

LAND USE PLANNING AND ZONING COMMITTEE STAFF REPORT

PUBLIC HEARING

DECEMBER 2, 2009

ITEM : VIII ORDINANCE AMENDMENTS

REQUEST: Green Lake County Land Use Planning and Zoning Committee is requesting an amendment to the Code of Green Lake County, Chapter 350 of the Zoning Ordinance; more specifically Section 350-27.F.(6); and Section 350-54.B.; and Section 350-65.C. and D. and Section 350-76.

ADDITIONAL INFORMATION / ANALYSIS: The proposed ordinance amendments are intended to clarify and correct ordinance language that was affected by previous amendments. The outcome of an approval of these amendments would be an elimination of conflicting language. The proposed fee change is the result of a change in the Farmland Preservation law effective July 1, 2009.

Attached to this report are pages of the current zoning ordinance language.

Amend the following districts in the following manner:

§ 350-27.F. A-1 Exclusive Agricultural District

delete (6) A non-agriculturally-related single-family dwelling

§ 350-54. Conditional Uses.

delete B. C-2 commercial uses in the A-1 and A-2 agricultural districts

§ 350-65. Land Use Permit

delete C. No land use permit required for

delete D. The term "building" as used in this section shall include

§ 350-76. Fees

Correct language in B. and

add (1) for conversion fees of A-1 Exclusive Agricultural lands.

STAFF COMMENTS: The Land Use Planning and Zoning Committee has several options regarding these amendments:

- Forward onto the County Board with recommendation to adopt as proposed.
- Hold another public hearing to take additional public comment.
- Reject as proposed.

CURRENT ZONING ORDINANCE LANGUAGE

Strikethrough is proposed deleted language
Red indicates language added

§ 350-27. A-1 Exclusive Agriculture District.

This district provides for the preservation, maintenance and enhancement of agriculture, forestry and natural areas to protect the land best suited for farming and other agricultural uses of Green Lake County. The agriculture district regulations are designed to regulate use of land and structures where soil and topography conditions are best adapted to agricultural pursuits and are consistent with and satisfy all the requirements and standards of Ch. 91, Wis. Stats., Farmland Preservation.

A. Permitted uses.

- (1) Agriculture.
- (2) Beekeeping.
- (3) Dairying.
- (4) Egg production.
- (5) Fish and fur farms.
- (6) Floriculture.
- (7) Forestry.
- (8) Grazing.
- (9) Greenhouse.
- (10) Home occupation.
- (11) Horse trails.
- (12) Nature trails.
- (13) Orchards.
- (14) Paddocks.
- (15) Plant nurseries.
- (16) Raising of livestock.
- (17) Raising of poultry.
- (18) One single-family dwelling for farm owner.
- (19) Stables.
- (20) Sod farming.
- (21) Game farms and management.
- (22) Horticulture.
- (23) Raising of:

- (a) Cash crops.
- (b) Grain.
- (c) Fruits.
- (d) Nuts.
- (e) Berries.
- (f) Mint.
- (g) Grass.
- (h) Seed crops.
- (i) Vegetables.

(24) Roadside farm stand.

(25) Any use similar to the above when not specifically identified in another zoning district.

B. Conditional uses. An application for a conditional use permit shall not be approved unless, at a minimum, it complies with the conditions and standards set forth in Article VII, Conditional Use Permits.

- (1) Single-family dwelling for caretaker or laborer engaged in a permitted use.
- (2) Commercial livestock sales barns.
- (3) Housing for migratory or seasonal farm laborers.
- (4) Commercial feed lots over 100 animals.
- (5) Private airstrip when utilized in conjunction with permitted agricultural uses.
- (6) Veterinary clinics, shelters and kennels.
- (7) Municipal buildings.
- (8) Radio and television towers, communication towers, microwave radio relay structures and mechanical appurtenances.
- (9) Schools. [Added 6-17-2008 by Ord. No. 935-08

C. Accessory uses.

- (1) Buildings for the purpose of sheltering livestock, farm equipment and farm produce.
- (2) Accessory structures associated with the residential use of the property.

D. Parcel standards.

- (1) Area: 35 acres minimum.
- (2) Width: 625 feet minimum.
- (3) Depth: 625 feet minimum.

E. Principal structure standards.

- (1) Front yard setback:

- (a) State trunk highways: 67 feet minimum.
- (b) County trunk highways: 42 feet minimum.
- (c) Town roads: 42 feet minimum.
- (2) Rear yard setback: 25 feet minimum.
- (3) Side yard setback: 12 feet minimum, both sides.
- (4) Shore yard setback: 75 feet minimum.
- (5) Building height: none required.
- (6) Dwellings shall meet all minimum principal structure standards of the R-1 Single-Family Residence District.

F. Accessory structure standards.

- (1) Front yard setback: same as principal structure.
- (2) Rear yard setback: same as principal structure.
- (3) Side yard setback: same as principal structure.
- (4) Shore yard setback: same as principal structure.
- (5) Building height: same as principal structure.
- ~~(6) Exemptions. A non-agriculturally related single family dwelling is permitted through farm consolidation or for a parent or child of the owner of a permitted agricultural operation under the following standards:
 - ~~(a) Parcel area: 20,000 square feet minimum and five acres maximum.~~
 - ~~(b) Parcel width: 100 feet minimum.~~
 - ~~(c) Parcel depth: 200 feet minimum.~~
 - ~~(d) Structure standards shall meet all minimum principal and accessory structure standards of the R-1 Single-Family Residence District.~~~~

§ 350-54. Conditional uses.

Investigations of, and public hearings on, conditional uses required by the regulations of this article shall be conducted by the Land Use Planning and Zoning Committee for the purpose of determining the effect of the proposed use or the location thereof on the character of the neighborhood and its suitability for development by utilizing the minimum review standards and criteria of this article. The Land Use Planning and Zoning Committee shall review requests for a conditional use permit and, after public hearing and application of the standards identified in this article, shall approve, approve with conditions or deny all such requests.

A. The following are permitted as conditional uses in all zoning districts except in the A-1 Exclusive Agriculture District:

- (1) Airport, provided that the Land Use Planning and Zoning Committee shall find, as a condition precedent to issuing the permit, that the proposed location is necessary to the public convenience.

- (2) Charitable institutions.
- (3) Microwave radio relay structure and mechanical appurtenances.
- (4) Penal and correctional institutions.
- (5) Public hospitals, when such hospital building shall be located not less than 100 feet from any lot in any residence district not used for the same purpose.
- (6) Public utility or public service corporation buildings or structures, provided that the Land Use Planning and Zoning Committee shall find such buildings or structures to be reasonably necessary for the public convenience, safety or welfare.
- (7) Public utility transmission lines.
- (8) Radio and television towers.
- (9) Trailers and temporary structures for the shelter of persons or property, on a lot in connection with the construction of a permanent building or buildings on such lot, for a period not to exceed one year.

~~B. In the A-1 Exclusive Agriculture and A-2 General Agriculture Zoning Districts, permitted and conditional uses of the C-2 Extensive Commercial District are permitted as conditional use permits. In addition to complying with those minimum review standards identified in this article, the following minimum standards shall apply:~~

- ~~(1) The use shall be a secondary use only, with the agricultural use being the principal use of the site.~~
- ~~(2) Commercial use can only be owned and operated by an owner of the agricultural operation that resides on the site.~~
- ~~(3) Any building proposed for a commercial type use shall be easily convertible to an agricultural use.~~
- ~~(4) Only one sign in support of the commercial use is allowed per site and shall be limited to a Type 3, 5 or 6 sign identified in Article V, Sign Regulations, of this chapter.~~
- ~~(5) All minimum building/structure standards of the agriculture district shall apply.~~

C. For all public hearings required above, general notice shall be given as the Land Use Planning and Zoning Committee shall direct, provided that special notice shall be given of any such public hearing by mail to all persons living within the boundaries of the lot or tract to be affected by any proposal for which the Land Use Planning and Zoning Committee's approval is required and to all other persons living outside of such boundaries and within 300 feet thereof.

§ 350-65. Land use permit.

A. Except as provided in Subsection C, no building or structure or billboard or any part thereof, except as herein provided, shall hereafter be erected, enlarged, altered, repaired or moved within the areas subject to the provisions of this chapter until a land use permit shall have been applied for in writing and obtained from the Surveyor/Land Development Director. Such permit shall be posted in a prominent place on the premises prior to and

during the period of construction, alteration, repair or moving. Land use permits shall be valid for a period of one year from date of issue unless otherwise specified on the permit. A copy of such permit shall be filed in the office of the Surveyor/Land Development Director and with the inspector and clerk for the town in which the permit is effective. Forms for the application for land use permits shall be supplied by the Surveyor/Land Development Director. All such forms shall be approved by the County Board. For fee schedule refer to Article XII, Fee Schedule.

- B. Except as provided in Subsection C, all applications for land use permits shall be accompanied by a location sketch drawn to scale, showing the location, actual shape and dimensions of the lot to be built upon, the exact size and location of the building on the lot, the existing and intended use of the building, the number of families to be accommodated, its situation with reference to the highway, the distance between the nearest point on the building and the center line of the highway, and such other information with regard to the proposed building and neighboring lots or buildings as may be called for on the application or may be necessary to provide for the enforcement of this chapter. The Surveyor/Land Development Director may require satisfactory evidence of actual lot line location, including a surveyor's certificate and map where necessary.
- ~~C. No land use permit shall be required in any of the following cases:~~
- ~~(1) For any maintenance repairs regardless of the cost so long as the footprint and cubic foot volume of the structure remain the same, except for those areas affected by Chapter 338, Shoreland Protection.~~
 - ~~(2) For farm buildings and structures not permanently fixed to the ground and readily removable in their entirety. This exemption, however, shall not apply to roadside stands used for the sale of farm products.~~
 - ~~(3) For any construction having a value less than \$1,000; except a permit is needed for those areas affected by Chapter 338, Shoreland Protection.~~
- ~~D. The term "building" as used in this section shall include any building, structure or use of land that is governed by the requirements of this chapter; also any material alteration in the heating plant, sanitary facilities or mechanical equipment of any such building that may effect a change in its use.~~
- E. A copy of all land use permits shall be sent to the town clerk, town assessor and land use inspector of the town in which the permit was granted.

§ 350-76. Fees. [Amended 12-21-2004 by Ord. No. 822-04; 5-16-2006 by Ord. No. 861-06]

The following fees shall be paid to the Green Lake County Land Use Planning and Zoning Department at the time of application for each service requested as listed below to defray the cost of administration, investigation, advertising and processing:

- A. Land use permit based on construction value of project:

- (1) Fee.

Value of Project	Fee
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\$0 to \$999	\$50
\$1,000 to \$99,999	\$150
\$100,000 to \$199,999	\$300
\$200,000 to \$299,999	\$400
\$300,000 to \$399,999	\$500
\$400,000 to \$499,999	\$600
\$500,000 to \$599,999	\$700
\$600,000 to \$699,999	\$800
\$700,000 to \$799,999	\$900
\$800,000 to \$899,999	\$1,000
\$900,000 or more	\$1,250

(2) Permit renewals are the same as the original fee.

(3) After-the-fact permit is double the above stated fee.

B. All public hearing items such as variance, ~~zoning change~~ **rezone**, appeal, conditional use permit, ~~or~~ ordinance amendment **or** special exception permit: \$375.

(1) In addition to the above stated fee for a rezone public hearing, a conversion fee shall be paid for lands rezoned out of A-1 Exclusive Agricultural District. This fee shall be 6 times the per acre value, as specified by the Wisconsin Department of Revenue, of the highest value category of tillable cropland for the Town in which the rezoned land is located.

C. All public hearing items listed above, postponed at the request of the applicant prior to public hearing: \$250.

D. Certificate of compliance: \$20.