)

2. A copy of each petition shall be provided to the appropriate office of the WDNR within 5 days of the filing of the petition with the county clerk.

3. Written notice of the public hearing to be held on a proposed amendment shall be provided to the appropriate office of the Department Natural Resources at least 10 days prior to the hearing.

4. A copy of the county board's decision on each proposed amendment shall be provided to the appropriate office of the WDNR within 10 days after the decision is issued. (See Wis. Admin. Code § NR 115.04) (Ord. 167-3, Sec. 1, 2023)

18.260.250 Enforcement & penalty.

A. Violations & suspension of permits.

1. Any development, any building or structure constructed, moved, or structurally altered, or any use established after the effective date of this ordinance in violation of the provisions of this ordinance, by any person, firm, association, corporation (including building contractors or their agents) shall be deemed a violation.

2. Every violation of this ordinance is a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be abated pursuant to Wis. Stat. § 59.69(11). (See Wis. Admin. Code § NR 115.05(4)(j)).

3. Any person, firm, association, or corporation, causing a violation or refusing to comply with any provision of this subtitle will be notified in writing of such violation by the county land use manager or his designated zoning deputy.

a. Such notice shall be in writing and shall include a statement of the reason for the suspension of the permit. It shall allow 30 days for the performance of any act it requires.

b. If work cannot be completed in the 30-day period, an extension may be granted if reason of hardship prevail and can be verified.

c. Such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been sent by registered mail to owner's last known address or when the owner has been served by such notice by any method authorized by the laws of Wisconsin.

d. The owner of record has the right to appeal any decision by the land use manager or his designated zoning deputy to the board of land use appeals for a variance from the strict rule of the subtitle within 30 days of receipt of a notice or order.

4. The land use manager or the county zoning agency shall refer violations to corporation counsel who shall expeditiously prosecute violations.

B. Penalty.

1. Any person, firm, association, or corporation, including those doing work for others, who violates or refuses to comply with any of the provisions of this subtitle shall be subject to a forfeiture of fifty dollars ($50.00) per offense, together with the applicable costs, penalties, and assessments.

2. Each day a violation exists shall constitute a distinct and separate violation of this subtitle and as such, forfeitures shall apply accordingly.

C. Injunction. Any use or action which violates the provisions of this subtitle shall be subject to a court injunction prohibiting such violation.

D. Responsibility for compliance. It shall be the responsibility of the applicants as well as their agent or other persons acting on their behalf to comply with the provisions of this subtitle.

E. Emergency conditions.

1. Whenever the land use manager finds that an emergency exists such as sudden, unexpected occurrences or combinations thereof, unforeseen conditions or circumstances at the time beyond one's control, adverse weather conditions, meeting a timetable which requires immediate action to protect the public health, safety and welfare, the land use manager may, without notice or hearing, issue an order citing the existence of such emergency and may require that such action be taken as may be deemed necessary to meet the emergency.

2. The land use manager shall notify the chairperson of the committee within 24 hours of such situations.

3. Notwithstanding any other provisions of this subtitle such order shall become effective immediately.

4. Any person to whom such order is directed shall comply therewith immediately.

5. Appeals or challenges to emergency orders maybe brought after emergency conditions have ceased, to the board of land use appeals. (Ord. 167-3, Sec. 1, 2023)

18.260.260 Abrogation & greater restrictions.

A. The provisions of this ordinance supersede any provisions in a county zoning ordinance that solely relate to shorelands. In other words, if a zoning standard only applies to lands that lie within the shoreland and applies because the lands are in shoreland, then this ordinance supersedes those provisions. However, where an ordinance adopted under a statute other than Wis. Stat. § 59.692 does not solely relate to shorelands and is more restrictive than this ordinance, for example a floodplain ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions. (See Wis. Stat. § 59.692(5)).

B. Wis. Stat. § 59.692, and Wis. Admin. Code ch. NR 115.

1. Wis. Stat. § 59.692, and Wis. Admin. Code ch. NR 115, are incorporated herein by reference.

2. A particular provision of this ordinance does not apply and may not be enforced if said provision is inconsistent with Wis. Stat. § 59.692 and/or Wis. Admin Code Ch. NR 115. In such situations, the state statute or administrative code provision controls, but only to the extent of the inconsistency.

C. If an existing town ordinance relating to shorelands is more restrictive than this ordinance or any amendments thereto, the town ordinance continues in all respects to the extent of the greater restrictions but not otherwise.

D. This ordinance may establish standards to regulate matters that are not regulated in Wis. Admin. Code ch. NR 115, but that further the purposes of shoreland zoning as described

E. This ordinance shall not require approval or be subject to disapproval by any town or town board.

F. This ordinance is not intended to repeal, abrogate, or impair any existing deed restrictions, covenants, or easements. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

G. Eau Claire County may not establish shoreland zoning standards that requires any of the following:

1. Approval to install or maintain outdoor lighting in shorelands, impose any fee or mitigation requirement to install or maintain outdoor lighting in shorelands, or otherwise prohibits or regulates outdoor lighting in shorelands if the lighting is designed or intended for residential use.

2. Require any inspection or upgrade of a structure before the sale or other transfer of the structure may be made.

H. Consistent with Wis. Stat. § 59.692(1t), the county may not commence an enforcement action against a person who owns a building or structure that is in violation of this ordinance if the person can establish that the building or structure has been in place for more than 10 years.

I. The construction and maintenance of a facility is considered to satisfy the requirements of a shoreland zoning ordinance if the WDNR has issued all required permits or approvals authorizing the construction or maintenance under Wis. Stats. §§ 30, 31, 281, or 283. (Ord. 167-3, Sec. 1, 2023)

18.260.270 Interpretation.

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

B. Where a provision of this ordinance is required by statute and a standard in Wis. Admin. Code ch.. NR 115, and where the ordinance provision is unclear, the provision shall be interpreted in light of the statute and Wis. Admin. Code ch. NR 115, standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance. (See Wis. Stat. § 59.69 (13)). (Ord. 167-3, Sec. 1, 2023)

18.260.280 Severability. If any portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected. (Ord. 167-3, Sec. 1, 2023)

18.260.290 Definitions.

A. These definitions apply only within this subtitle and supersede any similar definitions elsewhere in Title 18. For the purpose of administering and enforcing this ordinance, the terms or words used herein shall be interpreted as follows: Words used in the present tense include the future; words in the singular number include the plural number; and words in the plural number include the singular number. The word "shall" is mandatory, not permissive. All distances unless otherwise specified shall be measured horizontally. All measured distances shall be to the nearest integral foot or meter and increments of one-half or more of a foot or meter shall cause the next highest foot or meter to be applied. The following terms used in this ordinance mean:

1. “Access and viewing corridor” means a strip of vegetated land that allows safe pedestrian access to the shore through the vegetative buffer zone.

B. “Alteration” means an enhancement, upgrading or substantial change or modifications other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning and other systems within a structure.

C. "Bed and breakfast establishment" means any place of lodging that provides 8 or fewer rooms for rent for more than 10 nights in a 12-month period, is owner-occupied and in which the only meal served to guest is breakfast.

D. "Boathouse" means a permanent structure used for the storage of watercraft and associated materials and includes all structures which are totally enclosed, have roofs or walls or any combination of these structural parts.

E. “Building envelope” means the three-dimensional space within which a structure is built.

6. “Campground” means any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or which is advertised or represented as a camping area.

7. “Committee” means the Eau Claire County Committee on Planning and Development.

8. "Conditional use" means a use that is permitted by this ordinance provided certain conditions specified in the ordinance are met and a permit is granted by the committee.

9. "County zoning agency" means that committee or commission created or designated by the county board under Wis. Stat. § 59.69(2)(a), to act in all matters pertaining to county planning and zoning.

J. "Department" means the department of planning and development.

11K. “Drainage system” means one or more artificial ditches, tile drains or similar devices which collects surface runoff or groundwater and convey it to a point of discharge.

12. “Existing development pattern” means that principal structures exist within 250 feet of a proposed principal structure in both directions along the shoreline.

13. "Floodplain" means the land which has been or may be hereafter covered by flood water during the regional flood. The floodplain includes the floodway and the flood fringe as those terms are defined in Wis. Admin. Code ch. NR 116.

14. "Facility" means any property or equipment of a public utility, as defined in Wis. Stat. § 196.01 (5), or a cooperative association organized under Wis. Stat. ch. § 185. Code for the purpose of producing or furnishing heat, light, or power to its members only, that is used for the transmission, delivery, or furnishing of natural gas, heat, light, or power.

15. “Footprint” means the land area covered by a structure at ground level measured on a horizontal plane. The footprint of a residence or building includes the horizontal plane bounded by the furthest exterior wall and eave if present, projected to natural grade. For structures without walls (decks, stairways, patios, carports) – a single horizontal plane bounded by the furthest portion of the structure projected to natural grade. Note: For the purposes of replacing or reconstructing a nonconforming building with walls, the footprint shall not be expanded by enclosing the area that is located within the horizontal plane from the exterior wall to the eaves projected to natural grade. This constitutes a lateral expansion under Wis. Admin. Code ch. NR 115 and would need to follow Wis. Admin. Code § NR 115.05 (1)(g)5.

16. “Generally accepted forestry management practices” means forestry management practices that promote sound management of a forest. Generally accepted forestry management practices include those practices contained in the most recent version of the WDNR publication known as Wisconsin Forest Management Guidelines and identified as PUB FR-226.

17. “Impervious surface” means an area that releases as runoff all or a majority of the precipitation that falls on it. “Impervious surface” excludes frozen soil but includes rooftops, sidewalks, driveways, parking lots, and streets unless specifically designed, constructed, and maintained to be pervious. Roadways as defined in Wis. Stat. § 340.01(54), or sidewalks as defined in Wis. Stat. § 340.01(58) are not considered impervious surfaces.

18. “Land Use Manager” means the employee of the county officially designated to administer this section or an agent designated by the Director of the Eau Claire County Department of Planning and Development.

19. “Lot” means a parcel of land, legally created, which is occupied or designed to provide space for one principal structure and approved uses, including the open spaces required by this subtitle. A lot includes all contiguous property under one owner and may consist of multiple deeds, abstracts, and tax statements.

20. “Lot of record” means a lot which has been legally created prior to the effective date of Title 18.

21. “Mitigation” means balancing measures that are designed, implemented and function to restore natural functions and values that are otherwise lost through development and human activities.

22. "Navigable waters" means Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. Under Wis. Stat. § 281.31(2m), notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under Wis. Stat. § 59.692, Stats, and Wis. Admin. Code. ch. NR 115, do not apply to lands adjacent to:

a. Farm drainage ditches where such lands are not adjacent to a natural navigable stream or river and such lands were not navigable streams before ditching; and

b. Artificially constructed drainage ditches, ponds or storm water retention basins that are not hydrologically connected to a natural navigable water body

23. "Ordinary high-water mark (OHWM)" means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.

24. “Previously developed” means a lot or parcel that was developed with a structure legally placed upon it.

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

26. “Routine maintenance of vegetation” means normally accepted horticultural practices that do not result in the loss of any layer of existing vegetation and do not require earth disturbance.

27. "Shoreland" means lands within the following distances from the ordinary highwater mark of navigable waters: 1,000 feet from a lake, pond, or flowage; and 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

28. “Shoreland setback” also known as the “Shoreland setback area” in Wis. Stat. § 59.692(1)(bn), means an area in a shoreland that is within a certain distance of the ordinary high- water mark in which the construction or placement of structures has been limited or prohibited under an ordinance enacted under Wis. Stat. §59.692.

29. "Shoreland-wetland district" means a zoning district, created as a part of a county zoning ordinance, comprised of shorelands that are designated as wetlands on the Wisconsin wetland inventory maps prepared by the WDNR.

30. "Structural alteration" means any change in the supporting members of a building such as bearing walls, columns, rafters, beams, girders, footings, and piles.

31. “Structure” means a principal structure or any accessory structure including a garage, shed, boathouse, sidewalk, walkway, patio, deck, retaining wall, porch, or fire pit.

32. “Tourist Rooming House” means all lodging places and tourist cabins and cottages as regulated by the department of health and human services pursuant to Wis. Admin. Code ch. ATCP 72, other than hotels and motels, in which sleeping accommodations are offered for pay to tourists or transients. It does not include private boarding or rooming houses not accommodating tourists or transients, or bed and breakfast establishments regulated under Wis. Admin. Code ch. ATCP 73.

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

34. "Variance" means an authorization granted by the board of land use appeals to construct, alter or use a building or structure in a manner that deviates from the dimensional standards of this ordinance.

35. “WDNR” means the Wisconsin Department of Natural Resources.

36. "Wetlands" means those areas where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which have soils indicative of wet conditions. (Ord. 167-3, Sec. 1, 2023)

18.260.300 Appendix A.

Shoreland Activities That Require a Mitigation Plan

A. When Impervious Surface (IS) limits fall within the below % ranges: (Section 18.260.120 F.)

Percent IS Requiring Mitigation		
General Standard Shorelines	Highly Developed Shorelines (Residential)	Highly Developed Shorelines (Commercial)
15% - 30%	>30% - 40%	> 40% - 60%

1. A variance is required when the above IS % limits are exceeded.
2. The repair, replacement, or relocation of existing IS does not require mitigation.

B. A lateral expansion of a principal structure that is legal nonconforming to shore or wetland setback (200 sq. ft. max. allowed). (18.260.160 C.)

C. The relocation of a principal structure that is legal nonconforming to shore setback. Relocation is only available when no other more conforming location is available to accommodate a similar sized structure. (18.260.160 E.)

D. In order to make the above improvements to nonconforming structures, the following must be met:

1. The existing principal structure must be located at least 35 ft. from the ordinary high-water mark (OHWM) of a navigable waterway and wetland.
2. No portion of the addition or relocated structure may be closer to the shore than the existing structure.

Required Mitigation Practices - The Point System

A. Property owners must achieve a certain number of mitigation points in order to construct improvements that require mitigation in accordance with this appendix. Property owners are able to choose a range of practices, with each practice being worth a pre-determined number of points, to achieve the total number of points required for the proposed project.

B. Mitigation Points are cumulative. For example: A site with a code-compliant shoreline protection area twice as deep as required would get 1 point for the extra buffer area, as well as 2 points for the standard code-compliant vegetation protection area, for a total of 3 points.

Mitigation Point Requirements

A. Five (5) mitigation points are required when Impervious Surface (IS) limits fall within the below % ranges:

General Standard Shorelines	Highly Developed Shorelines (Residential)	Highly Developed Shorelines (Commercial)
15% - 30%	>30% - 40%	> 40% - 60%

B. Four (4) mitigation points are required for a lateral expansion of a principal structure that is legal nonconforming to shore or wetland setback (200 sq. ft. max. allowed).

C. Four (4) mitigation points are required for the relocation of a principal structure that is legal nonconforming to shore setback. Relocation is only available when no other more conforming location is available to accommodate a similar sized structure.

Mitigation Schedule

Mitigation Type	Number of Points Awarded for Mitigation
A. Removal of a Non-Compliant POWTS (septic system)	3 points
B. Removal of improvements within 75 ft. of the OHWM and replace with vegetation. Examples: beaches, boathouse approaches, fire pits, fountains, impervious surfaces	1 point, 0-250 square feet, 2 points, 251-500 square feet, 3 points, 501 square feet and greater. (credit is not provided if removal is required as part of another accredited mitigation type)
C. Maintain existing or establish new native vegetative buffer adjacent to a navigable waterway (OHWM extended 35' landward)	3 points
D. Increase depth of existing compliant shoreland buffer	1 point for every 15-foot increase (max. 3 points)
E. Remove existing retaining walls located within 75 ft. of OHWM and replace with vegetation (low impact landscaping approach)	1 point per 25 lineal ft. of wall
F. Removal of seawall/riprap and replacement with natural, nonstructural stabilization materials	4 points for entire shoreline (for shorelines with greater than 100 feet of lineal shoreline) 2 points for 50 feet of lineal shoreline
G. Removal of Existing Shore lighting with installation of Downcast Shore Lighting	1 point
H. Increasing setback of structures from OHWM	1 point per 5' of increased setback beyond required (max. 4 points)
I. Decrease width of access & viewing corridor below 35%	1 point = 25 % view corridor 2 points = 15% view corridor (max. 2 points)
J. Passive restoration (natural recovery) of a compliant shoreland buffer	2 points
K. Installation of a rain garden or other engineered system designed to capture and treat/infiltrate storm water runoff	3 points for system designed and implemented to result in no net increase in storm water runoff. 5 points for systems designed and implemented to result in "0" storm water runoff.
L. Maintain existing or establish new shoreline habitat (fallen trees or fish sticks)	2 points per tree cluster as specified in the DNR Best Practices Manual
M. Alternative method approved by Department staff	Based on proposal

*See below for detailed explanation of mitigation items.

D. Detailed explanations of mitigation items

1. The benefits of mitigation of the following:
   a. Provides water quality benefits by treating and reducing runoff;
   b. Containing erosion and controlling sediment;

c. Provide natural scenic beauty;

d. Provide aquatic and diverse wildlife habitat;

e. Restores natural topography;

f. Improve and preserve water quality by offsetting the impacts associated with surface runoff; and

g. Restore natural shoreline vegetation to promote natural landscapes.

E. Removal of a non-compliant POWTS – Documentation indicating that a Private Onsite Wastewater Treatment System (POWTS) on the lot or parcel has failed and must show that the POWTS has caused or resulted in one or more of the following conditions (outlined in Wis. Stat. ch.145):

1. The discharge of sewage into surface water or groundwater.

2. The introduction of sewage into zones of saturation which adversely affects the operation of a private on-site wastewater treatment system.

3. The discharge of sewage to a drain tile or into zones of bedrock.

4. The discharge of sewage to the surface of the ground.

5. The failure to accept sewage discharges and back up of sewage into the structure served by the private on-site wastewater treatment system.

F. Removal of improvements within 75 feet of the OHWM and replace with vegetation – Removal of improvements such as, beaches, boathouse approaches, fire pits, fountains, impervious surfaces, unless there is a specific exemption in the code for such a structure.

G. Maintain existing or establish new native vegetative buffer adjacent to a navigable waterway (OHWM extended to 35 feet landward) – A written and approved shoreline restoration plan which restores all of the natural functions of the shoreline vegetation protection area in accordance with the standards contained in NRCS Standard 643 A and Wisconsin Biology Technical Note #1 - Shoreland Habitat and the provisions of this code, or verification that existing vegetation meets these standards. The department shall review the restoration plan or verify that existing vegetation is adequate to meet these requirements.

H. Increase depth of existing compliant shoreland buffer – The depth of an existing shoreland buffer may be increased beyond 35 feet through active restoration, passive restoration, or by maintaining existing vegetation already present in acceptable densities. Shoreland buffers may include a cleared view and access corridor. A written and approved shoreline restoration plan which restores all of the natural functions of the shoreline vegetation protection area in accordance with the standards contained in NRCS Standard 643 A and Wisconsin Biology Technical Note #1 - Shoreland Habitat and this code, or verification that existing vegetation meets these standards. The department shall review the plan or verify that existing vegetation is adequate to meet these requirements.

I. Remove existing retaining walls located within 75 feet of the OHWM and replace with vegetation (low impact landscaping) – Remove retaining wall and develop a plan to replace it. The restoration plan shall include a grading, vegetation and erosion control plan.

J. Remove of seawall/riprap and replacement with natural, nonstructural stabilization materials – Provide a plan and a copy of the WDNR permit for the removal of the seawall/riprap structures and replacement with natural, nonstructural stabilization materials.

K. Removal of existing shore lighting with installation of downcast shore lighting – Replace existing shore lighting with downcast or shielded shore lighting to eliminate light pollution at the property line. Light fixtures that are shielded on four sides and illuminate downward toward the earth will meet this mitigation practice.

L. Increase setback of structures from the OHWM – Increase structure beyond minimum required by Title 20.
Decrease width of access & viewing corridor below 35% - Submit a vegetation, management and erosion plan to reduce the viewing corridor less than 35%. The management plan shall indicate how invasive species are control.
NOTE: The remaining access and viewing corridor from the developed portion of the site to the water's edge can be maintained or established.

M. Passive restoration (natural recovery) of a compliant shoreland buffer - Passive restoration of a shoreland buffer involves restricting mowing, raking, and trimming and allowing natural regeneration of the landscape to occur from the ordinary high-water mark to a point that is at least 35 feet inland. A passive shoreland buffer may only serve as the restoration if tree, shrub and ground cover layers are already present in acceptable densities and the site is suited for natural regeneration. A compliant shoreland buffer should contain three distinct layers including a native tree canopy, shrub layer, and groundcover layer, except for closed canopy forest types such as pine and hemlock. Shoreland buffers may include a cleared view and access corridor. Passive restoration is not applicable on landscapes containing large concentrations of invasive species or in areas mainly vegetated with turf grasses.

N. Installation of a rain garden or other engineered system designed to capture and treat/infiltrate storm water runoff - A rain garden is a shallow depression landscaped with suitable native vegetation, engineered and designed to capture and infiltrate storm water. The rain garden must be located outside of the shoreland buffer, designed to conform to property constraints, and located a reasonable distance to septic systems, building foundations, and lot lines. A rain garden should capture and infiltrate the runoff volume for a minimum of a 10-year, 5-minute rain event. Rain gardens are not suitable on land containing impermeable soil types or steep slopes.

An engineered system may be designed to capture and treat/infiltrate storm water runoff. Engineered systems are not allowed in the shoreland buffer, unless there are no other feasible locations on the lot. Examples of an engineered systems include, but are not limited to, rain gardens, infiltration trenches, chambers, or dry wells, internally drained areas, pervious pavement, grass swales, and a plan that will result in no net increase in runoff from the site within 300 feet of the ordinary high water mark. The plan shall be designed to handle the storm water from the current NOAA National Weather Service Precipitation Frequency Data Server (PFDS) 2-year 24 hour rainfall event for Eau Claire County and shall include all engineered calculations to support the design, and in compliance with the "Controlling Runoff and Erosion from your Waterfront Property-A Guide for Landowners" copyright 2008 by Burnett County Land and Water Conservation Department, available on both the Eau Claire County and Wisconsin DNR websites.

An engineered system designed that will result construction storm water retention plan which will result in no runoff from any impervious surface on the site within 300 feet of the ordinary high water mark. The department shall review the plan to determine adequacy. This plan shall be designed to handle the storm water from a one-year storm as designated by NRCS for Eau Claire County, and in compliance with the "Controlling Runoff and Erosion from your Waterfront Property-A Guide for Landowners" copyright 2008 by Burnett County Land and Water Conservation Department, available on both the Eau Claire County and Wisconsin DNR websites.

O. Maintain existing or establish new shoreline habitat (fallen trees or fish sticks) – Develop a shoreland habitat plan in compliance with the standards set forth per the DNR Best Practices Manual for Fish Sticks.

P. Alternative method approved by the department - Applicant must demonstrate a connection between the proposed mitigation and the intent/purpose of the mitigation requirements of the Eau Claire Shoreland Protection and Overlay Ordinance. For example, an applicant could provide engineering information showing that the proposal could accomplish the same outcome as one of the mitigation strategies outlined. Points would be awarded in line with the comparable mitigation points. (Ord. 167-3, Sec. 1, 2023)

Appendix A Official Maps

This section includes illustrations referencing Section 18.200.050.D. for administration.

Table 3
Flood Crest Summary

Cross Section No.	River Mile	Maximum Water Surface Elevation (feet)			Time to Peak (hours)
		Dam Nonexistent	Dam In Place with No Failure (No Breach)	Dam In Place with Failure (Breach)	Dam In Place with Failure (Breach)
1 (Dam)	0.00	897.36	911.58	911.57	31.75
2	0.01	897.25	896.88	905.42	32.05
3	0.20	896.35	896.01	904.16	32.10
4 (STH 27)	0.28	896.05	895.71	903.76	32.10
5	0.40	895.64	895.31	903.04	32.15
6	1.04	892.96	892.70	898.08	32.30
7	1.78	889.63	889.44	893.33	32.80
8	2.72	884.98	884.82	887.99	33.05
9	4.16	880.44	880.34	882.14	34.50
10	5.61	877.50	877.40	879.19	35.15
11	8.03	870.01	869.92	871.45	37.00
12	9.03	868.59	868.50	869.99	37.55
13 (CTH D)	9.39	866.99	866.89	868.47	38.70
14	9.40	866.95	866.85	868.44	38.75
15	10.13	864.42	864.28	866.47	40.15
16	11.80	863.41	863.26	865.47	40.35
17	12.94	859.00	858.85	861.37	40.80
18	14.27	851.57	851.41	853.89	41.05
19 (CTH K)	14.43	848.80	848.63	851.17	41.10
20	14.44	847.39	847.23	849.73	41.15
21	14.64	844.84	844.68	847.07	41.20
22	15.64	833.97	833.85	835.54	41.95
23	16.76	829.72	829.59	831.42	43.30
24	18.24	827.23	827.10	828.85	43.70
25	19.08	825.37	825.25	826.90	44.00
26	19.83	822.17	822.08	823.32	44.55
27	20.68	819.85	819.75	821.15	45.15
28 (FIS F)	21.93	816.88	816.77	818.15	45.35
29 (FIS E)	22.50	813.22	813.11	814.37	45.45
30 (FIS D)	22.96	808.21	808.15	809.11	45.60
31 (FIS C)	23.22	805.68	805.59	806.94	45.60

HAZARD RATING ASSESSMENT

The hydraulic shadow is that area of land downstream from a dam that water would inundate upon failure of the dam during the 100-year flood. The hydraulic shadow ends where the dam breach flood profile converges with the "dam nonexistent" flood or regional flood profile. The convergence tolerance is 1 foot for rural areas and zero within incorporated areas.

Referring to Table 3, the 100-year flood profile resulting from a dam failure is within 1 foot of the "dam nonexistent" flood profile at 22.96 miles downstream from the dam at Cross Section No. 30. The dam failure flood profile is less than the regional flood elevation of 810.2 according to the FIS at this section as well. This is the end of the hydraulic shadow. Table 4 lists the hydraulic shadow floodway data. This information was extracted from Table 3 and the information in Appendix B for the three conditions modeled. The hydraulic shadow map and profile are shown in Exhibits 4 and 5 respectively.

Table 4
Hydraulic Shadow Floodway Data

Cross Section No.	River Mile	Maximum Stage Elevation (feet)	Peak Discharge (cfs)	Maximum Velocity (feet/sec)	Floodplain Top Width (feet)
1 (Dam)	0.00	911.57	59365	8.46	260
2	0.01	905.42	59365	11.96	245
3	0.20	904.16	57341	8.99	245
4 (STH 27)	0.28	903.76	56730	8.27	300
5	0.40	903.04	55162	8.13	255
6	1.04	898.08	49619	8.78	290
7	1.78	893.33	45665	3.13	1780
8	2.72	887.99	43319	5.05	1210
9	4.16	882.14	39793	1.36	3890
10	5.61	879.19	36703	2.78	2750
11	8.03	871.45	35033	2.02	2540
12	9.03	869.99	34344	1.80	2350
13 (CTH D)	9.39	868.47	34124	6.57	2790
14	9.40	868.44	34124	7.29	2790
15	10.13	866.47	32277	0.89	3070
16	11.80	865.47	30602	2.60	850
17	12.94	861.37	30408	3.51	1360

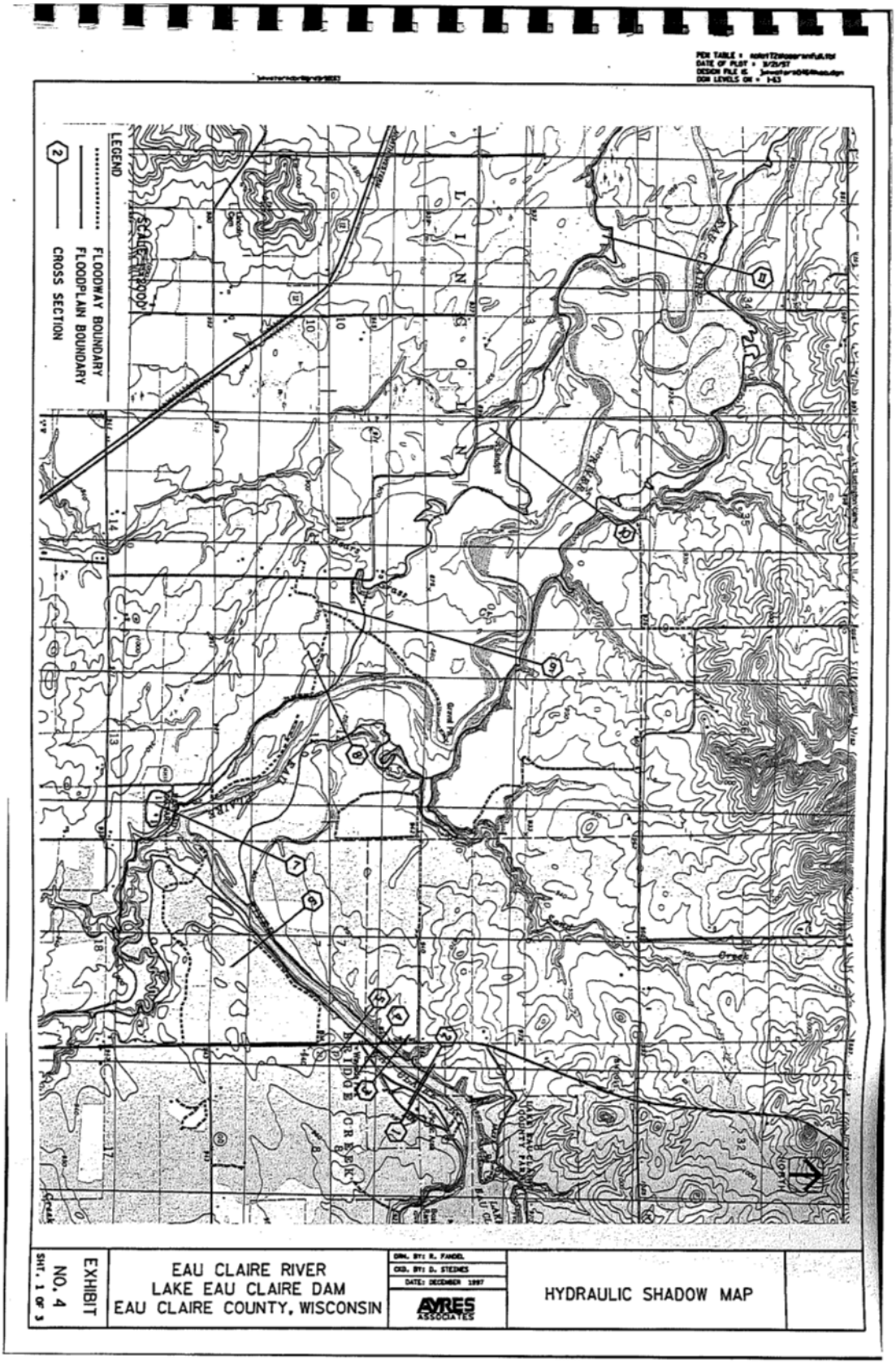
TABLE 4
(Continued)

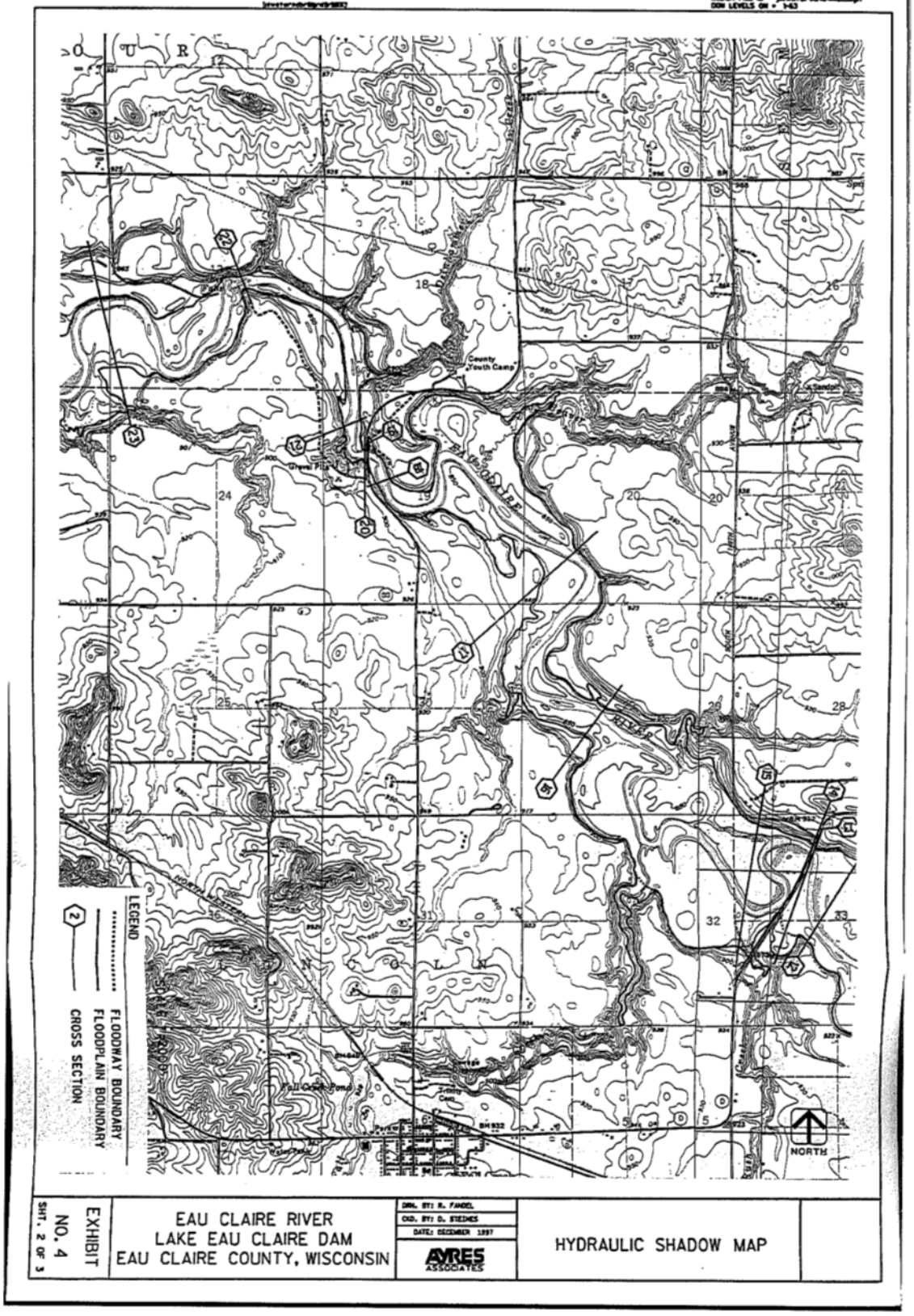
Cross Section No.	River Mile	Maximum Stage Elevation (feet)	Peak Discharge (cfs)	Maximum Velocity (feet/sec)	Floodplain Top Width (feet)
18	14.27	853.89	30329	5.26	360
19 (CTH K)	14.43	851.17	30328	9.13	270
20	14.44	849.73	30328	10.06	215
21	14.64	847.07	30326	6.07	440
22	15.64	835.54	30305	7.78	360
23	16.76	831.42	29991	1.17	1820
24	18.24	828.85	29644	3.45	1010
25	19.08	826.90	29547	2.02	1380
26	19.83	823.32	29503	5.83	410
27	20.68	821.15	29340	1.45	2670
28 (FIS F)	21.93	818.15	29231	4.01	550
29 (FIS E)	22.50	814.37	29225	4.24	1080
30 (FIS D)	22.96	809.11	29221	5.49	1030
31 (FIS C)	23.22	806.94	29220	6.74	1570

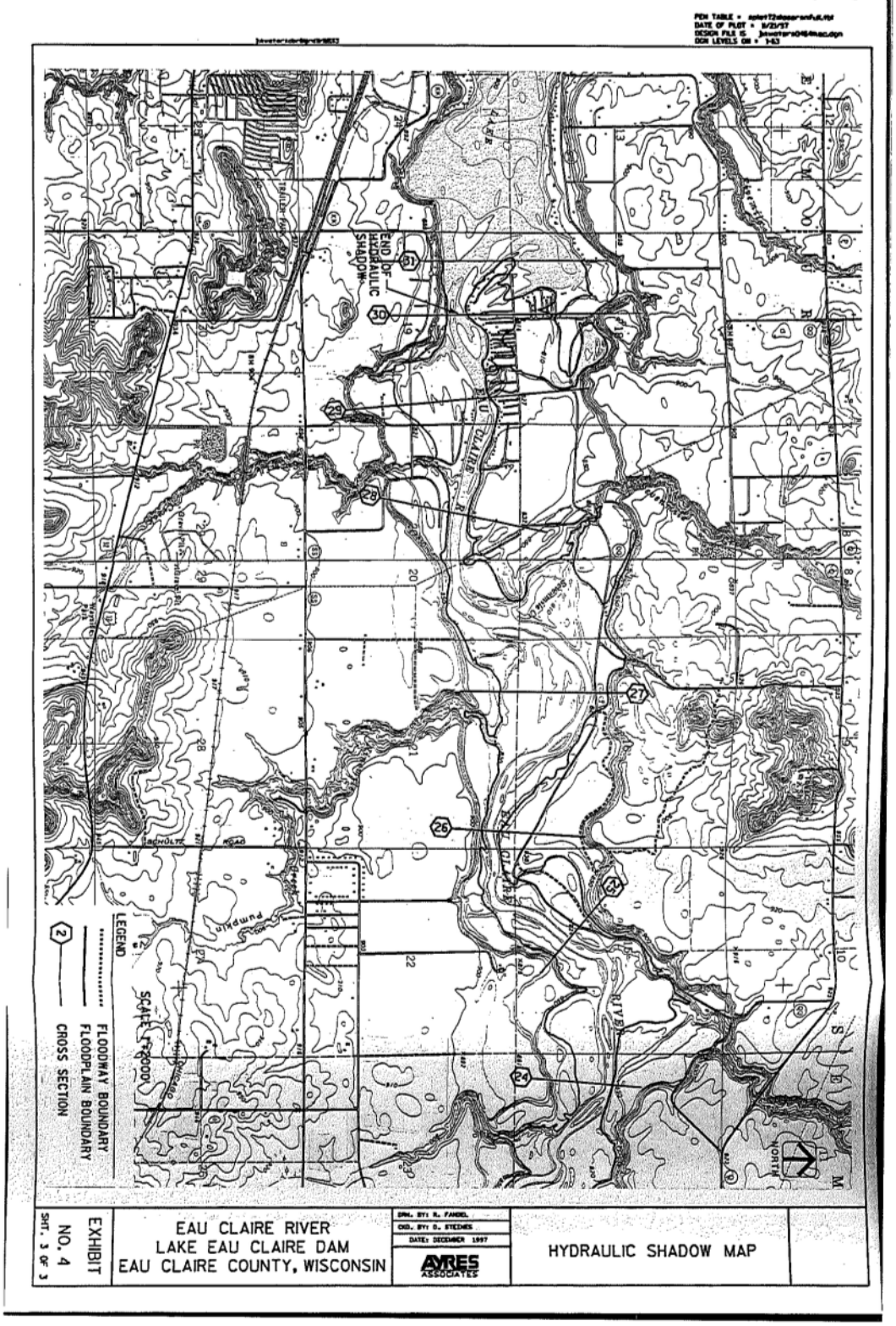
To determine the dam hazard rating, we compared the hydraulic shadow (see Table 4 and Exhibit 5) with the elevation of potentially affected structures and with the Lake Altoona Floodplain maps. This comparison indicated that several structures were located within both the hydraulic shadow and the dam nonexistent floodplain. The Lake Altoona Floodplain maps from the Eau Claire County Planning and Development Department indicate that several structures upstream of Lake Altoona are inundated by the regional flood. Based on these findings, the dam hazard rating for the Lake Eau Claire Dam is high or Class 3 with a major size classification according to NR 333 criteria. Zoning of the hydraulic shadow would be helpful to limit further development and minimize flood damage.

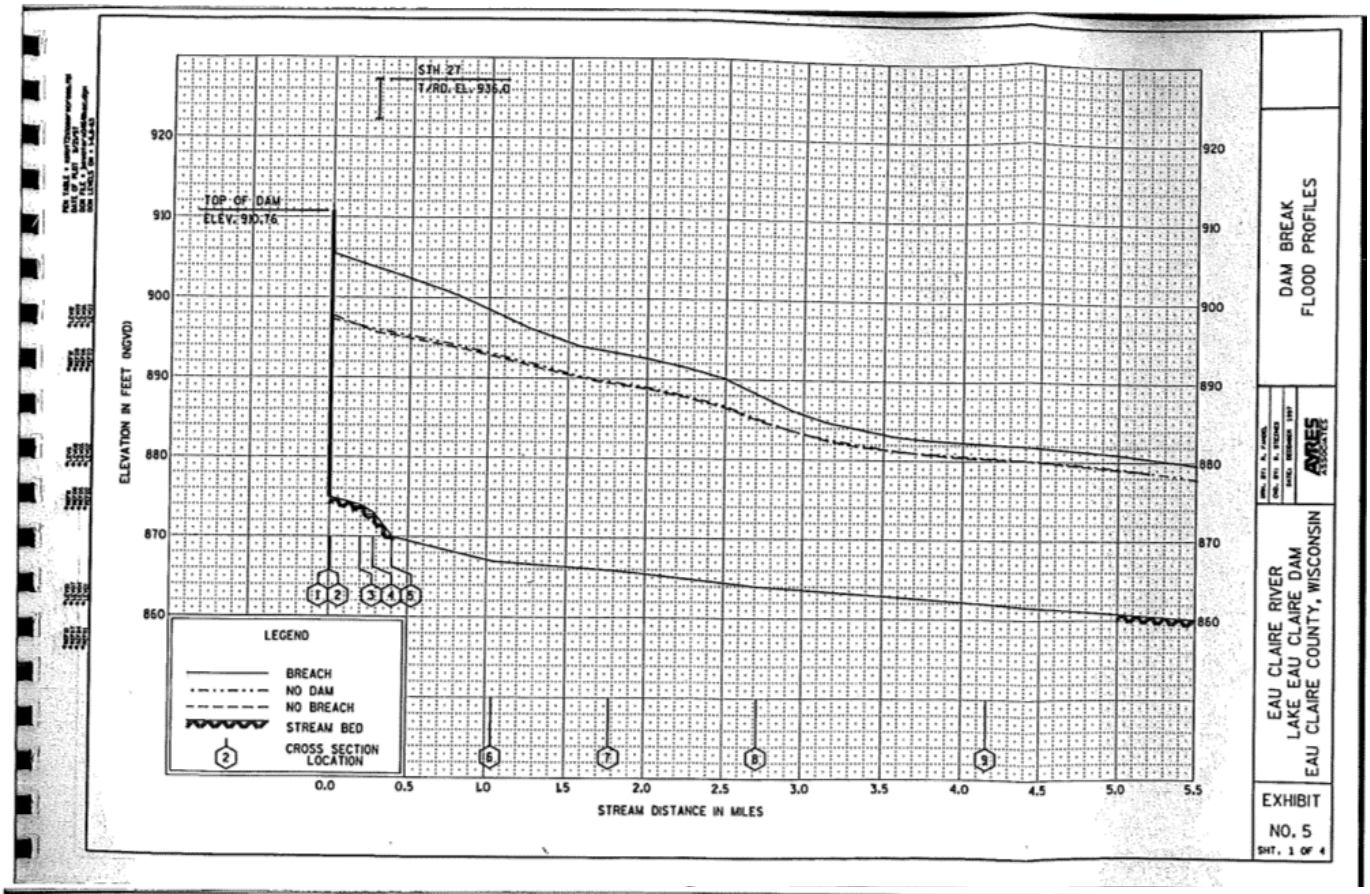
SPILLWAY CAPACITY

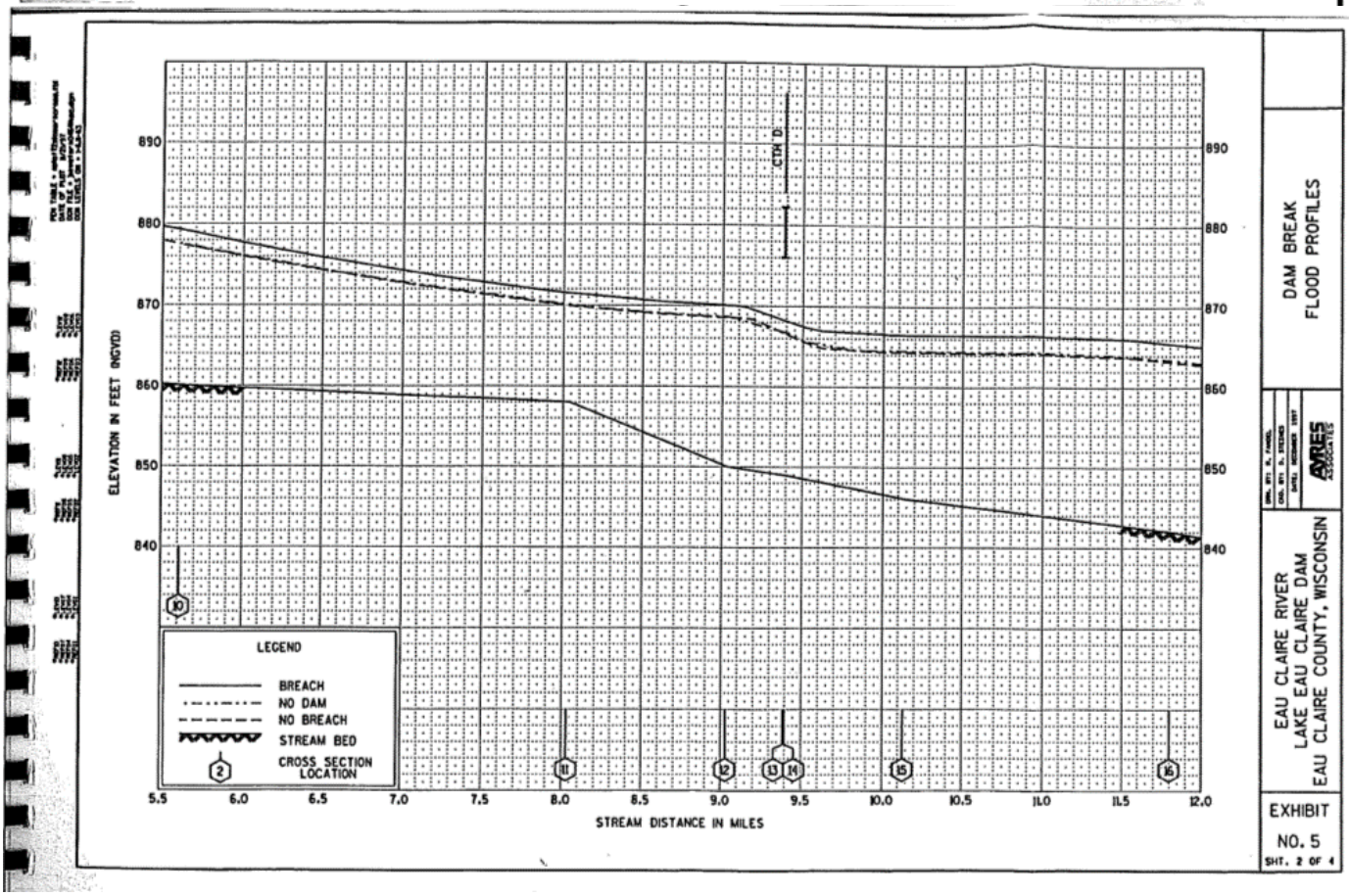
According to NR 333 criteria, a high hazard dam must be capable of passing the 100-year flood through the principal spillway and the 1,000-year flood through both the principal and emergency spillways. The "dam with no failure" condition indicates that the peak reservoir elevation during the 100-year flood is 911.58 feet with a peak outflow of 25,577 cfs. The top of the dam is at elevation 910.76 feet, approximately 0.8 foot lower than the peak reservoir elevation for the 100-year flood. Thus, the spillway can pass floods approximately equal to the 100-year flood.

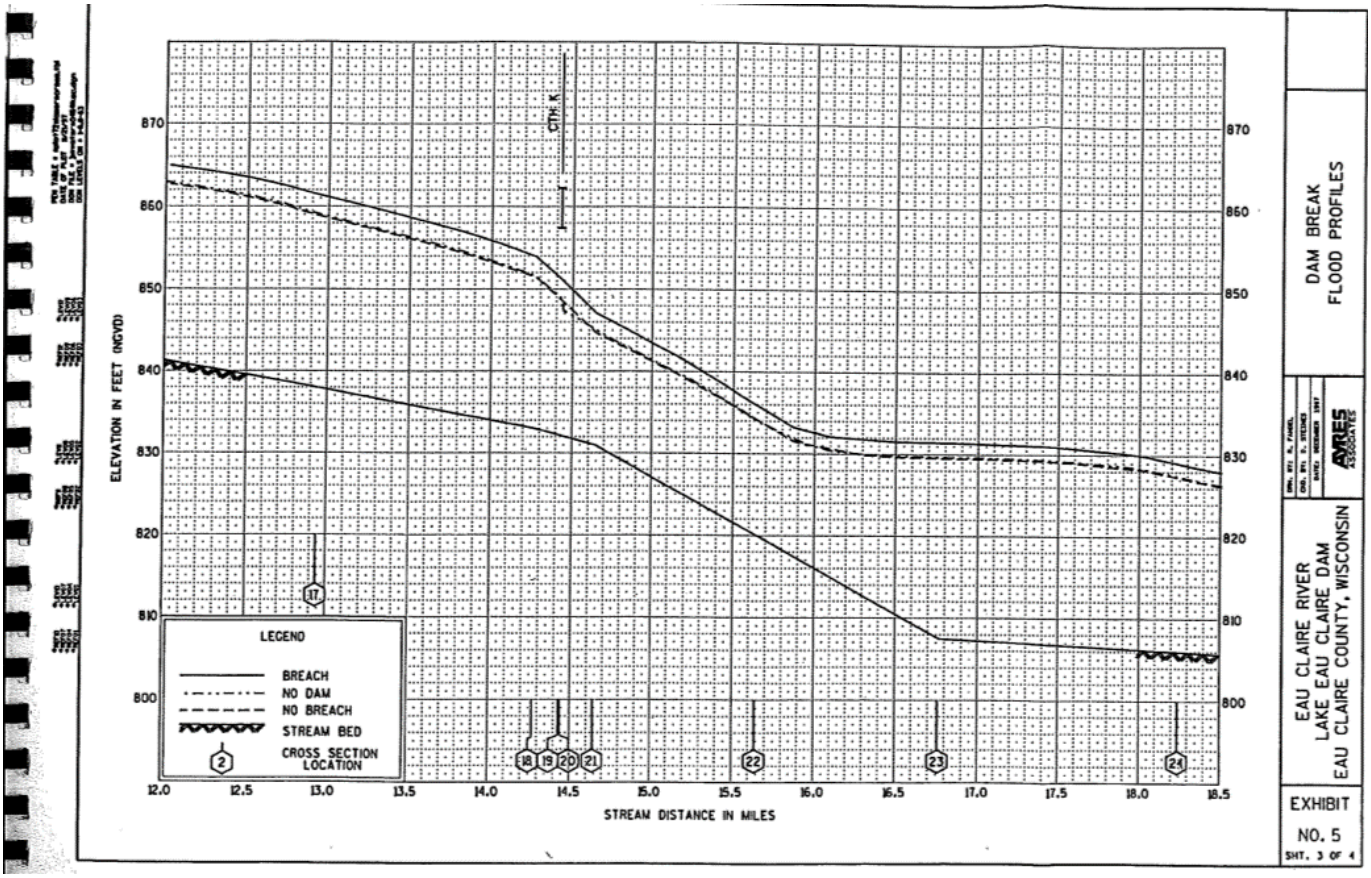

LEGEND
FLOODWAY BOUNDARY
FLOODPLAIN BOUNDARY
CROSS SECTION
SCALE: 1" = 1000'
EXHIBIT NO. 4
SHT. 1 OF 3
EAU CLAIRE RIVER
LAKE EAU CLAIRE DAM
EAU CLAIRE COUNTY, WISCONSIN
DRN. BY: R. FANDEL
CKD. BY: D. STEINES
DATE: DECEMBER 1997
AYRES ASSOCIATES
HYDRAULIC SHADOW MAP


LEGEND
FLOODWAY BOUNDARY
FLOODPLAIN BOUNDARY
CROSS SECTION
NORTH
EXHIBIT NO. 4
SHT. 2 OF 3
EAU CLAIRE RIVER
LAKE EAU CLAIRE DAM
EAU CLAIRE COUNTY, WISCONSIN
DRN. BY: R. FANDEL
CKD. BY: D. STEINES
DATE: DECEMBER 1997
AYRES ASSOCIATES
HYDRAULIC SHADOW MAP


END OF HYDRAULIC SHADOW
LEGEND
FLOODWAY BOUNDARY
FLOODPLAIN BOUNDARY
CROSS SECTION
SCALE 1" = 2000'
NORTH
EXHIBIT
NO. 4
SHT. 3 OF 3
EAU CLAIRE RIVER
LAKE EAU CLAIRE DAM
EAU CLAIRE COUNTY, WISCONSIN
DRN. BY: R. FANDEL
CKD. BY: D. STEINES
DATE: DECEMBER 1997
AYRES ASSOCIATES
HYDRAULIC SHADOW MAP


STH 27
T/RD. EL. 936.0
TOP OF DAM
ELEV. 910.76
ELEVATION IN FEET (NGVD)
STREAM DISTANCE IN MILES
LEGEND
BREACH
NO DAM
NO BREACH
STREAM BED
CROSS SECTION LOCATION
DAM BREAK
FLOOD PROFILES
EAU CLAIRE RIVER
LAKE EAU CLAIRE DAM
EAU CLAIRE COUNTY, WISCONSIN
EXHIBIT
NO. 5
SHT. 1 OF 4


CTH D
ELEVATION IN FEET (NGVD)
STREAM DISTANCE IN MILES
LEGEND
BREACH
NO DAM
NO BREACH
STREAM BED
CROSS SECTION LOCATION
DAM BREAK
FLOOD PROFILES
EAU CLAIRE RIVER
LAKE EAU CLAIRE DAM
EAU CLAIRE COUNTY, WISCONSIN
EXHIBIT
NO. 5
SHT. 2 OF 4


ELEVATION IN FEET (NGVD)
STREAM DISTANCE IN MILES
CTH: K
LEGEND
BREACH
NO DAM
NO BREACH
STREAM BED
CROSS SECTION LOCATION
DAM BREAK FLOOD PROFILES
EAU CLAIRE RIVER
LAKE EAU CLAIRE DAM
EAU CLAIRE COUNTY, WISCONSIN
EXHIBIT NO. 5
SHT. 3 OF 4

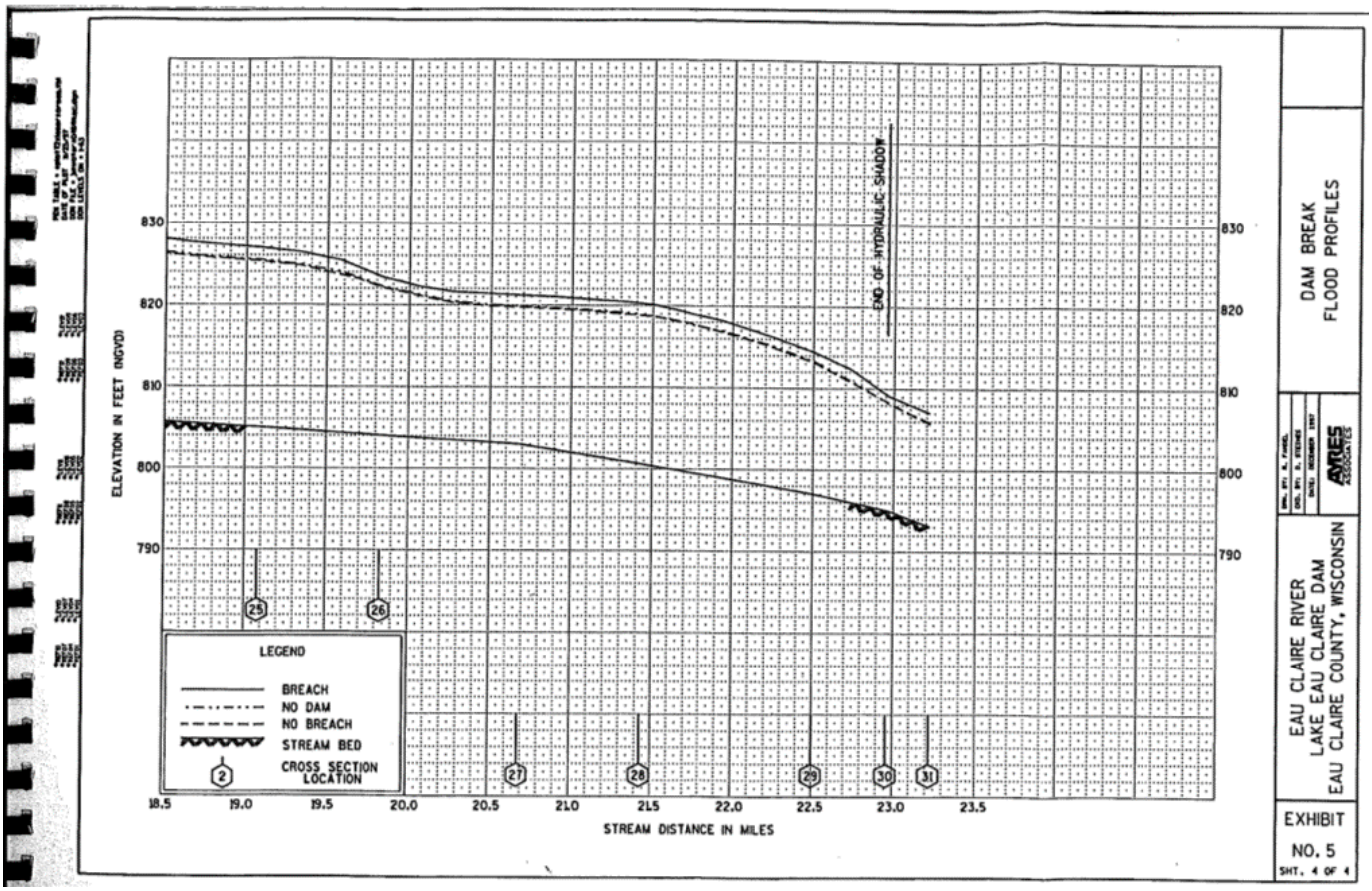

ELEVATION IN FEET (NGVD)
STREAM DISTANCE IN MILES
END OF HYDRAULIC SHADOW
LEGEND
BREACH
NO DAM
NO BREACH
STREAM BED
CROSS SECTION LOCATION
DAM BREAK FLOOD PROFILES
EAU CLAIRE RIVER
LAKE EAU CLAIRE DAM
EAU CLAIRE COUNTY, WISCONSIN
EXHIBIT NO. 5
SHT. 4 OF 4

Table 3
Hydraulic Shadow Floodway Data

HEC-RAS River Station	River Mile Below Dam	Maximum Stage Elevation (feet)	Peak Discharge (cfs)	Maximum Velocity (feet/sec)	Floodplain Top Width (feet)
999	0	912.9	2,900	6.9	66
991	0.11	912.0	3,000	7.6	61
988	0.12	908.0	3,000	11.2	50
980	0.45	902.0	2,700	7.2	132
970	0.67	898.7	2,500	9.1	132
960	1.60	884.5	2,000	9.3	186
950	1.70	881.3	2,000	11.4	95
940	1.98	872.7	1,900	6.4	220
930	2.44	865.9	1,800	9.9	161
920	3.06	860.7	1,700	0.5	1010
910	3.07	860.3	19,000	5.5	973

One stream crossing was modeled in the routing reach. Table 4 summarizes the characteristics of the crossing.

Table 4
Stream Crossing Summary

Road Name	Distance Downstream of Dam (miles)	Low Chord Elevation (feet)	Maximum Water Surface Elevation During 100-year Dam Failure Flood (feet)
CTH K	0.11	917.77 (bottom of old bridge deck underneath new bridge)	909.8

Hazard Rating

Hazard ratings are divided into three classifications: high hazard, significant hazard, and low hazard.

A dam has a high hazard rating if

(1) existing development within the hydraulic shadow would be inundated by more than two feet of water during the 100-year dam failure flood *or*
(2) future development in the hydraulic shadow is not restricted.

A dam has a significant hazard rating if

(1) existing development within the hydraulic shadow would be inundated by two feet of water or less during the 100-year dam failure flood *and*
(2) future development in the hydraulic shadow is restricted.

A dam has a low hazard rating if

(1) no existing development would be inundated during the 100-year dam failure flood *and*
(2) future development in the hydraulic shadow is restricted.

Davy Engineering surveyed the lowest grade adjacent to structures at five different locations near Fall Creek downstream of the dam. As shown in Table 5, none of the structures are located within the hydraulic shadow.

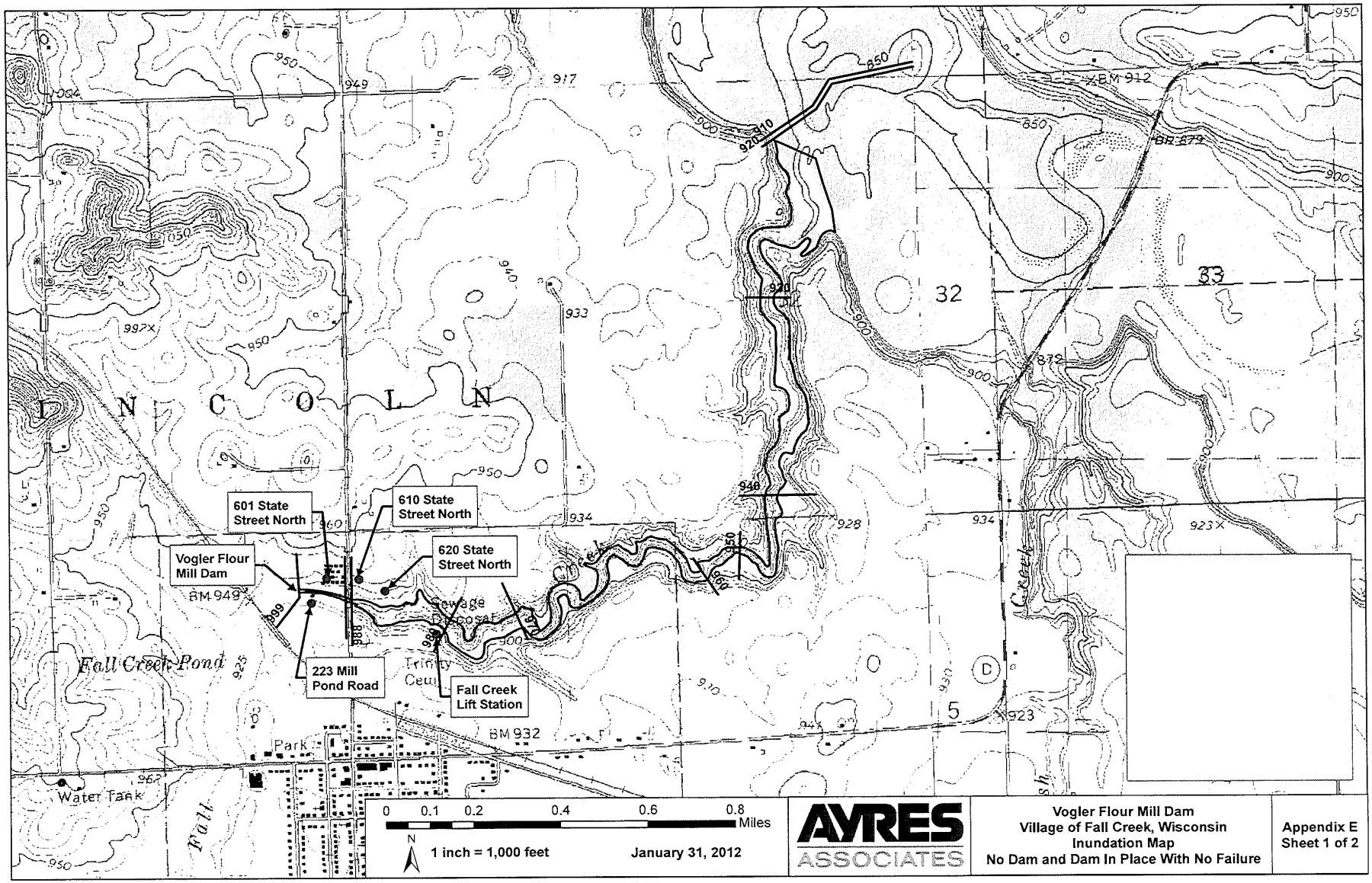
Table 5
Potentially Affected Structures

Address	Lowest Adjacent Grade (ft)	Linearly Interpolated Maximum Water Surface Elevation During 100-year Dam Failure Flood (feet)
223 Mill Pond Road	916.57	912.7
601 State Street North	935.30	912.5
610 State Street North	939.48	907.5
620 State Street North	911.00	905.3
Village of Fall Creek Main Lift Station	904.81	902.9

The Vogler Flour Mill Dam will have a high hazard rating until land use restrictions are adopted to prevent future development within the hydraulic shadow. If land use restrictions are adopted, the dam would be classified as low hazard.

Spillway Capacity

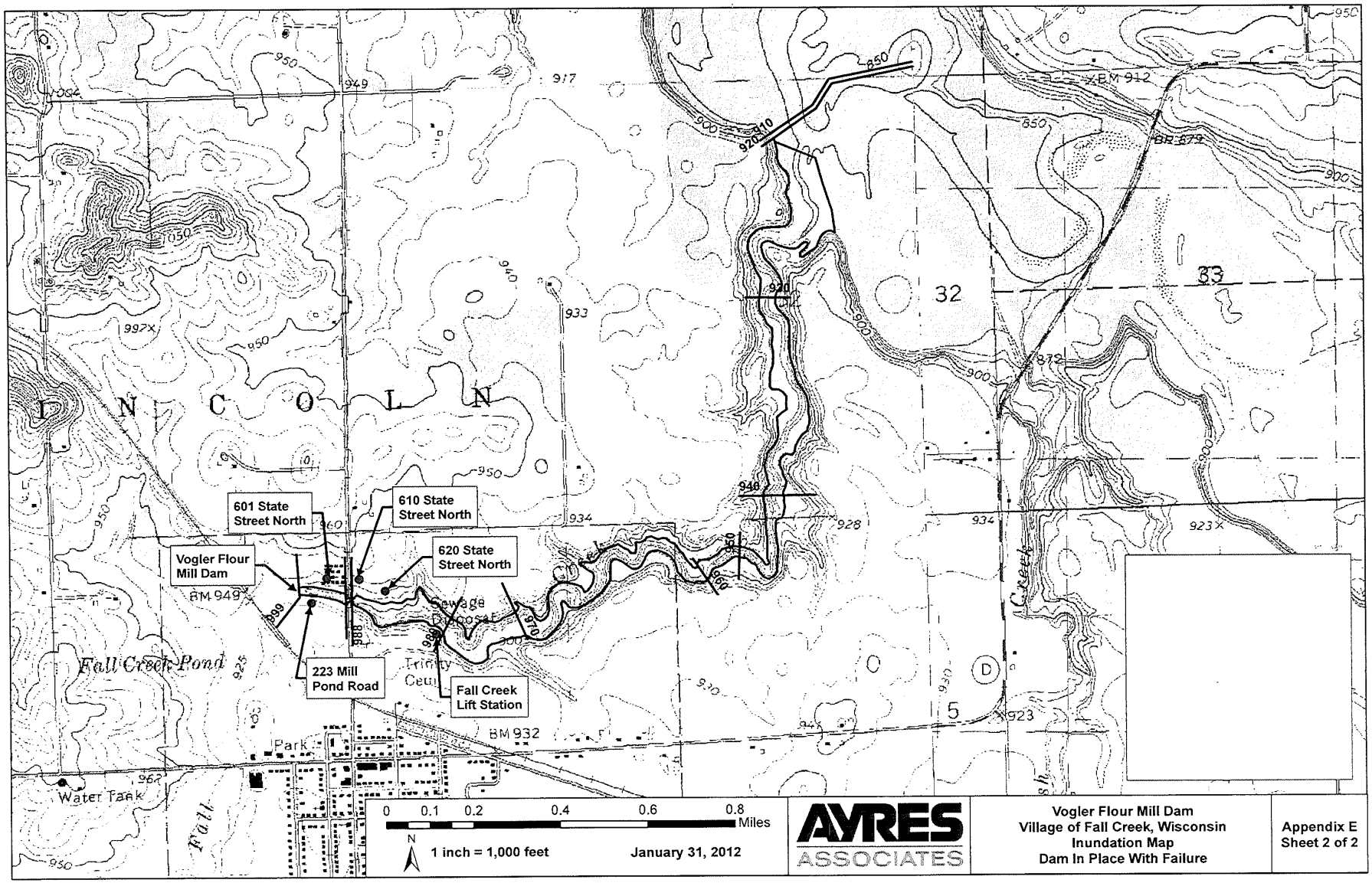
The required spillway capacities according to NR 333 criteria are shown in Table 6. The Vogler Flour Mill Dam will have a low hazard rating if land use restrictions are adopted.



790-190

7/18/2023

790-191



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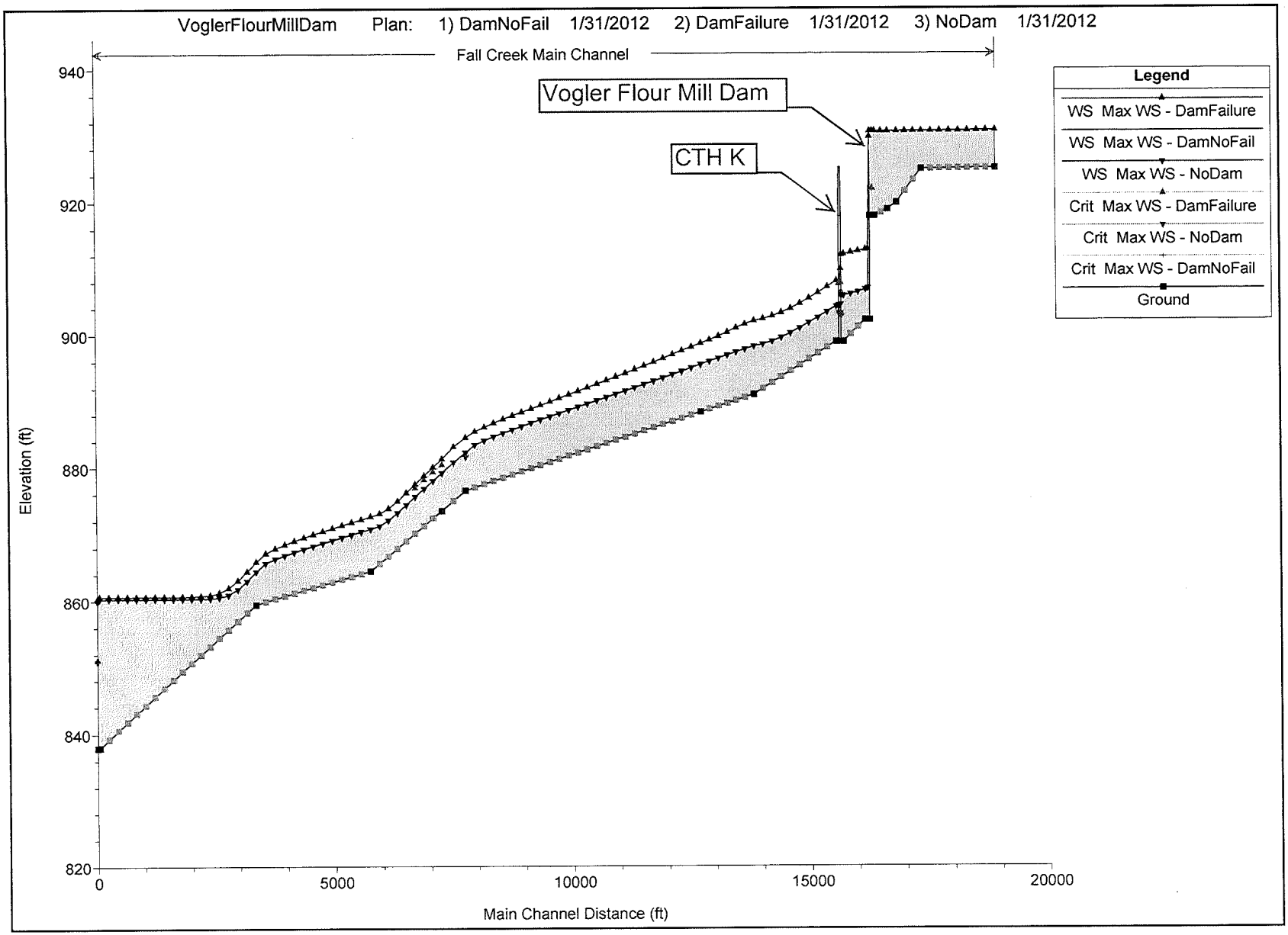

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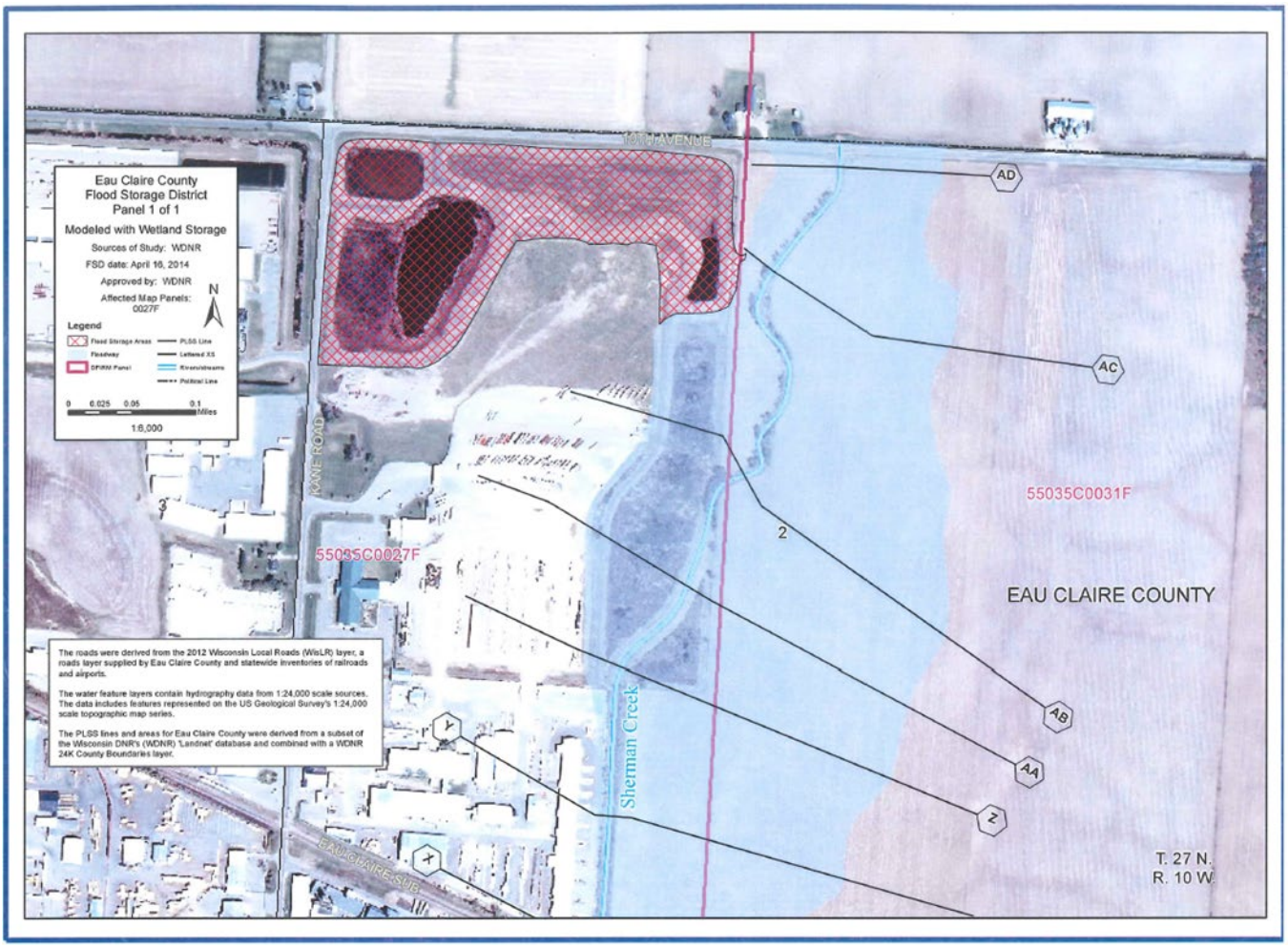
7/18/2023

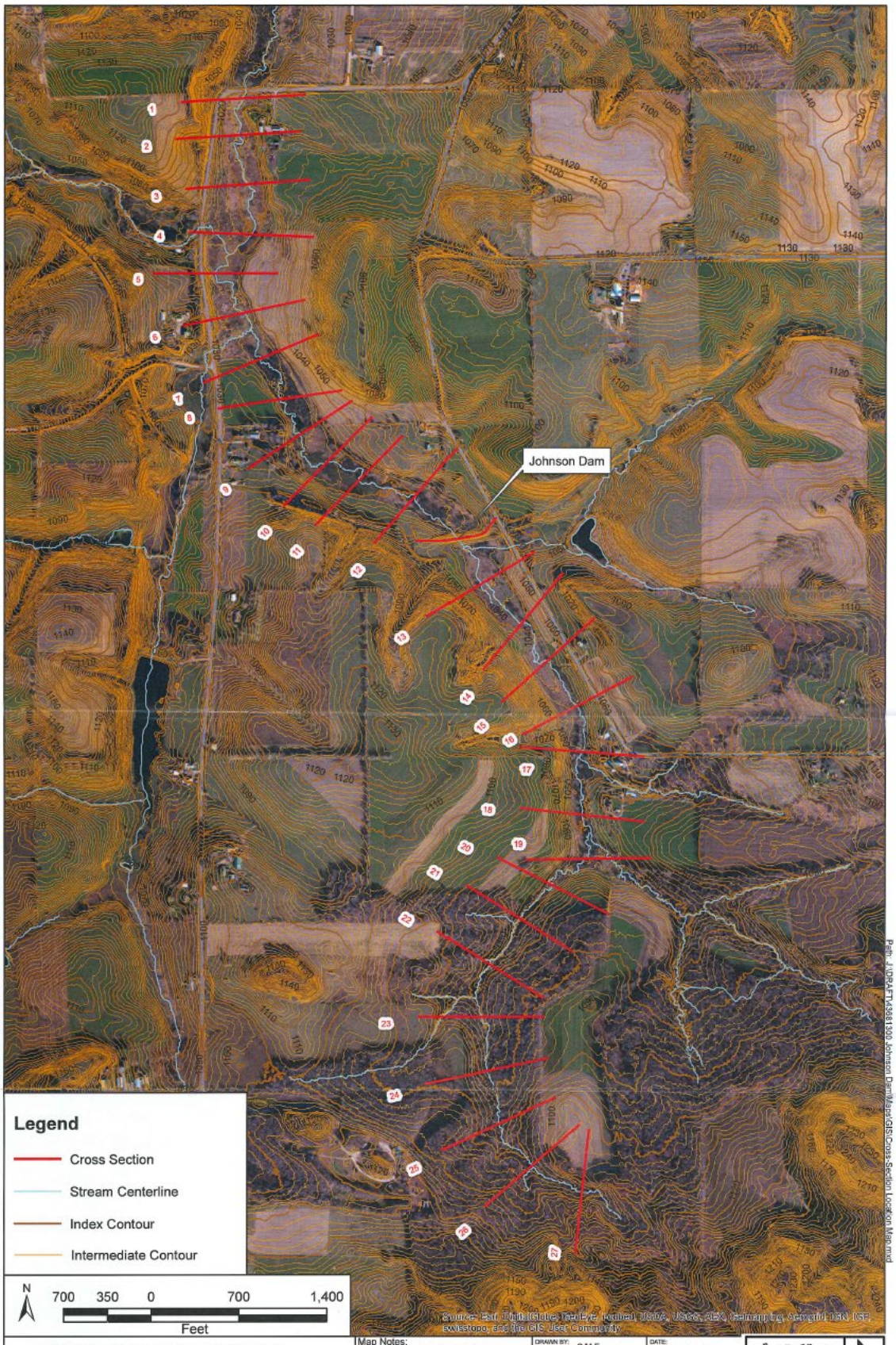


8.4 Summary

Table 5 summarizes the results of all three scenarios.

Table 5: Summary Floodway Data Table

Cross Section Number	Distance Downstream of Dam (ft)	Floodway Top Width (ft)			Peak Water Surface Elevation (ft)		
		Dam Non-Existent	Dam In-Place	Dam Failure	Dam Non-Existent	Dam In-Place	Dam Failure
12	530	201	185	417	1031.55	1031.36	1037.65
11	1065	142	116	903	1029.87	1029.64	1052.28
10	1505	279	272	302	1028.47	1028.36	1029.23
9	2005	189	176	-	1026.54	1026.36	-
8	2505	167	154	-	1025.51	1025.29	-
7	3005	211	207	-	1024.81	1024.66	-



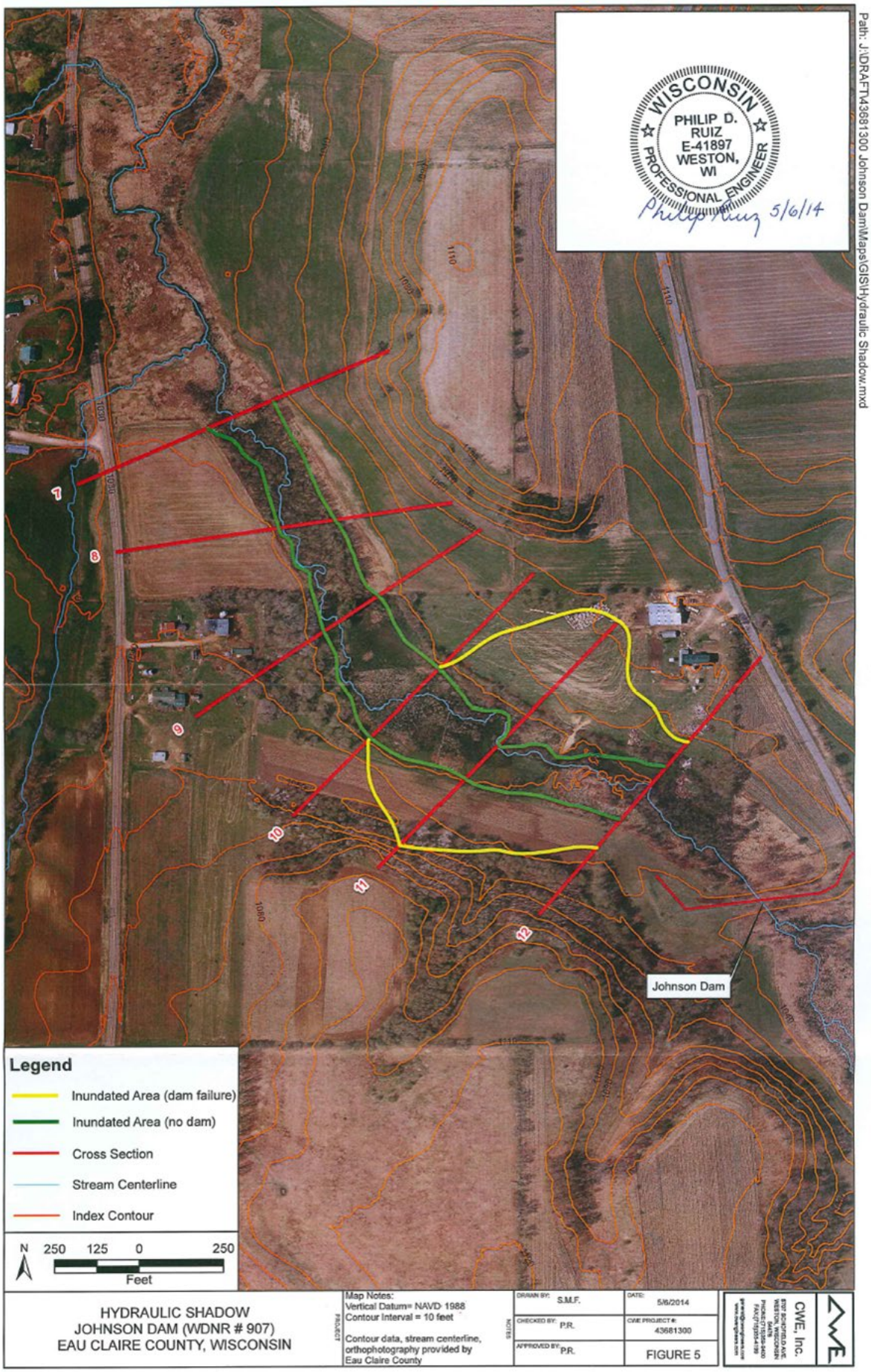
CROSS-SECTION LOCATION MAP
JOHNSON DAM (WDNR # 907)
EAU CLAIRE COUNTY, WISCONSIN

Map Notes:
Vertical Datum= NAVD 1988
Contour Interval = 2 feet

Contour data, stream centerline, orthophotography provided by Eau Claire County

DRAWN BY: S.M.F.	DATE: 2/7/2014
CHECKED BY: P.R.	CWE PROJECT #: 43681300
APPROVED BY: P.R.	FIGURE 4

CWE, Inc.
5307 SCHOFIELD AVE.
SCHOFIELD, WISCONSIN 54476
PHONE (715)359-9400
FAX (715)359-1199

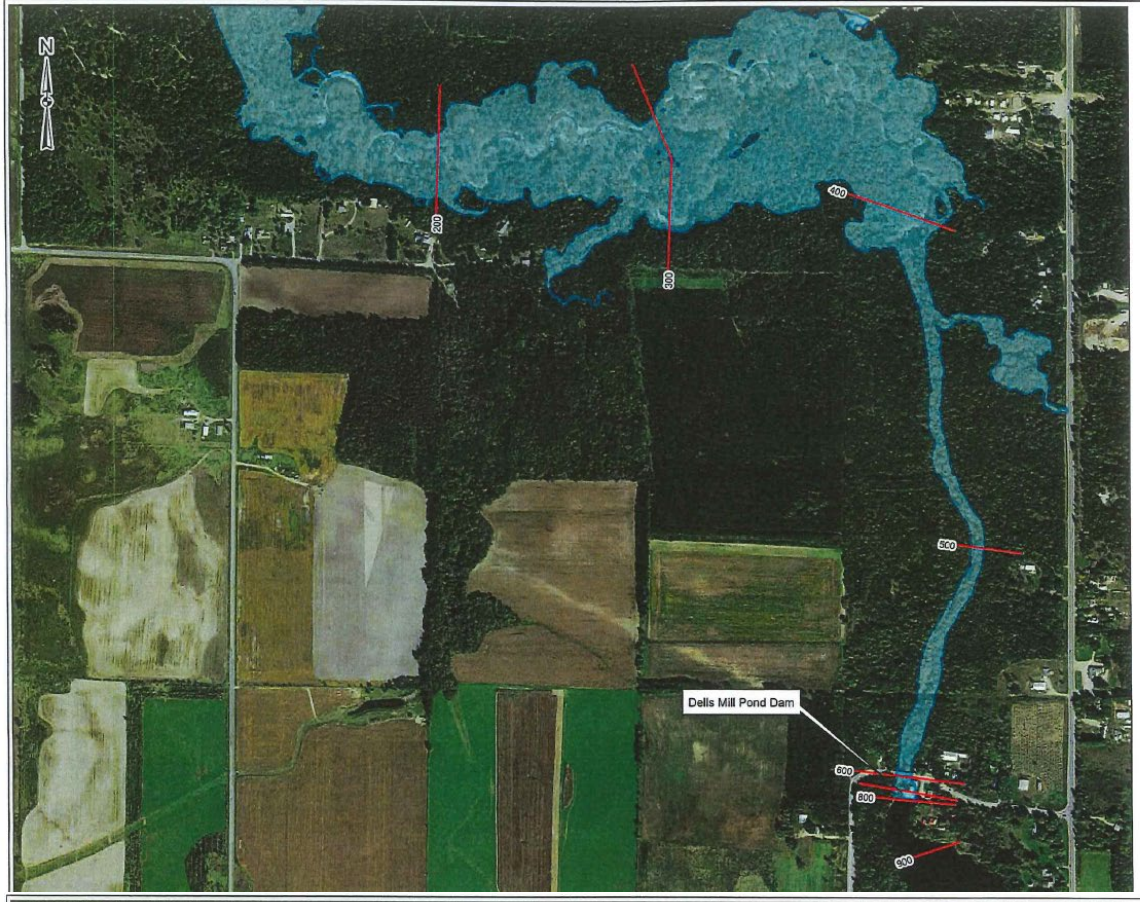

WISCONSIN
PHILIP D. RUIZ
E-41897
WESTON, WI
PROFESSIONAL ENGINEER
5/6/14
Path: J:\DRAFT\43681300 Johnson Dam\Maps\GIS\Hydraulic Shadow.mxd
Johnson Dam
Legend
Inundated Area (dam failure)
Inundated Area (no dam)
Cross Section
Stream Centerline
Index Contour
N
250 125 0 250
Feet
HYDRAULIC SHADOW
JOHNSON DAM (WDNR # 907)
EAU CLAIRE COUNTY, WISCONSIN
Map Notes:
Vertical Datum= NAVD 1988
Contour Interval = 10 feet
Contour data, stream centerline, orthophotography provided by Eau Claire County
DRAWN BY: S.M.F.
DATE: 5/6/2014
CHECKED BY: P.R.
CWE PROJECT #: 43681300
APPROVED BY: P.R.
FIGURE 5
CWE, Inc.

Floodway Data Table

The hydraulic shadow floodway data are presented in Table 5.

Table 5: Hydraulic Shadow Floodway Data

HEC-RAS River Station	River Mile Below Dam	Maximum Stage Elevation (feet)	Peak Discharge (cfs)	Maximum Velocity (feet/sec)	Floodplain Top Width (feet)
700	0.0	919.20	21,300	8.0	145
600	0.02	917.72	21,200	13.6	97
CR-V					
500	0.31	905.94	20,400	17.3	92
400	0.73	897.97	16,900	3.8	573
300	1.66	889.85	11,600	3.3	703
200	2.25	886.15	10,300	3.0	429
100	2.89	884.30	13,600	1.8	1014
Eau Claire River Confluence – Harstad County Park					
50	3.15	883.03	22,300	4.8	722
25	3.44	882.17	22,100	4.3	861



Hydraulic Shadow (Sheet 1)

Dells Mill Pond Dam Failure Analysis

Field File Number: 18.02

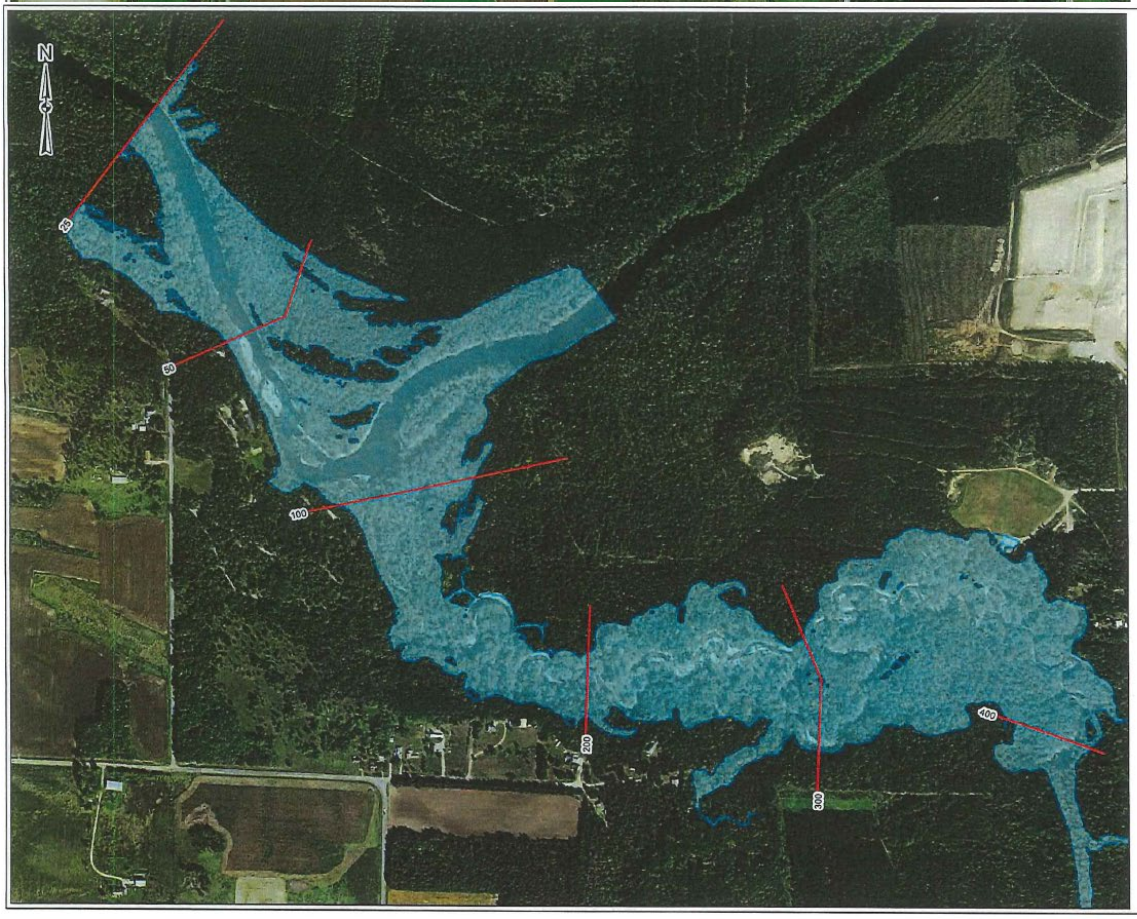
Location
Eau Claire County, WI

0 335 670 1,340 Feet

Project Information
Project Number: 26-0928.00
Modified: October 28, 2016

Legend
Hydraulic Shadow
Cross Sections

AYRES ASSOCIATES
3433 Oakwood Hills Parkway
Eau Claire, WI 54701



Hydraulic Shadow (Sheet 2)

Dells Mill Pond Dam Failure Analysis

Field File Number: 18.02

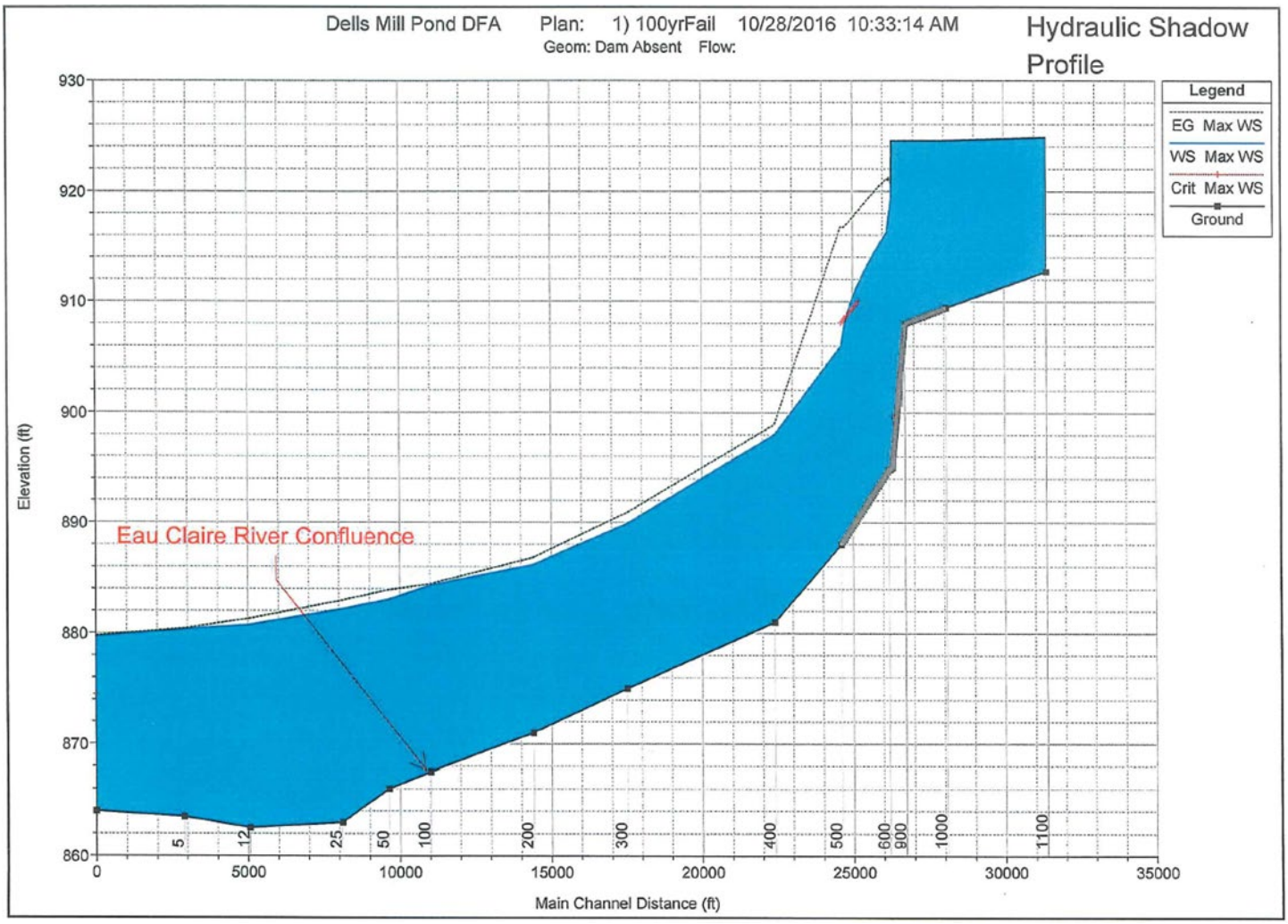
Location
Eau Claire County, WI

0 335 670 1,340 Feet

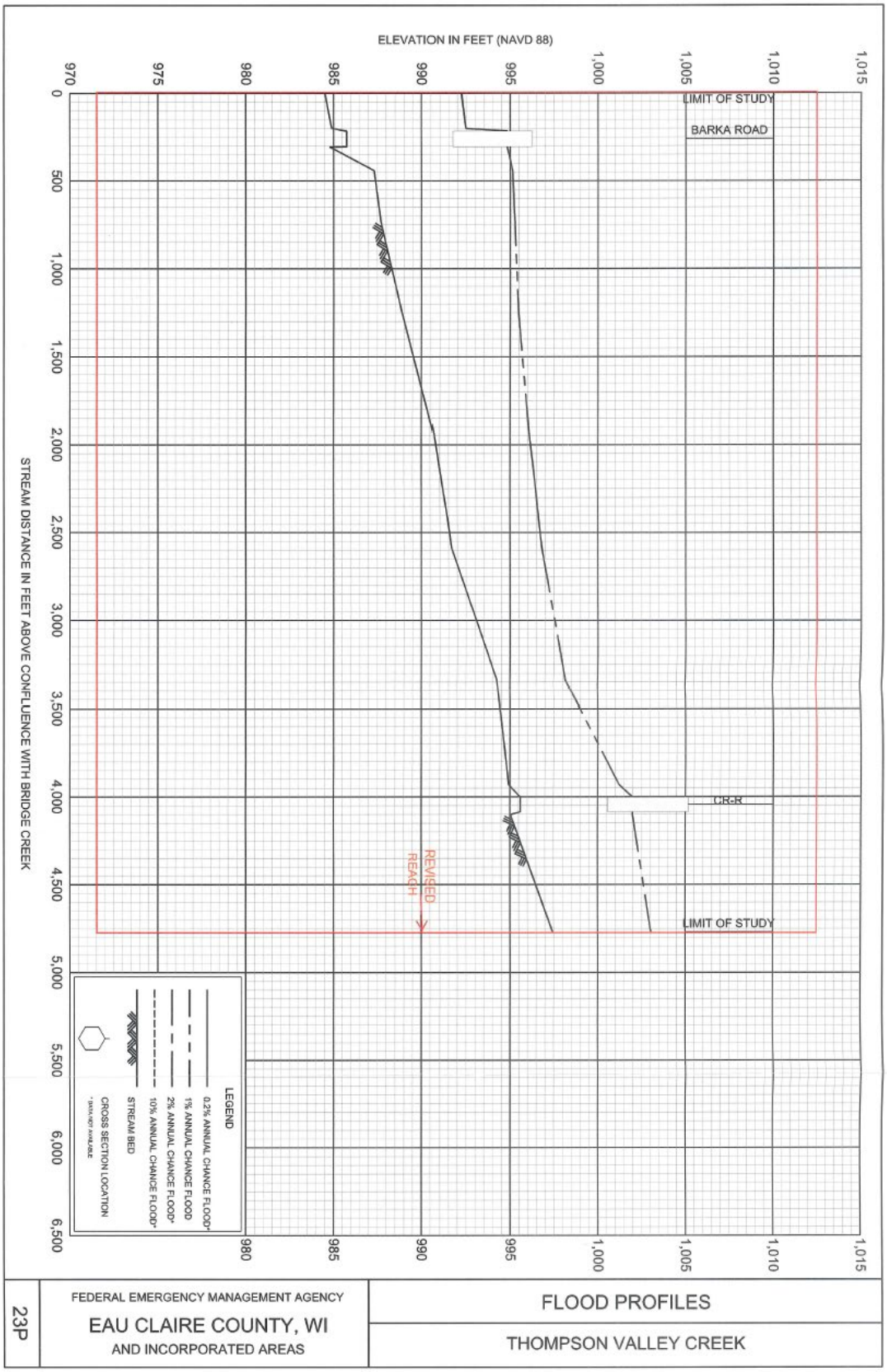
Project Information
Project Number: 26-0928.00
Modified: October 28, 2016

Legend
Hydraulic Shadow
Cross Sections

AYRES ASSOCIATES
3433 Oakwood Hills Parkway
Eau Claire, WI 54701
www.AyresAssociates.com



790-198 7/18/2023


ELEVATION IN FEET (NAVD 88)
970
975
980
985
990
995
1,000
1,005
1,010
1,015
STREAM DISTANCE IN FEET ABOVE CONFLUENCE WITH BRIDGE CREEK
0
500
1,000
1,500
2,000
2,500
3,000
3,500
4,000
4,500
5,000
5,500
6,000
6,500
LIMIT OF STUDY
BARKA ROAD
CR-R
REVISED REACH
LIMIT OF STUDY
LEGEND
0.2% ANNUAL CHANCE FLOOD*
1% ANNUAL CHANCE FLOOD
2% ANNUAL CHANCE FLOOD*
10% ANNUAL CHANCE FLOOD*
STREAM BED
CROSS SECTION LOCATION
* DATA NOT AVAILABLE
23P
FEDERAL EMERGENCY MANAGEMENT AGENCY
EAU CLAIRE COUNTY, WI
AND INCORPORATED AREAS
FLOOD PROFILES
THOMPSON VALLEY CREEK

Eau Claire County, Town of Otter Creek

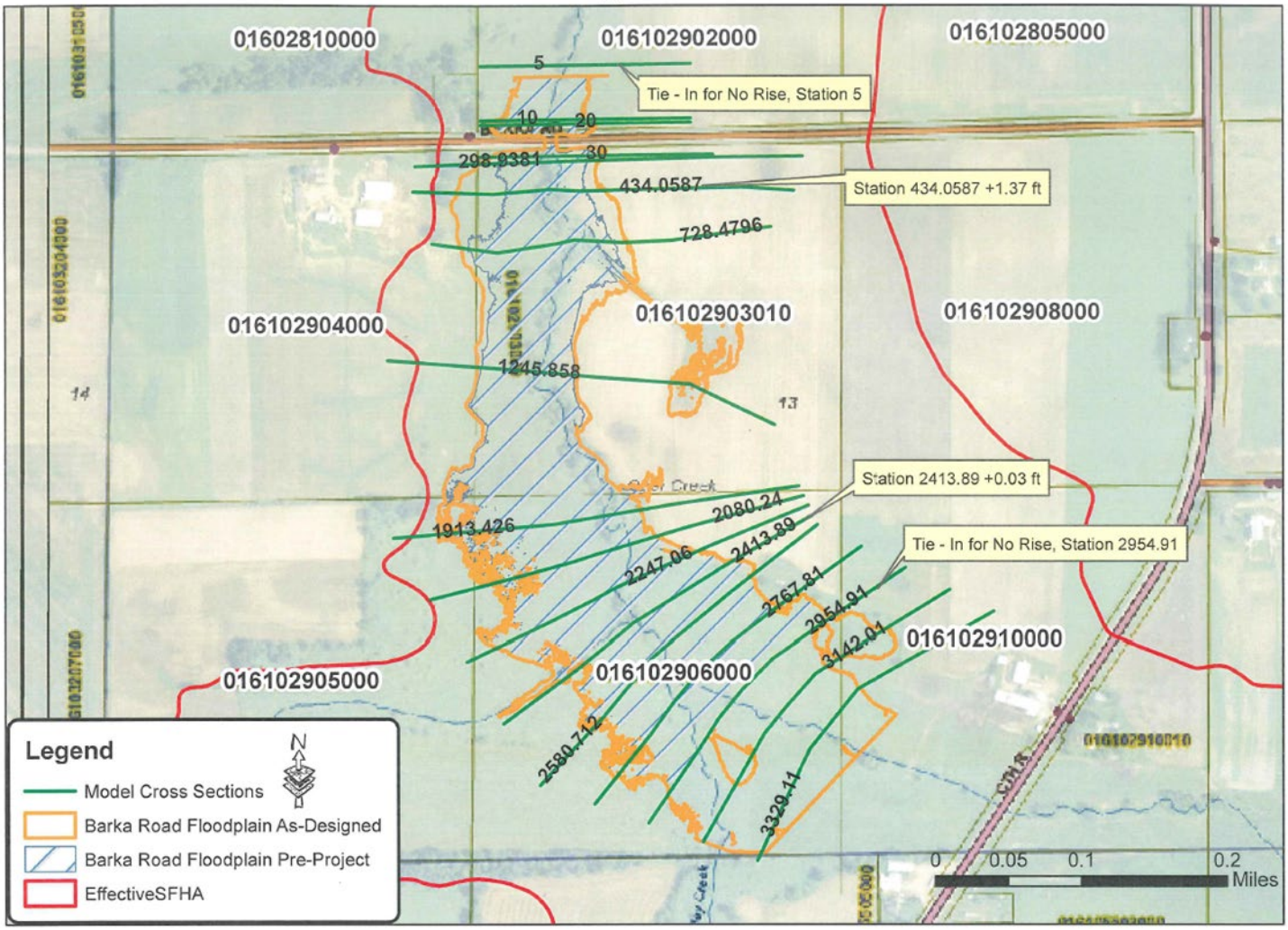
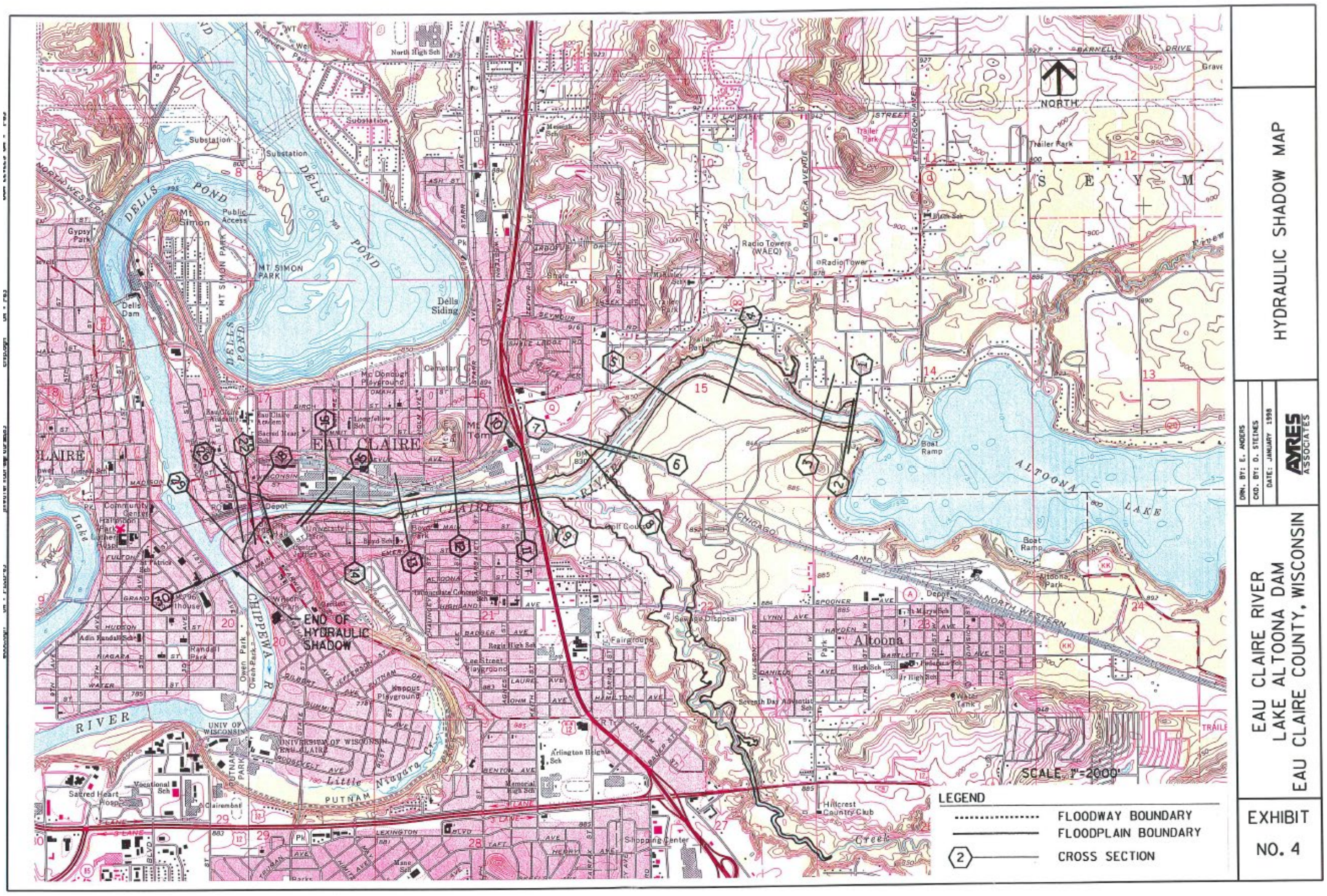
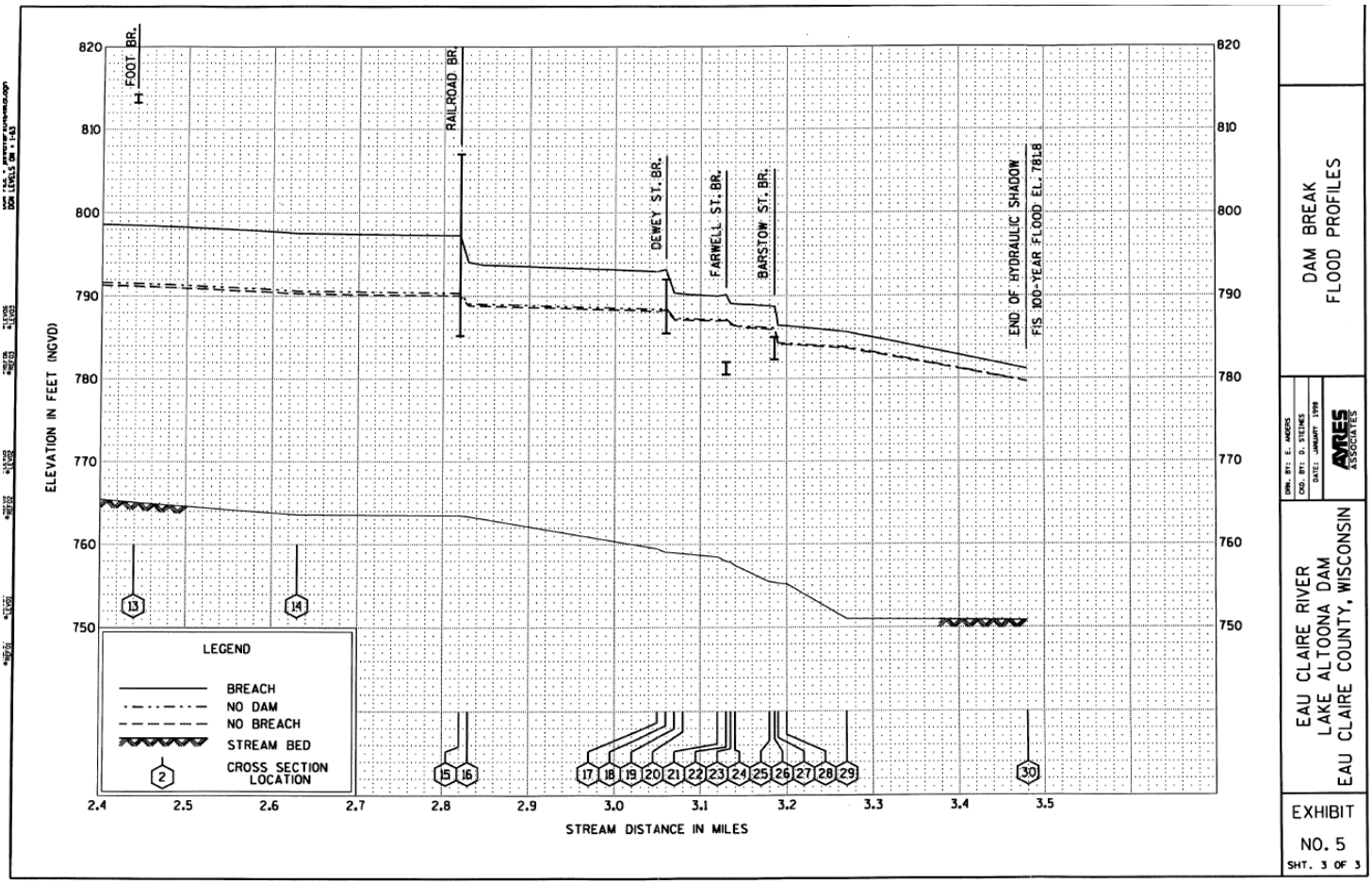


Table 4
Hydraulic Shadow Floodway Data

Cross Section No.	River Mile	Maximum Stage Elevation (feet)	Peak Discharge (cfs)	Maximum Velocity (feet/sec)	Floodplain Top Width (feet)
1 (Dam)	0.00	807.14	70114	10.42	235
2	0.02	803.55	70114	12.53	235
3	0.27	802.94	72009	12.24	325
4	0.63	803.01	62524	3.92	1060
5 (FIS M)	1.04	802.11	51950	8.46	335
6 (Railroad FIS L)	1.38	801.46	49247	6.76	380
7	1.39	801.11	49247	7.02	375
8 (FIS K)	1.48	801.09	48349	4.77	470
9 (USH 53 FIS J)	1.82	800.46	44992	6.06	355
10	1.84	800.02	44992	6.28	355
11 (FIS I)	1.87	800.02	44709	5.71	480
12 (FIS H)	2.17	799.36	41732	6.02	335
13 (Footbridge FIS G)	2.44	798.62	40717	5.56	335
14 (FIS F)	2.63	797.67	40579	6.96	240
15 (Railroad FIS E)	2.82	797.38	40524	5.03	265
16	2.83	793.92	40524	5.66	265
17	3.05	793.05	40499	6.01	260
18 (Dewey St. FIS D)	3.06	793.28	40499	4.82	330
19	3.07	790.26	40499	5.45	325
20	3.08	790.32	40498	4.15	995
21	3.12	790.08	40492	4.42	805
22 (Farwell St. FIS C)	3.13	790.23	40490	3.26	1350
23	3.135	789.20	40490	3.62	1270
24	3.14	789.13	40489	4.28	950
25	3.18	788.88	40482	4.44	875
26 (Barstow St. FIS B)	3.186	788.80	40482	4.63	720
27	3.19	786.55	40482	5.52	620
28	3.20	786.46	40481	5.56	940
29 (FIS A)	3.27	785.71	40477	5.58	1530
30 (Chippewa R. FIS Z)	3.48	781.23	108067	8.13	680


HYDRAULIC SHADOW MAP
DRN. BY: E. ANDERS
CKD. BY: D. STEINES
DATE: JANUARY 1998
AYRES ASSOCIATES
EAU CLAIRE RIVER
LAKE ALTOONA DAM
EAU CLAIRE COUNTY, WISCONSIN
EXHIBIT
NO. 4
LEGEND
FLOODWAY BOUNDARY
FLOODPLAIN BOUNDARY
CROSS SECTION
SCALE: 1"=2000'
NORTH
END OF HYDRAULIC SHADOW
ALTOONA LAKE
DELLS POND
CHIPPEWA R
EAU CLAIRE
Altoona



DAM BREAK
FLOOD PROFILES

DRN. BY: E. ANDERS
CKD. BY: D. STEINES
DATE: JANUARY 1998

ARES ASSOCIATES

EAU CLAIRE RIVER
LAKE ALTOONA DAM
EAU CLAIRE COUNTY, WISCONSIN

EXHIBIT
NO. 5
SHT. 3 OF 3