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**LA CROSSE COUNTY BOARD OF SUPERVISORS MONTHLY MEETING
PROCEEDINGS; THURSDAY, JANUARY 19, 2012**

The La Crosse County Board of Supervisors Monthly Meeting was held on Thursday, January 19, 2012 in the Administrative Center, Room B410. The County Clerk, Ginny Dankmeyer, took attendance. 30 supervisors were present when Chair Tara Johnson called the meeting to order at 6:00 P.M. and those otherwise present, excused or absent are noted in the roll call detail:

District Name	Attendance
1 Richmond, Andrea	Present
2 Geary, Ralph	Present
3 Feehan, Bill	Present, Excused at 09:35 PM
4 Johnson, Jai	Present
5 Johnson, Karin	Present
6 Billings, Jill	Excused
7 Plesha, Roger	Present
8 Freedland, Maureen	Present
9 Hampson, Sharon	Present
10 Wood, Margaret	Present
11 Kader, Audrey	Present
12 Flood, Bridget	Present
13 Brockmiller, Bill	Excused
14 Medinger, John	Present
15 Mach, Beverly	Present
16 Sebranek, Gerald	Present
17 Meyer, Donald	Present
18 Johnson, Tara	Present
19 Keil, Robert	Present
20 Bina, Donald	Present
21 Manthei, Dennis	Present
22 Ebert, Ray	Present
23 Gamroth, Tammy	Excused
24 Pfaff, Leon	Present
25 Schroeder, Jeffrey	Excused
26 Burke, Vicki	Present
27 Pedretti, Marilyn	Present
28 Doyle, Steve	Present
29 Kruse, Monica	Present at 06:11 PM
30 Spiker, Charles	Present
31 Ferries, Dan	Present
32 Benrud, Arlene	Present
33 Berns, Jim	Present
34 Wehrs, Tina	Present
35 Bilskemper, Joe	Present, Excused at 07:27 PM

PLEDGE OF ALLEGIANCE

COMMUNICATIONS AND ANNOUNCEMENTS:

County Board Chair Report - Tara Johnson

- Moment of Silence for Tom Hutchison: A moment of silence was held for Tom Hutchison who was a former County Board Supervisor from 1992-1998. He was a member of several committees.
- Proposed 2012 County Board Work Plan: A work plan will be included in Supervisors packet for next month.
- Input on New Supervisor Orientation: Supervisors were asked to think of what was helpful to them during their orientation for any new supervisor that is elected in April. Supervisor Sebranek suggested to implore the same dress code that the WCA has, no food or beverage allowed in the meeting room and no electronic devices should be allowed. Supervisor Benrud mentioned it was a good idea to visit each of the departments and meet the department heads. Supervisor Bina suggested for new supervisors to find out how County government runs before getting on big committees. Supervisor Wood recommended geography; names of buildings, Administrative versus Health & Human Services. Most meetings happen on the 3rd floor of the Administrative building and where parking is available.
- Public Hearing Procedures: A handout was provided with information regarding three different public meetings; public hearing procedures, public comments, and informational meetings. If you have any feedback, please provide to any member of the Executive Committee.
- Review of 2012 Travel Policy: A handout was provided of a summary of the County Ordinance and travel policy and how one claims expenses for travel. This would be an item that will be included in the Supervisors orientation. It was noted that Trip Optimizer is only available on Countyview. Supervisors are only allowed to claim mileage for business travel.
- Supervisor Conference Reports
 - Supervisor Benrud attended the Wisconsin Counties Highway Association meeting in Wisconsin Dells. There were many excellent speakers from the Federal and State levels.
 - Supervisor Flood noted that the board has an opportunity to nominate someone for the WI NACO Director to fill the unexpired term, January through July. February 1st is the deadline for turning in nominations into the WCA office.
 - Supervisor Pedretti mentioned what a great staff the County has. Redistricting has been affecting a lot of Counties right now and the Governmental Accountability Board said that La Crosse County has one of the best mapping systems. There have been only minor issues in dealing with the redistricting in La Crosse County.
 - Supervisor Pfaff attended the Highway Conference. He said they don't expect too much help from the legislature. The biggest problem is still the amount of money being taken in because of the less fuel being used and gas tax remaining the same. He congratulated the Highway Commissioner, Ron Chamberlain for Secretary of the Board. He was defeated but represented La Crosse County well.
 - Supervisor Mach placed a handout on the Supervisors' Desks regarding Jack Norman's discussion on January 23rd, 2012 from 11:45am – 1pm. He will speak on Privatization of Government services and the impact on Government in the community at large. He will also be at UW-L at Cartwright Center at 6:30pm as well.
 - Supervisor Wood read a La Crosse County resolution regarding the opposition to CAPX2020 in Centerville and it was well received.

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- o Supervisor Doyle is sponsoring a meeting on January 30, 2012 on the transmission lines. Representatives from Xcel Energy and Dairyland Power along with people from the DNR and Department of Transportation will be present. It will be at Holmen High School from 6:00 pm – 7:30 pm. Any Supervisors who will be attending WCA Legislative are encouraged to stop by Representative Doyle's Office, 146 North, and Representative Billings' Office at 4 West.

Administrator Report - Steve O'Malley

- County Administrator Evaluation & Work Plan: Included in Supervisors' packet is the update of the rolling two year work plan. This is not an all inclusive list: looking at long term major capital needs, the Board will be going through a transition with 9 incumbents not returning or running and 6-10 new board members joining. In addition to that is included that changes around collective bargaining and other collaborative efforts in the community. A two page evaluation is also included in the packet and Supervisors are asked to fill that out and turn it back in.

Corporation Counsel – David Lange

- Jennings Claim: A claim was filed in December by the parents of Brandon Jennings from the accident that happened on County Road OT and Highway 35. The case was settled and includes all claims of the Jennings' parents, any heirs, or estate of Brandon Jennings. The total amount of the claim \$525,153.75. This means that no claims can be filed against the County or Trisha Stratman in the future.

CONSENT AGENDA

Motion by R. Plesha/G. Sebranek to approve the minutes of the County Board of Supervisors Planning Meeting held December 5, 2011 and the Monthly Meeting held December 15, 2011 and the claims list for \$12,467,766.62 passed on a unanimous voice vote with 30 ayes, 5 excused - J. Billings, B. Brockmiller, M. Freedland, T. Gamroth and J. Schroeder.

APPOINTMENT

Appoint **Thomas N. Thompson** to the Board of Adjustment as a First Alternate for a two year term to expire December 31, 2013.

Motion by T. Johnson/M. Wood to approve passed on a unanimous voice vote with 31 ayes, 4 excused - J. Billings, B. Brockmiller, T. Gamroth and J. Schroeder.

SECOND CONSIDERATION OF ORDINANCE NO. 90-1/12 TO REPEAL AND RECREATE CHAPTER 17 ENTITLED "ZONING CODE" OF THE GENERAL CODE OF LA CROSSE COUNTY, WISCONSIN

The County Board of Supervisors of the County of La Crosse does hereby ordain as follows:

Section 1. Chapter 17 entitled "Zoning Code" is repealed and recreated to read:

17.01 STATUTORY AUTHORIZATION. A chapter to promote the public health, safety and general welfare, pursuant to the provisions of s. 59.69, Wis. Stats., and for such purpose to divide the County of La Crosse, Wisconsin, into districts of such number, shape and area as are deemed best suited to carry out such purposes, to provide a method for its administration and enforcement, and to provide penalties for violations of its provisions.

17.02 INTERPRETATION, PURPOSE, AND APPLICABILITY.

(1) The provisions of this chapter shall be held to be minimum requirements adopted to promote the public health, safety and general welfare of the County. As required by s. 66.1001, Wis. Stats., La Crosse County has adopted a Comprehensive Plan in order to promote planned growth and orderly development.

The intent of this chapter is to meet the requirements and aid in the implementation of the La Crosse County Comprehensive Plan.

(2) It is not intended by this chapter to repeal, abrogate, annul, impair or interfere with any existing easement, covenant of agreement between parties or with any rules, regulations or permits previously adopted or issued pursuant to laws; provided, however, that where this chapter imposes a greater restriction upon the use of buildings or premises, or upon the height of a building, or requires larger open spaces than are required by other rules, regulations, or permits or by easements, covenants or agreements, the provisions of this chapter shall govern.

(3) The powers granted by the provisions of this chapter shall be liberally construed in favor of the County exercising such powers. Whenever there is a reference to a state statute, state administrative code section, or any other state or local rule or ordinance, such reference shall include any future amendments to the statute, code section, rule, or ordinance.

(4) The County zoning ordinance in effect immediately prior to the enactment of this chapter shall remain in effect in a town for a period of up to 1 year or until this chapter is approved by the town board, whichever period is shorter. If a town board fails to approve this chapter within 1 year of its enactment, neither this chapter nor the County zoning ordinance in effect immediately prior to enactment of this chapter shall be in force in that town.

17.03 DEFINITIONS. For the purpose of this chapter, words used in the present tense include the future; the singular number includes the plural number, and the plural number includes the singular number; the word "structure" includes the word "building"; the word "shall" is mandatory and not directory. Any words not defined as follows shall be construed as defined in applicable state statutes and county code. The following definitions are applicable throughout this chapter.

(1) Access Easement. An interest in property evidencing a private right of access to real property, defined by a legal description, providing for sufficient all weather vehicular access to adequately protect public welfare and safety.

(2) Accessory Structure. A structure that is subordinate to the existing or future principal structure which contributes to the convenience or necessity of the principal use on a parcel. Accessory structures shall be detached from the principal structure.

(3) Administrator. The County Zoning Supervisor, or designee of the County Zoning Supervisor, empowered to enforce the rules and provisions of the La Crosse County Zoning Ordinance.

(4) Agricultural Building. A building constructed and used solely for agricultural use.

(5) Alley. A street or thoroughfare less than 21 feet wide and affording only secondary access to abutting property.

(6) Animal Unit. Means a unit of measure to determine the total number of single animal types as referenced in NR 243.03(5) and as provided in NR 243.05 of the Wis. Admin. Code, or any amendments thereto.

(7) Approved Access. An access approved by the applicable Town Board, except an easement which is intended to serve more than 1 lot must be approved by the Committee and the applicable Town Board, using the relevant standards established under s. 82.18, Wis. Stats., or any amendments thereto.

(8) Base Farm Tract (BFT). A single parcel or 2 or more contiguous parcels in a farmland preservation zoning district (Exclusive Agriculture District and General Agriculture District) which are under common ownership and part of a single farm at the effective date of this chapter and shown on the official BFT Map.

(9) Basement. A story of a building which is at least 50% below grade.

(10) Board. The La Crosse County Board of Adjustment.

(11) Boarding House. A building, other than a hotel, where meals or lodging are furnished for compensation for 3 or more persons who are not members of a family.

(12) Building. Any structure used, designed or intended for the protection, shelter, enclosure or support of persons, animals or property. When a building is divided

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into separate parts by un-pierced walls extending from the ground up, each part shall be deemed a separate dwelling unit for occupancy purposes.

(13) Building, Height Of. The vertical distance from the average curb level in front of a lot, or the finished grade at the building line, whichever is higher, to the highest point or peak of the roof.

(14) Campground. One or more parcels of land where accommodations are provided for the temporary residential use by recreational vehicles or other recreational facilities.

(15) Centerline. The center of a highway as shown on a legal map, plat, survey or plan or as described in a recorded document. Where a legal map, plat, survey, plan or other recorded document does not exist, the traveled centerline of the existing highway shall be used to determine the centerline.

(16) Club. A building, facility, or site owned and/or operated for social, educational, recreational, or athletic purposes for members and their guests, but not primarily for profit and not primarily to render a service customarily carried on as a business activity.

(17) Commercial Animal Establishment. An establishment wherein any person is engaged in the business of boarding, breeding, buying, letting for hire, training for a fee or selling dogs, cats, birds or other animals. A person shall be engaged in the business under this definition if the business involves the breeding and selling of more than 2 litters of pups or kittens, 2 clutches of birds, or 2 or more dogs, cats or other animals in a 12 month period of time.

(18) Commercial Building. A building primarily occupied for business uses. A commercial building may be subject to state plan review under Wisconsin State Statutes.

(19) Commercial Transport Trailer or Container. Trailers or vehicles which are used for the transport of commercial products, goods or materials such as, but not limited to, railroad cars, shipping containers or semi-trailers. Commercial transport trailers or containers cannot be used as buildings or structures except as approved by a conditional use permit within the applicable zoning district.

(20) Committee. The committee charged with carrying out the policy-making processes for the La Crosse County Zoning, Planning and Land Information Department as defined in Chapter 1 of the La Crosse County Code of Ordinances.

(21) Community Based Residential Facility. A licensed facility as defined in s. -50.01(1g), Wis. Stats.

(22) Contiguous. Two or more parcels of land or lots are considered to be contiguous if they adjoin, border or abut along a common boundary at any point or if they are only separated by the following: highway right-of-way, railroad right-of-way, state owned bike trails, creeks, rivers or other linear bodies of water, or a single improved access which is a maximum of 66 feet in width.

(23) County Board. The La Crosse County Board of Supervisors.

(24) Department. The La Crosse County Zoning, Planning and Land Information Department.

(25) Dwelling. A building or portion of a building designed for and occupied exclusively for residential purposes.

(26) Dwelling, 1 Family. A building or portion of a building designed for or occupied exclusively by 1 family consisting of 1 dwelling unit.

(27) Dwelling, 2 Family. A building or portion of a building designed for and occupied exclusively by 2 families and consisting of 2 dwelling units.

(28) Dwelling, Multiple Family. A building or portion of a building designed for and occupied by 3 or more families and consisting of 3 or more dwelling units.

(29) Dwelling Unit. A building or portion of a building providing the necessary facilities and intended to be used as a residence by 1 family or housekeeping entity.

(30) Family. The body of related persons by blood, marriage or adoption or a maximum of 4 unrelated persons living together in 1 dwelling unit.

(31) Farm. All parcels of land under common ownership with more than 35 acres of contiguous land and primarily devoted to agriculture uses.

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(32) Farm Employee. A full time equivalent employee of the owner or operator of a farm.

(33) Farm Residence. A residence located on a Base Farm Tract for a son, daughter, parent or farm employee.

(34) Feedlot. A lot or building, or combination of contiguous lots and buildings, intended for the confined holding of animals and where manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained. Pastures shall not be considered animal feedlots under these parts.

(35) Foundation Envelope. The area delineated in a Manufactured Community District Plan for the placement of 1 manufactured home and any attachments thereto. Each Manufactured Home Site shall have a delineated foundation envelope.

(36) Frontage. That portion of a lot abutting a highway or other approved access.

(37) Home Occupation. A gainful occupation conducted by members of the family within their place of residence.

(38) Hotel or Motel. A building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than 5 sleeping rooms with no cooking facilities in any individual room or apartment.

(39) Intersection. The point upon which 2 highway centerlines or a highway centerline and the center of a railway right-of-way converge.

(40) Junk or Salvage Yard. A property, building or structure which is owned, maintained, operated or used for storing, keeping, processing, refurbishing, buying or selling materials such as, but not limited to, unlicensed/inoperable motor vehicles or parts thereof, used appliances or parts thereof, tractors or agricultural equipment or parts thereof, unusable or inoperable recreational vehicles or trailers or parts thereof, demolition or waste materials, metals, lumber, paper, rags, tires, or other materials commonly included within the terms of junk or salvage. A junk or salvage yard may include, but is not limited to, refuse dumps, garbage dumps, automobile graveyards, scrap metal processors, auto-wrecking yards, recycling facilities or used auto parts yards.

(41) Lot. A parcel of land having frontage on a highway or other approved access, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area, and other open space provisions of this code.

(42) Lot Lines. The lines bounding a lot or parcel.

(43) Manufactured Dwelling. A building consisting of 1 or more modules that is installed and used as a residence by a consumer, transportable as 1 unit on a temporary chassis or other conveyance device, and designed to be used on a permanent foundation system. The term includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. Manufactured dwellings are considered to be dwellings under the provisions of this chapter.

(44) Manufactured Home. A structure which is a maximum of 16 feet in width that is certified and labeled as a manufactured home under 42 U.S.C. ss. 5401 to 5406, built since June 15, 1976, that bears a seal indicating it has met the mobile home construction and safety standards of the United States Department of Housing and Urban Development (HUD) standards. Manufactured homes must be:

(a) used as a permanent, single family residential dwelling.

(b) installed in accordance with the manufacturer's instructions.

(c) properly connected to all applicable utilities.

(d) set on an enclosed foundation in accordance with s. 70.043(l), Wis. Stats., and applicable provisions of Wis. Admin. Code, Comm 21, and certified by the building inspector prior to occupancy.

(45) Manufactured Home Community. One or more parcels of land within a Manufactured Home Community District which has been developed under a single plan approval.

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(46) Manufactured Home Site. The area delineated on a Manufactured Home Community District Plan for placement of 1 manufactured home.

(47) Mineral Extraction. The removal of rock, slate, gravel, sand, topsoil or other non-metallic natural materials.

(48) Mobile Home. A vehicle manufactured or assembled before June 15, 1976 which is designed to be towed as a single unit or in sections by a motor vehicle to be used as a dwelling, the construction of which includes the structure, its utilities and all other equipment carrying a manufacturer's warranty.

(49) Non-Conforming Lot. A lot which had legal dimensions and area prior to the adoption of this zoning ordinance but which now fails to conform to the requirements of its zoning district.

(50) Non-Conforming Structure. A structure or building which was legal prior to the adoption of this zoning ordinance but now does not meet the size, location or dimensional limits of its zoning district.

(51) Non-Conforming Use. A building, structure or premises lawfully used or occupied at the time of the passage of this chapter or amendments thereto which does not conform to the regulations of this chapter or any amendments thereto.

(52) Non-Farm Residence. A residence located on a Base Farm Tract for anyone other than a son, daughter, parent or farm employee.

(53) Official Zoning District Map. The map on file in the La Crosse County Zoning, Planning and Land Information Office originally adopted in 1953 and as amended by official action of the La Crosse County Board of Supervisors defining the boundaries of the principal zoning districts within unincorporated areas of La Crosse County. The official action of the La Crosse County Board shall govern if there is any conflict between such action and the boundaries as shown on the La Crosse County Geographical Information System (GIS).

(54) Open Fence. A constructed fence which is 50% or more transparent when viewed at a right angle.

(55) Parcel. One piece of land owned by a single entity which may or may not coincide with a lot of record.

(56) Parking Stall. An area of unobstructed access, covered or uncovered, for the parking of a motor vehicle with a minimum area of 180 square feet.

(57) Planned Unit Development (PUD). A housing project, consisting of a group of 2 or more buildings having more than 2 dwelling units each, to be constructed on a site not subdivided into customary lots and streets, or where an existing lot and street layout makes it impractical to apply the requirements of this chapter to the individual building units.

(58) Pre-existing Residence. A residence that was constructed prior to a town's original adoption date of farmland preservation zoning under La Crosse County's first certified farmland preservation zoning ordinance, is currently located in a certified farmland preservation zoning district, and is situated on a CSM lot of 5 acres or less split from a larger farm parcel after the town's original adoption date or on a lot larger than 5 acres that existed on the date of adoption. See Table in s. 17.14(2).

(59) POWTS. Private On-site Wastewater Treatment 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 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. A private sewage system may be owned by the property owner or by a special purpose district.

(60) Principal Structure. A structure or combination of structures of chief importance or function on a parcel. In general, the principal use of the site is carried out in a principal structure. The difference between a principal and accessory structure is determined by comparing the size, placement, similarity of design, use of common building materials and the orientation of the structures on a site.

(61) Professional Office. The office of a legally-recognized professional within their place of residence.

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(62) Public Airport. Any airport which complies with the definition of public airport or public use airport contained in Chapter 114 of the Wis. Stats., or any airport which serves or offers to serve common carriers engaged in air transport.

(63) Recreational Vehicle. A vehicle intended to be used for temporary recreational occupancy less than 8 feet in width and 400 square feet in size.

(64) Residence. The use of a structure as a dwelling.

(65) Right-of-Way. Land over which an existing or planned public highway or railroad is intended and the boundary of which is shown on a legal map, plat, survey or plan or described in a recorded document. Where a legal map, plat, survey, plan or other recorded document does not exist and a highway has been constructed, 33 feet on either side of the traveled centerline shall be considered the right-of-way of said highway.

(66) Right-of-Way Line. The line delineating the exterior boundary or boundaries of a highway.

(67) Setback. The minimum horizontal distance between the right-of-way line or the centerline of a highway and the nearest point of building or any projection thereof, excluding uncovered steps.

(68) Setback Line. A line established which is parallel to a right-of-way line, centerline of a highway, a body of water, or other line for the purpose of defining limits, outside of which buildings, structures or uses must be constructed, maintained or confined.

(69) Solid Fence. A constructed fence which is less than 50% transparent when viewed at a right angle.

(70) Story. That portion of a building included between the surface of a floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it. A floor having 50% or more of its height above grade shall be deemed a story for the purposes of height regulation.

(71) Street. All property dedicated or intended for public or private street purposes, or subject to public easements therefore, and 21 feet or more in width.

(72) Structure. Anything constructed or erected where the use of which customarily requires a location on the ground.

(73) Town Board. The Board of Supervisors elected to represent a specific town.

(74) Trailer. A non-self propelled vehicle which is towed and used for the transport of materials or goods relating to a residential use.

(75) Variance. An authorization by the Board of Adjustment for the construction or maintenance of a building or structure in a manner which is inconsistent with or contrary to the dimensional standards contained in this chapter or for a use inconsistent or contrary to the uses allowed in a zoning district.

(76) Vehicle Trips. The event of a vehicle entering or leaving a location. Each time a vehicle enters or leaves a location is a separate trip.

(77) Vision Clearance. The area providing unobstructed vision at traffic intersections within which no structures, temporary structures, crops or landscape features shall encroach in order to provide for the safe and efficient flow of traffic.

(78) Yard. An open space, on the same lot as a building, which is left unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

(79) Yard, Front. A yard extending the full width of the lot, between the front lot line and the nearest part of the principal structure, excluding uncovered steps.

(80) Yard, Rear. A yard extending the full width of the lot, being the minimum horizontal distance between the rear lot line and the nearest part of a principal structure, excluding uncovered steps.

(81) Yard, Side. A yard extending from the front yard to the rear yard, being the minimum horizontal distance between a building or structure and the side lot line.

17.04 ORDINANCE PROVISIONS AND STANDARDS.

(1) General Provisions.

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(a) The use and height of buildings hereafter erected, converted, enlarged or structurally altered, and the use of any land shall be in compliance with the regulations established herein for the district in which such land or building is located. Any use not listed as an authorized use in a district is prohibited in that district unless it is incidental or accessory to an authorized use, and any use authorized in a district shall be construed as a prohibited use in any other district, unless as otherwise expressly provided, in the La Crosse County Code of Ordinances.

(b) No lot area shall be so reduced that the yards and setbacks shall be less than is required by this chapter.

(c) Every building hereafter erected, converted, enlarged or structurally altered shall be located on a lot and in no case shall there be more than 1 principal structure per residential lot, unless otherwise authorized.

(d) Nothing herein contained shall require any change in the plans, construction, size or designated use of any building or structure or part thereof for which a permit has been issued before the effective date of this chapter, and the construction of which shall have been started within 6 months from the date of said permit.

(e) When a Planned Unit Development (PUD) is to be constructed, the Committee may approve a development plan, provided it complies with the regulations of this chapter and the following:

1. A map in duplicate, drawn to a minimum scale of 1" to 100' showing:

- a. The parcel boundaries and legal description.
- b. The parcel location.
- c. The legal description of the proposed PUD.
- d. The location and use of all structures.
- e. The ordinary high-water elevation of any navigable waters within 300 feet of parcel boundaries.
- f. Number of residential units.
- g. Proposed off-street parking areas.
- h. The location and style of exterior lighting and signage.
- i. The location of all public and private utilities.

2. Any additional information deemed necessary to ensure compliance with this chapter.

(f) Agricultural uses shall not be allowed within approved subdivision plats.

(g) An established professional office, barber shop or beauty parlor when located within a residence shall be incidental to the residential occupancy and use of the dwelling. Not more than 25% of the floor area of only 1 story of a dwelling shall be occupied by such office, barber shop or beauty parlor. One unlighted name plate may be exhibited not exceeding 1 square foot in area.

(h) Home occupations are subject to the following conditions:

1. No article shall be sold or offered for sale on the premises except such as is produced by such occupation.
2. No stock in trade is kept or sold.
3. No mechanical equipment is used other than what is permissible for purely domestic purposes.
4. One unlighted name plate may be exhibited not exceeding 1 square foot in area.
5. No persons other than members of the immediate family living on the premises can be employed by such business.

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(i) No person shall build, use, anchor, keep or maintain any houseboat for residential or business purposes landward of the ordinary high-water mark.

(j) The temporary placement of a mobile or manufactured home for residential occupancy may be authorized by a Zoning/Occupancy Permit, subject to the approval of the Town Board, after issuance of a Zoning/Occupancy Permit for a permanent dwelling on the same parcel. In no case shall a mobile or manufactured home be authorized to be located on the parcel for more than 180 days.

(k) In all residential districts or recorded residential subdivision plats, the storage of all motor driven vehicles, except recreational vehicles, with a Gross Vehicle Weight Rating (GVWR) over 16,000 pounds is prohibited.

(l) In all residential districts or recorded residential subdivision plat, the wheels of any recreational vehicle, trailer or other similar transportation device shall not be removed, and the vehicle shall not be temporarily or permanently fixed to the ground or attached to something having a temporary or permanent location on the ground by any person in any manner, unless otherwise authorized.

(m) In all residential districts or recorded residential subdivision plat, the storage of semi-tractors or semi-trailers is prohibited and the storage, placement, or use of commercial transport trailers or containers is prohibited, unless otherwise authorized.

(2) Parking Provisions. In all districts and in connection with every use, there shall be provided at the time any building is erected or enlarged, or a Zoning/Occupancy Permit is issued for a change in use, off-street parking stalls on the parcel or on contiguous parcels for all vehicles in accordance with the following:

(a) Adequate access to a highway or other approved access shall be provided for each parking stall.

(b) Size of each parking stall shall not be less than 180 square feet, excluding the space required for ingress and egress.

(c) All off-street parking areas shall be an all weather surface area which is properly drained.

(d) Parking areas for more than 5 vehicles shall have parking stalls clearly marked.

(e) Parking areas for more than 5 vehicles shall have curbs and barriers installed so as to prevent the parking of vehicles over any lot or property boundary line.

(f) The minimum number of parking stalls shall follow these provisions unless otherwise approved. In the case of buildings, structures or uses which are not specified in this provision, the provisions of the most similar shall apply. A combination of any use shall provide the total of the number of stalls required for each individual use.

1. One family, 2 family or multiple family dwellings shall provide 2 parking stalls for every dwelling unit.

2. Mobile Home Communities shall provide 2 parking stalls for every dwelling unit.

3. Hotels, motels, bed and breakfast establishments shall provide 1 parking stall for each guest room plus 1 parking stall for every 3 employees.

4. Hospitals, clubs, lodges, dormitories, lodging and boarding houses shall provide 1 parking stall for each bed plus 1 parking stall for every 3 employees.

5. Sanitariums, institutions, rest homes or nursing homes shall provide 1 parking stall for every 5 beds plus 1 parking stall for every 3 employees.

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6. Medical or dental clinics shall provide 3 parking stalls for each professional.

7. Faith based buildings or structures, theatres, auditoriums, community centers, vocational schools and other places of public assembly shall provide 1 parking stall for every 5 seats.

8. Colleges, secondary and elementary schools shall provide 1 parking stall for every 2 employees.

9. Restaurants, bars, places of entertainment, repair shops, retail and service stores shall provide 1 parking stall for every 150 square feet of floor area.

10. Manufacturing and processing plants, laboratories and warehouses shall provide 1 parking stall for every 2 employees.

11. Financial institutions, business, governmental and professional offices shall provide 1 parking stall for every 300 square feet of floor area.

12. Funeral homes shall provide 1 parking stall for every 4 seats.

13. Bowling alleys shall provide 5 parking stalls for every alley.

(3) Conditional Use Provisions.

(a) Certain uses and situations which are of such a special nature, or are dependent upon actual contemporary circumstances as to make impractical the predetermination of permissibility, or the detailing in this chapter of specific standards, regulations or conditions which would permit such determination in each individual situation, may be permitted as conditional uses, subject to such requirements as are hereinafter specified.

(b) The permit holder shall comply with the conditions set forth in the permit and any deviation from those conditions shall constitute a violation of this section.

(c) The permit holder wishing to extend or alter the terms of such permit must apply for such extension or alteration through the procedure of application for conditional use permits detailed herein.

(d) Conditional use status shall terminate when, after public hearing, the Committee determines any of the following:

1. The conditional use has not continued in conformity with the conditions of the permit.

2. Upon the request of a Town Board, a change in the character of the surrounding area or in the conditional use itself causes such use to be no longer compatible with surrounding uses.

3. The conditional use has been discontinued for a period of 12 consecutive months or 18 cumulative months in a 3 year period. A business of a seasonal nature shall not be deemed discontinued during periods in which it is normally inactive.

4. If a new conditional use permit application is approved and a condition of said permit indicates termination of a previously issued conditional use permit.

(e) Conditional use status shall terminate if the conditions of a conditional use permit do not indicate that the permit is transferrable upon a change in ownership of the whole parcel or part of the parcel, except when a conditional use permit is approved for a farm residence. Conditional Use Permits issued prior to the effective date of this chapter are deemed transferrable unless otherwise noted by a permit condition.

(f) Upon a determination to terminate the conditional use, the owner of the premises shall be required to bring all such land and buildings into conformity with the zoning district regulations of the district in which such former conditional use is located and all other provisions of this chapter within 90 days from such determination.

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(g) All conditional use permits generating an increase in traffic by more than 200 vehicle trips per day may require the following conditions:

1. Traffic impact analysis.
2. Reimbursement to the appropriate local unit of

government for the improvement of any public facility or infrastructure to minimize any negative traffic impact.

(4) Non-Conforming Use and Structure.

(a) The existing lawful use of a building, structure or premises at the effective date of this chapter, or any amendment thereto, may be continued, although such use does not conform to the provisions of this chapter for the district in which it is located, but such non-conforming use shall not be expanded or increased.

(b) If no structural alterations are made, a non-conforming use of a building or structure may be changed to another non-conforming use of the same or a more restricted zoning district. Whenever a nonconforming use has been changed to a more restricted non-conforming use, such use shall not thereafter be changed to a less restricted use.

(c) If a non-conforming use of a building or premises is discontinued for a period of 12 consecutive months, any future use of the building or premises shall conform to the regulations for the zoning district in which it is located.

(d) When a non-conforming building or structure or a building or structure containing a non-conforming use is damaged by fire, explosion, or force majeure, to the extent of more than 50% of its estimated fair market value, it shall not be restored except in conformity with the regulations of the zoning district in which it is located.

(e) The structural repairs, alterations, or additions to any non-conforming building or structure or any building or structure containing any non-conforming use shall not, during its life, exceed 50% of the estimated fair market value of the building or structure unless it is changed to a conforming use within the zoning district in which it is located. Structural repairs, alterations, or additions to any non-conforming building or structure shall not, during its life, exceed 50% the fair market value of the building or structure unless it is changed to a conforming building or structure, except upon granting of a variance by the Board.

(5) Height and Area Exceptions. The regulations contained herein relating to the height of buildings and the size of yards and other open spaces shall be subject to the following exceptions:

(a) Faith based buildings or structures, schools, hospitals, sanatoriums and other public and quasi-public buildings may be erected to a height not exceeding 60 feet nor 5 stories, provided the front, side and rear yards required in the zoning district in which such building is to be located are each increased at least 1 foot for each foot of additional building height above the height limit otherwise established for the zoning district in which such building is to be located.

(b) Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, stacks, silos, windmills, scenery lofts, tanks, water towers, ornamental towers, spires, wireless television or broadcasting towers, masts or aerials, microwave radio relay structures, telephone, telegraph and power transmission poles and lines, and necessary mechanical appurtenances shall be exempted from the height regulations of this chapter.

(c) Where a lot has an area less than the minimum number of square feet per family required for its zoning district and was a lot of record at the time of the passage of this chapter, the lot may be occupied by a 1 family dwelling, except specified lots within a farmland preservation zoning district.

(d) The ordinary projections of sills, overhangs, belt courses, cornices and ornamental features shall not project more than 12 inches into any required yard. Open or enclosed fire escapes and fire towers may project into a required yard not more than 5 feet, provided it be so located as not to obstruct light and ventilation.

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(e) Agricultural buildings constructed and used on a farm shall be exempted from the building height and area requirements in Table in s. 17.14(1).

(6) Junk or Salvage Yards. Any person accumulating materials considered junk or salvage may be considered to be in the junk or salvage business and therefore subject to the provisions of this chapter. Any property with an accumulation of materials determined to be junk or salvage will be considered a junk or salvage yard under this chapter unless such accumulation is allowed within a zoning district. All junk or salvage yards must meet the following provisions:

(a) Junk or salvage yards shall be located in an appropriate zoning district.

(b) The junk or salvage yard must be surrounded by a solid fence, not less than 6 feet in height.

(c) Must provide a suitable office building.

(d) Must meet all Wisconsin licensing requirements.

(e) The following are exceptions to these regulations:

1. A licensed automobile sales establishment storing unlicensed vehicles intended for resale shall not be considered a junk or salvage yard under this chapter.

2. A licensed automobile service facility storing unlicensed and/or inoperable vehicles for a period not to exceed 6 months per vehicle shall not be considered a junk or salvage yard under this chapter.

3. Vehicles which are eligible to be registered and licensed on a quarterly basis may be stored in an open area, provided that such storage does not exceed more than a 9 month period.

4. In an agricultural zoning district, the accumulation of agricultural vehicles, trailers, tractors, machinery and/or parts thereof, typically used for agricultural purposes will not be considered a junk or salvage yard.

5. One unlicensed/inoperable motor vehicle may be allowed to be stored outside on a parcel. Vehicles being openly stored under this exemption must be properly screened from ordinary public view and the storage of such vehicles cannot constitute a health or safety hazard. Screening shall consist of privacy fencing, shrubs, trees, buildings or other suitable and appropriate means. An approved Conditional Use Permit may allow a person to store more than 1 unlicensed/inoperable vehicle on a parcel.

(7) Abandoned Vehicles. This ordinance is adopted pursuant to the authorization contained in s. 342.40, Wis. Stats. Abandoned motor vehicles are hereby subject to Chapter 9 of the La Crosse County Code of Ordinances, Public Peace and Good Order, section 9.02 and the regulations therein.

17.05 ZONING DISTRICTS. For the purpose of this chapter, the County is hereby divided into 12 zoning districts which are identified in sections 17.05(1)-(12) of this chapter.

The boundaries of the aforesaid districts are hereby established as shown on the Official Zoning District Map of La Crosse County. This map is made a part of this chapter by reference and all notations and references shown on this map are as much a part of this chapter as though specifically described herein. It is understood that amendments made appropriately to the Official Zoning District Map of La Crosse County pursuant to s. 59.69, Wis. Stats., or any amendments thereto, after the effective date of this chapter are also part of this chapter by reference.

The district boundaries as depicted on the Official Zoning District Map of La Crosse County are either highways, roads, streets, alleys, or section, quarter section or quarter-quarter section lines, unless otherwise shown, and where the designation on the Official Zoning District Map of La Crosse County indicates that the various districts are approximately bounded by highway, road, street or alley lines, or section, quarter section or quarter-quarter section lines, such lines shall be construed to be the district boundary lines.

Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks, lots, or parcels, the district

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boundaries shall be construed to be lots, or parcels, and where the designations of the Official Zoning District Map of La Crosse County are approximately bounded by lot lines, such lot line shall be construed to be determined by use of the scale shown on such map.

(1) Residential District "A". In Residential District "A" no building or premises shall be used and no building shall hereafter be erected or structurally altered unless otherwise provided in this chapter.

(a) Authorized Uses.

1. One family dwelling.
2. Conversion into a 1 family dwelling.
3. Accessory buildings. See Table in s. 17.14(1).
4. Accessory structures.
5. Three or less boarders not members of the family.
6. Professional offices. See s. 17.04(1)(g).
7. Home occupations. See s. 17.04(1)(h).
8. Barber shops. See s. 17.04(1)(g).
9. Beauty parlors. See s. 17.04(1)(g).
10. Nursery schools, day nurseries, daycare centers, or child care centers for 8 or less children.
11. One commercially related vehicle with a Gross Vehicle Weight Rating (GVWR) of up to 16,000 pounds.
12. Community Based Residential Facilities for 8 or less residents.
13. Uses customarily incidental to any of the above uses when located on the same lot and not involving the conduct of any business.

(b) Conditional Uses.

1. Golf courses, except miniature golf courses and driving ranges.
2. Funeral homes.
3. Group homes.
4. Home occupations and professional offices other than those defined under ss. 17.03(37) and 17.03(61). See ss. 17.04(1)(g) and 17.04(1)(h).
5. Hospitals, clinics, medical and dental offices.
6. Nursery schools, day nurseries, daycare centers, or child care centers for more than 8 children.
7. Private clubs, fraternities, sororities and lodges.
8. Utility buildings, exchanges, sub-stations and relay structures, provided that there is no service garage or storage yard.
9. Truck gardening, nurseries and greenhouses for the propagation of plants only, provided that the greenhouse heating system shall not be less than 60 feet from any property line.
10. New agricultural buildings, provided that agricultural buildings in which livestock are kept shall be at least 100 feet from the nearest residence or non-farm lot.
11. One detached accessory residential dwelling unit on the same parcel or lot subject to the Table in s. 17.14(1). The lot area must be twice the minimum as specified in s. 17.05(1)(c)5.
12. Community Based Residential Facilities for more than 8 residents.

(c) Dimensional Standards. The following dimensional standards shall apply to the principal structure:

1. Height. There shall be a maximum height of 35 feet.

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2. Setback. Highway setback lines as provided in s. 17.06 or as established on a recorded subdivision or right-of-way plat.

3. Side yard. There shall be a side yard on each side of the structure. The sum of the widths of the required side yard shall not be less than 20 feet and no single side yard shall be less than 8 feet in width.

4. Rear yard. There shall be a rear yard having a minimum depth of 25 feet.

5. Lot area. There shall be a minimum lot area per dwelling as follows:

a. A lot served by a public sanitary sewer shall have a minimum lot area of 10,000 square feet for a 1 family dwelling.

b. A lot served by a POWTS shall have a minimum lot area of 20,000 square feet for a 1 family dwelling.

6. Lot width. There shall be a minimum lot width measured at the Highway or front yard setback line as follows:

a. A lot served by a public sanitary sewer shall have a minimum lot width of 75 feet.

b. A lot served by a POWTS shall have a minimum lot width of 100 feet.

(2) Residential District "B". In Residential District "B" no building or premises shall be used and no building shall be hereafter be erected or structurally altered unless otherwise provided in this chapter.

(a) Authorized Uses.

1. Any use authorized in Residential District "A".
See s. 17.05(1)(a).

2. Two family dwelling.

3. Conversion into a 1 family or 2 family dwelling.

4. A Condominium Plat containing 1 or more 2 family dwellings.

(b) Conditional Uses. As authorized and regulated in Residential District "A". See s. 17.05(1)(b).

(c) Dimensional Standards. The following dimensional standards shall apply to the principal structure:

1. Height. There shall be a maximum height of 35 feet.

2. Setback. Highway setback lines as provided in s. 17.06 or as established on a recorded subdivision plat or right-of-way plat.

3. Side yard. There shall be a side yard on each side of the structure. The sum of the widths of the required side yard shall not be less than 20 feet and no single side yard shall be less than 8 feet in width.

4. Rear yard. There shall be a rear yard having a minimum depth of 25 feet.

5. Lot area. There shall be a minimum lot area per dwelling as follows:

a. A lot served by a public sanitary sewer shall have a minimum lot area of 7,200 square feet for a 1 family or 2 family dwelling.

b. A lot served by a POWTS shall have a minimum lot area of 20,000 square feet for a 1 family dwelling and a minimum lot area of 25,000 square feet for a 2 family dwelling.

6. Lot width. There shall be a minimum lot width measured at the highway or front yard setback line as follows:

a. A lot served by a public sanitary sewer shall have a minimum lot width of 60 feet.

b. A lot served by a POWTS shall have a minimum lot width of 100 feet.

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(3) Residential District "C". In Residential District "C" no building or premises shall be used and no building shall hereafter be erected or structurally altered unless otherwise provided in this chapter.

(a) Authorized Uses.

See s. 17.05(2)(a).

family dwelling.

multiple family dwellings.

1. Any use authorized in Residential District "B".
2. Multiple family dwelling.
3. Conversion into a 1 family, 2 family or multiple
4. A Condominium Plat containing 1 or more
5. Planned Unit Development.

(b) Conditional Uses. As authorized and regulated in Residential District "A". See s. 17.05(1)(b).

(c) Dimensional Standards. The following dimensional standards shall apply to the principal structure:

1. Height. There shall be a maximum height of 35 feet.
2. Setback. Highway setback lines as provided in s. 17.06 or as established on a recorded subdivision plat or right-of-way plat.
3. Side yard. There shall be a side yard on each side of the structure. The sum of the widths of the required side yard shall not be less than 20 feet and no single side yard shall be less than 8 feet in width.
4. Rear yard. There shall be a rear yard having a minimum depth of 25 feet.
5. Lot area. There shall be a minimum lot area per dwelling as follows:

a. A lot served by a public sanitary sewer shall have a minimum lot area of 7,200 square feet for a 1 family or 2 family dwelling. A multiple family dwelling shall have a minimum lot area of 2,500 square feet per dwelling unit.

b. A lot served by a POWTS shall have a minimum lot area of 20,000 square feet for a 1 family dwelling and 5,000 square feet for each additional dwelling unit.

6. Lot width. There shall be a minimum lot width measured at the highway or front yard setback line as follows:

a. A lot served by a public sanitary sewer shall have a minimum lot width of 60 feet.

b. A lot served by a POWTS shall have a minimum lot width of 100 feet.

(4) Rural District. In the Rural District no building or premises shall be used and no building shall hereafter be erected or structurally altered unless otherwise provided in this chapter.

(a) Authorized Uses.

See s. 17.05(2)(a).

subdivisions.

produced on the premises.

1. Residential.
 - a. Any use authorized in Residential District "B".
 - b. Conservation and cluster residential
2. Agricultural.
 - a. Farm. See s. 17.03(31).
 - b. Livestock
 - c. One roadside stand for the sale of farm products
 - d. Beekeeping.
 - e. Dairy farming.

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- f. Egg production.
- g. Floriculture.
- h. Fish farming.
- i. Forest and game management.
- j. Grazing.
- k. Orchards.
- l. Plant greenhouse and nurseries.
- m. Raising of crops.
- n. Sod farming.
- o. Riding, training or boarding stables, paddocks,
and equestrian trails.
- p. Mineral extractions incidental to a farming
operation.

(b) Conditional Uses.

- 1. As authorized and regulated in Residential District
"A". See s. 17.05(1)(b).
- 2. Multiple family dwelling.
- 3. Conversion into a multiple family dwelling.
- 4. A Condominium Plat containing 1 or more multiple
family dwellings.
- 5. Planned Unit Development.
- 6. Contractor's storage.

(c) Dimensional Standards. The following dimensional standards shall apply to the principal structure:

- 1. Height. There shall be a maximum height of 35 feet.
- 2. Setback. Highway setback lines as provided in s.
17.06 or as established on a recorded subdivision plat or right-of-way plat.
- 3. Side yard. There shall be a side yard on each side of
the structure. The sum of the widths of the required side yard shall not be less than 20
feet and no single side yard shall be less than 8 feet in width.
- 4. Rear yard. There shall be a rear yard having a
minimum depth of 25 feet.
- 5. Lot area. There shall be a minimum lot area of
20,000 square feet for a 1 family dwelling and 5,000 square feet for each additional
dwelling unit.
- 6. Lot width. There shall be a minimum lot width of 100
feet measured at the Highway or front yard setback line.

(5) Exclusive Agricultural District. In the Exclusive Agricultural District no building or premises shall be used and no building shall hereafter be erected or structurally altered unless otherwise provided in this chapter.

(a) Purpose. The Purpose of the Exclusive Agricultural District is to preserve agricultural land for food and fiber production; protect productive farmers by preventing conflicts between incompatible uses; maintain a viable agricultural base to support agricultural processing and service industries; reduce costs of providing services to scattered non-farm uses; promulgate orderly urban growth; implement the provisions of the County Farmland Preservation Plan when adopted and periodically revised; and comply with the provisions of the Farmland Preservation Law to permit eligible landowners to receive tax credits under Subchapter IX of Chapter 71, Wis. Stats.

(b) Application. This district is generally intended to apply to lands which include all classes of soils in the County that are in productive agricultural use including, but not limited to, land demonstrated to be productive for forestry, dairy, livestock raising and grazing; lands historically farmed which are integral parts of farm operations; lands for the production of specialty crops; and lands that are potentially productive if given improvements such as irrigation or drainage.

(c) Authorized Uses.

- 1. Residential.

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a. Pre-existing residences located in areas subject to zoning under this chapter may be continued in residential use and shall not be subject to any limitations imposed or authorized under s. 17.04(4). Such pre-existing residences may be structurally altered and repaired, replaced, or rebuilt if destroyed but are subject to setback, height and other dimensional requirements. Pre-existing residences as defined in s. 17.03(58) shall be mapped within the "Pre-Existing Residential Parcel Overlay District" and shall not be considered within a certified farmland preservation zoning district for the purpose of claiming tax credits.

b. The owner of a Base Farm Tract (BFT) may be allowed to file a zoning petition to rezone to the Rural District up to 3% of a BFT for farm and/or non-farm residences. Said petition shall designate 1 contiguous area for rezoning which includes all necessary public utilities. A zoning petition to rezone to the Rural District shall not be allowed on a BFT which has been issued a Conditional Use Permit for a residential use on a BFT.

c. Any use authorized in the Rural District. See s. 17.05(4)(a).

d. Parking or storage of 1 semi-tractor and/or semi-trailer. Semi-tractors must be licensed and operable. Semi-trailers must be roadworthy.

2. Agricultural.

a. Agricultural buildings.
b. One roadside stand on a BFT for the sale of farm products produced on the premises.

c. Beekeeping.
d. Dairy farming.
e. Egg production.
f. Poultry operations involving less than 10,000 birds.

g. Floriculture.
h. Fish farming.
i. Forest and game management.
j. Grazing.
k. Raising of livestock.
l. Orchards.
m. Plant greenhouses and nurseries.
n. Raising of crops.
o. Sod farming.
p. Sawmills when located on the premises for less than 30 days.

q. Riding, training or boarding stables and paddocks and equestrian trails.

r. Mineral extractions incidental to a farming operation.

(d) Conditional Uses.

1. Residential.

a. A Conditional Use Permit may be granted for up to 1 farm residence for every 35 acres of land included in the Base Farm Tract (BFT). A maximum of 5 farm residences are allowed. Existing farm residences at the time of adoption of this chapter are counted against the number of farm residences allowed. If any portion of the BFT has been previously rezoned to the Rural District for residential use, farm residences cannot be authorized by a Conditional Use Permit. The approval of a Conditional Use Permit to establish a residence shall be subject to recording of deed restrictions that shall apply to the balance of 35 acres of the BFT. The deed restrictions shall prohibit any additional residences, subdivision of land or non-agricultural development on the remainder of the 35 acres identified in the legal description. A parcel for a farm residence authorized by a Conditional Use Permit cannot do any of the following:

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i Convert prime farmland from agricultural use or convert land previously used as cropland, other than a woodlot, from agricultural use if on the farm there is a reasonable alternative location or size for a farm residential parcel or farm residence.

ii. Significantly impair or limit the current or future agricultural use of other protected farmland.

b. Temporary housing for seasonal farm laborers.
c. Manufactured homes to be used for permanent residential occupancy.

d. Any recreational vehicle, trailer or other similar transportation device, if the wheels have been removed or if otherwise temporarily or permanently fixed to the ground or attached to something having a temporary or permanent location on the ground.

e. Group homes.

f. Home occupations and professional offices other than those defined under ss. 17.03(37) and 17.03(61). See ss. 17.04(1)(g) and 17.04(1)(h).

g. Nursery schools, day nurseries, daycare centers, or child care centers for more than 8 children.

h. Community Based Residential Facilities for more than 8 residents.

2. Agricultural.

a. Fur Farms when located not less than 400 feet from any residential building other than that of the owner of the premises, their agent or their employee, and not less than 200 feet from the right-of-way line of any federal, state, county trunk highway or town road.

b. Feedlots when more than 200 animal units.

c. Poultry operations when more than 10,000 birds.

d. Sawmills when located on the premises for more than 30 days.

e. Dams and flowages.

f. Agriculturally related businesses.

g. Commercial transport trailers or containers to be placed and used for agricultural storage. The wheels of any recreational vehicle, trailer or other similar transportation device shall not be removed or otherwise temporarily or permanently fixed to the ground or attached to something having a temporary or permanent location on the ground by any person in any manner unless a Conditional Use Permit is granted.

h. Farm family businesses as defined in s. 91.75(8), Wis. Stats.

3. Other.

a. Cemeteries and related faith based buildings or structures.

b. Commercial animal establishments.

c. Veterinary services and animal hospitals.

d. Contractor's storage.

e. Commercial mineral extraction generating less than 200 vehicle trips per day.

(e) Dimensional Standards. The following dimensional standards shall apply to the principal residential structure:

1. Height. There shall be a maximum height of 35 feet.

2. Setback. Highway setback lines as provided in s. 17.06 or as established on a recorded subdivision plat or right-of-way plat.

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3. Side yard. There shall be a side yard on each side of the structure. The sum of the widths of the required side yard shall not be less than 20 feet and no single side yard shall be less than 8 feet in width.

4. Rear yard. There shall be a rear yard having a minimum depth of 25 feet.

5. Lot area. There shall be a minimum lot area of 20,000 square feet for each 1 family dwelling.

6. Lot width. There shall be a minimum lot width of 100 feet measured at the Highway or front yard setback line.

(f) Standards for Rezoning.

1. The Department of Agriculture, Trade and Consumer Protection shall be notified of all rezoning out of the farmland preservation district.

2. Decisions on zoning petitions for rezoning areas within a farmland preservation district shall be based on findings that consider the following:

a. The land is better suited for a use not allowed in the farmland preservation zoning district.

b. The rezoning is consistent with any applicable comprehensive plan.

c. The rezoning is substantially consistent with the county certified farmland preservation plan.

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.

e. Adequate public facilities to serve the development are present or will be provided.

f. Provision of these facilities will not be an unreasonable burden to local government.

g. Development will not cause unreasonable air and water pollution, soil erosion or adverse effects on rare or irreplaceable natural areas.

h. The need of the proposed development in an agricultural area.

i. The availability of alternate locations.

j. The productivity of the agricultural land involved.

(g) Provisions which apply to a Conditional Use Permit for feedlots.

1. Pursuant to s. 93.90, Wis. Stats., the County of La Crosse hereby adopts and incorporates the provisions of s. 93.90, Wis. Stats., and Wisconsin Administrative Code, ATCP 51.

2. Expansion. A Conditional Use Permit is required for the expansion of a existing or previously approved livestock facility if the number of animal units kept at the expanded livestock facility will exceed all of the following:

a. Two hundred animal units.

b. A number that is 20% higher than the number kept on May 1, 2006. This 20% requirement shall not apply to expansions that occurred prior to May 1, 2006.

3. Provisions related to waste storage and runoff management facilities.

a. A Conditional Use Permit application, which contains plan modifications to facilities which must meet waste storage and runoff management requirements pursuant to Wisconsin Administrative Code, ATCP 51, shall contain plan modifications certified by a professional engineer or agricultural engineering practitioner in accordance with Wisconsin Administrative Code, ATCP 51, or a person with the appropriate engineering job approval according to Natural Resources Conservation

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Service (NRCS) standards meeting the requirements of Wisconsin Administrative Code, ATCP 51.18 and 51.20.

b. The applicant shall submit as-built plans of constructed facilities, which shall be prepared by a professional engineer or agricultural engineering practitioner or a person with appropriate engineering job approval according to NRCS standards as required for plan modifications by this subsection.

(6) General Agricultural District. In the General Agricultural District no building or premises shall be used and no building shall hereafter be erected or structurally altered unless otherwise provided in this chapter.

(a) Purpose. The purpose of the General Agricultural District is to provide for a buffer between the Exclusive Agricultural District and areas planned for eventual urban development.

(b) Authorized Uses.

1. Residential. Any use authorized in the Exclusive Agricultural District. See s. 17.05(5)(c)1.

2. Agricultural. Any use authorized in the Exclusive Agricultural District. See s. 17.05(5)(c)2.

(c) Conditional Uses. As authorized and regulated in the Exclusive Agricultural District except feedlots for more than 1,000 animal units. See s. 17.05(5)(d).

(d) Dimensional Standards. As authorized and regulated in the Exclusive Agricultural District. See s. 17.05(5)(e).

(e) Standards for Rezoning. As authorized and regulated in the Exclusive Agricultural District. See s. 17.05(5)(f).

(f) Provisions which apply to a Conditional Use Permit for feedlots. As authorized and regulated in the Exclusive Agricultural District except feedlots for more than 1,000 animal units. See s. 17.05(5)(g).

(7) Recreational and Natural Resource District. In the Recreational and Natural Resource District no building or premises shall be used and no building shall hereafter be erected or structurally altered unless otherwise provided in this chapter.

(a) Authorized Uses.

1. Natural Resource Uses.

a. Forest preserves, forestry and the production of forest products.

b. The harvesting of any wild crops such as marsh hay, ferns, moss, berries, nuts or seeds.

c. Plant greenhouses and nurseries.

d. Grazing.

e. Commercial animal establishments.

f. Fur and animal farms.

g. Mines, quarries and gravel pits.

h. Processing of natural resources.

i. Dams, flowages and hydroelectric power and flood control dams, dikes or other structures.

j. Telephone, electric and cable transmission lines and related buildings or structures.

k. Aircraft landing fields, basins and hangers.

l. Fire control structures.

2. Recreational Uses.

a. Public parks, private parks and playgrounds.

b. Campgrounds.

c. Hunting, fishing and trapping cabins.

d. Boat liveries and bait shops.

3. Residential Uses. Existing residences located in areas subject to zoning under this chapter may be continued in residential use and shall not be subject to any limitations imposed or authorized under s. 17.04(4). Such

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residences may be structurally altered and repaired, replaced, or rebuilt if destroyed but are subject to setback, height and other dimensional requirements.

(b) Conditional Uses.

1. One single family dwelling for a watchman, caretaker or supervisor employed on the premises.
2. Hotels and motels.
3. Riding, shooting and hunting clubs.
4. Off road vehicle clubs.
5. Any use generating more than 200 vehicle trips per day.

(c) Dimensional Standards. The following dimensional standards shall apply to structures:

1. Height. The maximum height for the principal residential structure shall be 35 feet.
2. Setback. Highway setback lines as provided in s. 17.06 or as established on a recorded subdivision plat or right-of-way plat.
3. Side yard. There shall be a side yard on each side of the structure as follows:

- a. The sum of the widths of the required side yard for the principal residential structure shall not be less than 20 feet and no single side yard shall be less than 8 feet in width.

- b. There shall be a minimum side yard on both sides for all other structures of 25 feet.

4. Rear yard. There shall be a rear yard having a minimum depth of 25 feet.

5. Lot Area. There shall be a minimum lot area as follows:

- a. One single family dwelling for a watchman, caretaker or supervisor employed on the premises shall have a minimum lot area of 20,000 square feet.

- b. Campgrounds shall be a minimum of 5 acres in size and shall provide a minimum lot area of 1,000 square feet per recreational vehicle.

6. Lot Width. There shall be a minimum lot width for the principal residential structure of 100 feet measured at the Highway or front yard setback line.

(8) Commercial District. In the Commercial District no building or premises shall be used and no building shall be hereafter erected or structurally altered unless otherwise provided in this chapter. When a property with commercial zoning is being used for both commercial and residential uses, the height, side yard, lot area and lot width shall be regulated by the principal use of the property.

(a) Authorized Uses.

1. Residential. Any use authorized in Residential District "C". See s. 17.05(3)(a).

2. Commercial.

- a. Retail businesses.
- b. Wholesale businesses.
- c. Offices.
- d. Service industry businesses.
- e. Warehouses under 100,000 square feet not to exceed 2 stories in height.

- f. Commercial animal establishments.

- g. Any other uses similar in character and the processing or treatment of products clearly incidental to the conduct of any of the above uses on the premises.

(b) Conditional Uses.

1. Light manufacturing and assembly.
2. Distribution businesses.

(232-11/12)

3. Warehouses over 100,000 square feet.
4. Truck terminals and freight houses.
5. Commercial transport trailers or containers to be placed and used for business related storage.
6. One detached accessory residential dwelling unit on the same parcel or lot subject to the Table in s. 17.14(1). The lot area must be twice the minimum as specified in s. 17.05(3)(c)5.

(c) Dimensional Standards. The following dimensional standards shall apply to structures:

1. Residential. As authorized and regulated in Residential District "C". See s. 17.05(3)(c).

2. Non-residential. For non-residential structures the following shall apply:

a. Height. There shall be a maximum height of 45 feet.

b. Setback. Highway setback lines as provided in s. 17.06 or as established on a recorded subdivision plat or right-of-way plat.

c. Side yard. There shall be a minimum side yard on both sides of the structure of 25 feet.

d. Rear yard. There shall be a rear yard having a minimum depth of 25 feet.

e. Lot Coverage. The total ground floor of every building or part of a building hereafter erected or structurally altered shall not exceed 35% of the total lot area.

(9) Light Industrial District. In the Light Industrial District no building or premises shall be used and no building hereafter shall be erected or structurally altered unless as provided in this chapter. Authorized uses and/or approved conditional uses shall not produce odors, noise, vibration, glare or heat of such nature or quantity as to be obnoxious or unhealthful outside the premises. The guide for determining measurement and control shall be standards set in the Wisconsin Administrative Code.

(a) Authorized Uses.

1. Any use as authorized in the Commercial District except new residential uses. See s. 17.05(8)(a). However, residential structures existing on the date of adoption of this chapter shall not be subject to any limitations imposed or authorized for non-conforming structures or uses under s. 17.04(4). Such residences may be structurally altered and repaired, replaced, or rebuilt if destroyed but are subject to setback, height and other dimensional requirements. An increase in density of residential use is not authorized under this section.

2. Light manufacturing and assembly.

3. Distribution businesses.

4. Warehouses.

5. Truck terminals and freight houses.

6. Any other uses similar in character and the processing or treatment of products clearly incidental to the conduct of any of the above uses on the premises.

(b) Conditional Uses.

1. Manufacturing and assembly businesses.

2. Commercial transport trailers or containers to be placed and used for business related storage.

(c) Dimensional Standards. As authorized and regulated in the Commercial District. See s. 17.05(8)(c)2.

(10) Industrial District. In the Industrial District no building or premises shall be used and no building hereafter shall be erected or structurally altered unless as provided in this chapter. Authorized uses and/or approved conditional uses may produce odors, noise, vibration, glare or heat on the premises.

(a) Authorized Uses.

(233-11/12)

See s. 17.05(9)(a).

1. Any use authorized in the Light Industrial District.
2. Manufacturing and assembly businesses.
3. Commercial transport trailers or containers to be placed and used for business related storage.
4. Any other uses similar in character and the processing or treatment of products clearly incidental to the conduct of any of the above uses on the premises.

(b) Conditional Uses.

1. Abattoirs, except for the slaughter of poultry.
2. Acid manufacturing.
3. Cement, lime, gypsum or plaster of paris manufacturing.
4. Distillation of Bones.
5. Explosives manufacturing or storage.
6. Fat rendering.
7. Fertilizer manufacturing.
8. Garbage, rubbish, offal or dead animal reduction or dumping.
9. Garbage, trash or recycling transfer stations or facilities.
10. Glue manufacturing.
11. Junk or salvage yards. See s. 17.04(6).
12. Petroleum refining.
13. Smelting of tin, copper, zinc or iron ores.
14. Stockyards.
15. Asphalt or concrete plants.
16. Any use generating more than 200 vehicle trips per day.

(c) Dimensional Standards. The following dimensional standards shall apply to structures:

1. Height. There shall be a maximum height of 60 feet in height.
2. Setback. Highway setback lines as provided in s. 17.06 or as established on a recorded subdivision plat or right-of-way plat.
3. Side yard. There shall be a minimum side yard on both sides of the structure of 10 feet.
4. Rear yard. There shall be a rear yard having a minimum depth of 25 feet.

(11) Manufactured Home Community District. In the Manufactured Home Community District no building or premises shall be used and no building shall hereafter be erected or structurally altered unless otherwise provided in this chapter.

(a) Manufactured Home Community Plan. All newly created Manufactured Home Communities and expansions of existing communities after adoption of this chapter must meet the following permit requirements and standards. After submission and approval of a Manufactured Community Plan, the Department shall issue a permit. A Manufactured Community Plan must address the following:

1. Delineates all utilities such as, but not limited to, stormwater, sanitary, electrical, cable, telephone and water.
2. Delineates locations of all proposed utility buildings and other structures incidental to the park operation such as, but not limited to, well houses, laundry facilities, community shelters, sanitary facilities, and storage buildings.
3. Delineates and defines all roadways within the community.
4. Delineates the foundation envelope for each Manufactured Home Site.

(234-11/12)

5. Delineates all Manufactured Home Site boundaries by corner markers or other adequate monumentation methods.

6. Delineates all private roadways and/or highway right-of-ways and identifies the appropriate setbacks.

7. Delineates all parking areas.

8. Delineates all property topography with a minimum of 5 foot contours.

9. Delineates all shoreland district boundaries, navigable waters, drainage patterns and floodplain.

(b) Authorized Uses.

Stats.

mobile homes.

1. Manufactured homes as defined in s. 101.91(2), Wis.

2. Mobile homes.

3. Occasional sales of privately owned manufactured or

4. Professional offices. See s. 17.04(1)(g).

5. Home occupations. See s. 17.04(1)(h).

6. Barber shops. See s. 17.04(1)(g).

7. Beauty parlors. See s. 17.04(1)(g).

8. Nursery schools, day nurseries, daycare centers, and child care centers for 8 or less children.

9. Additions to a principal dwelling in compliance with the provisions of this code and written approval from the park manager.

10. One detached accessory building per Manufactured Home Site with a maximum size of 144 square feet and written approval from the park manager.

11. Utility and accessory buildings incidental to the Manufactured Home Community operations.

12. Park office.

13. Storage units for manufactured home community residents.

(c) Conditional Uses.

a. Manufactured homes with a width of more than 16 feet. For a manufactured home with a width greater than 20 feet, the manufactured home site must be twice the area limit minimum as outlined as provided in s. 17.05(11)(d)7. All other dimensional standards shall remain the same.

b. Storage units for persons other than Manufactured Home Community residents.

(d) Dimensional Standards. The following dimensional standards shall apply:

1. Height.

a. All manufactured homes and detached accessory building shall have a maximum height of 15 feet.

b. All other buildings and structures, including the park office, incidental to the Manufactured Home Community operations shall have a maximum height of 35 feet.

2. Setback. All buildings, structures, manufactured homes and additions thereto must meet the applicable Highway setback lines as provided in s. 17.06.

3. Perimeter Setback. All buildings, structures, manufactured homes and additions thereto must meet a minimum 25 foot setback from the boundary of the Manufactured Home Community.

4. Roadway. All buildings, structures, manufactured homes and additions thereto must meet a minimum 20 foot setback from any roadway within the Manufactured Home Community.

5. Side yard.

(235-11/12)

a. All manufactured homes and additions thereto must meet a minimum combined side yard of 20 feet with a minimum of 8 feet on 1 side from the boundary of the Manufactured Home Site.

b. All detached accessory buildings must meet a minimum side yard of 3 feet from the boundary of the Manufactured Home Site.

6. Rear yard.

a. All manufactured homes and additions thereto must meet a minimum 20 foot rear yard from the boundary of the Manufactured Home Site.

b. All detached accessory buildings must meet a minimum rear yard of 3 feet from the boundary of the Manufactured Home Site.

7. Lot Area. All Manufactured Home Communities must be a minimum of 5 acres in size. All Manufactured Home Sites must provide a minimum of 5,000 square feet per dwelling unit.

8. Lot Width. All manufactured home sites must be a minimum of 50 feet wide along the frontage of any roadway or site access.

(e) General Provisions.

1. Manufactured home sales other than resale of existing homes within the park are prohibited.

2. Manufactured Home Communities must provide at least 5% of the Manufactured Home Community area to be used and dedicated for public recreational uses.

3. All Manufactured Home Communities must provide an on-site park office.

(12) Public Facilities and Institutional District. In the Public Facilities and Institutional District no building or premises shall be used and no building hereafter shall be erected or structurally altered unless as provided in this chapter.

(a) Authorized Uses.

1. Faith based buildings or structures.
2. Schools.
3. Libraries.
4. Colleges and dormitories.
5. Municipal buildings, structures, and parking facilities.
6. Recreational and community centers.
7. Cemeteries.
8. Public airports.

(b) Conditional Uses.

1. Sewage treatment facilities.

2. Municipal solid waste facilities.

3. Garbage, trash or recycling transfer stations or facilities.

4. Correctional facilities.
5. Telecommunications facilities.
6. Private aircraft landing fields, basins and hangers.

(c) Dimensional Standards. The following dimensional standards shall apply to buildings and structures:

1. Height. There shall be a maximum height of 60 feet.
2. Setback. Highway setback lines as provided in s. 17.06 or as established on a recorded subdivision plat or right-of-way plat.
3. Side yard. There shall be a minimum side yard on both sides of the structure of 25 feet.
4. Rear yard. There shall be a rear yard having a minimum depth of 25 feet.

(236-11/12)

5. Lot Coverage. The total ground floor of every building or part of a building hereafter erected or structurally altered shall not exceed 35% of the total lot area.

17.06 HIGHWAY SETBACKS LINES.

(1) Setback Lines Established. In order to promote the public safety, general welfare and convenience, it is necessary that highway setback lines be established in La Crosse County outside the limits of incorporated cities and villages.

(a) Setback lines are hereby established along all public highways, at the intersections of highways with highways and highways with railways as hereafter provided.

(b) Where a highway is located on a city or village boundary, this section is not intended to be effective on the side within the city or village.

(c) Where a highway is located along the boundary with another county, this section is not intended to be effective on the side within the adjacent county.

(2) Classes of Highways.

(a) Class 1 Highway. Improved or unimproved Town Roads or other public roads not identified as a Class 2 or 3 Highway.

(b) Class 2 Highway. Improved or unimproved County Roads.

(c) Class 3 Highway. Improved or unimproved State or Federal Roads.

(3) Setback Distances.

(a) Whenever a highway is improved to a classification requiring a greater setback distance than what is required by this chapter prior to such improvement, the setback distance of the latter classification shall be applicable.

(b) Recorded subdivision plats or right-of-way plans may require a different setback than what is listed in this chapter. The setback lines established by such plat or plan will be enforced even if such setback is less restrictive than this chapter.

(c) In cases where the provisions of this section may be interpreted to provide for different setback distances, the greater setback distance shall be enforced.

(d) The setback distances for the respective highway classes shall be as follows:

1. Class 1 Highway. Sixty feet from the centerline but not less than 25 feet from the highway right-of-way line.

2. Class 2 and 3 Highway. Eighty feet from the centerline but not less than 50 feet from the highway right-of-way line.

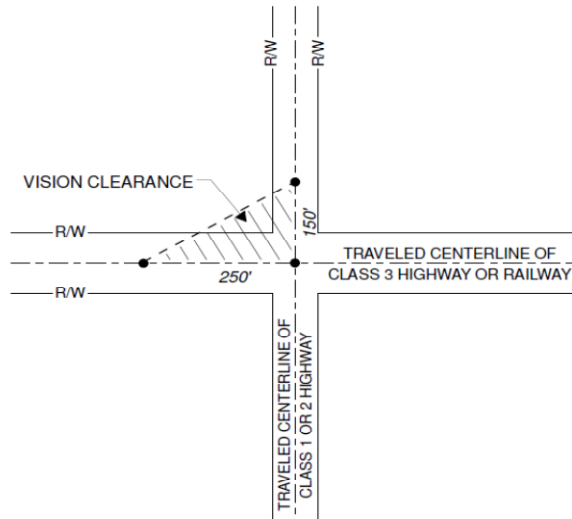
3. For a parcel which does not abut a Class 1, 2, or 3 Highway, a 25 foot front yard setback shall apply.

(4) Vision Clearance. There shall be an area of vision clearance at all highway and railway intersections. The vision clearance shall be an area calculated by connecting the endpoints of line segments which begin at the vertex of an intersection thence along the traveled centerlines away from the vertex for a measured distance of:

(a) One hundred and fifty feet along the traveled centerline of a Class 1 and 2 Highway.

(b) Two hundred and fifty feet along the traveled centerline of a Class 3 Highway and the centerline of a railway.

(c) Typical Vision Clearance Diagram.



(5) Structures Allowed Within Highway Setbacks. The following may be placed between the setback lines but shall not be placed within the highway right-of-way.

- (a) Open fences.
- (b) Parking lots.
- (c) Utility transmission lines & power poles.
- (d) Utility structures not exceeding 64 square feet in size and 5 feet in height. Provided however that such structure is not placed within the vision clearance area.

(e) Underground structures not capable of being used as foundations for future prohibited structures.

(f) The planting of shrubs, trees or other ornamental vegetation and the planting and harvesting of field crops, provided however that such planting does not occur within the vision clearance area.

(g) Other landscaping or ornamental features which do not exceed 16 square feet in area and 6 feet in height.

(h) Retaining walls that do not obstruct vision.

(i) Structures for public use such as bus shelters, salt boxes, drinking fountains, etc.

(6) Structures Prohibited within Highway Setbacks.

(a) No new building or structure or part thereof shall be placed within the setback, except as otherwise provided in this chapter. Buildings, signs or structures existing between the established setback lines on the adoption date of this chapter shall be considered non-conforming and therefore subject to s. 17.04(4) of this chapter.

(b) Solid fences.

17.07 BOARD OF ADJUSTMENT PROVISIONS.

(1) Establishment.

(a) The Board of Adjustment shall consist of 3 members appointed by the Chairperson of the County Board with the approval of the County Board for terms of 3 years, beginning July 1. The incumbent members shall continue to serve until their terms expire. Members of the Board and alternate members to the Board shall all reside within the county and outside the limits of any incorporated cities and villages within the county, provided however that no 2 members shall be from the same town. One member of the Board may be a member of the County Board. The County Board may allow the same compensation for members of the Board as is allowed County Board members for attendance at committee meetings. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. The Board shall choose its own Chair.

(b) The County Board Chairperson shall appoint 2 alternate members to the Board who are subject to the approval of the County Board. Annually, the

Chairperson of the County Board shall designate 1 of the alternate members as the first alternate and the other as the second alternate. The first alternate shall act, with full power, only when a member of the Board refuses to vote because of a conflict of interest or when a member is absent. The second alternate shall act only when the first alternate refuses to vote because of a conflict of interest or is absent, or if more than 1 member of the Board refuses to vote because of a conflict of interest or are absent.

(2) Rules and Procedures. The Board shall adopt rules for the conduct of business of the Board. The Board may adopt further rules as necessary to carry into effect the regulations of the County Board. Meetings shall be held at the call of the Chairperson and at such times as the Board may determine. The Chairperson, or in his or her absence, the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member on each question, or, if absent or failing to vote, indicating such fact. All records of the Board shall be immediately filed with the office of the Board and shall be a public record.

(3) Appeals.

(a) An appeal to the Board may be taken by any aggrieved person, or by any officer, department, board or bureau of the municipality affected by any decision of the Administrator. Such appeal shall be taken within a reasonable time period, as provided by the rules of the Board, by filing with the Administrator and with the Board, a notice of appeal in writing, specifying the grounds thereof. The Administrator shall then transmit to the Board all the papers constituting the records upon which the action appealed from was taken. The Chairperson shall fix a date for hearing the appeal and cause notice thereof to all parties in interest as provided by the rules of the Board.

(b) Any person appealing to the Board from the determination of the Administrator shall pay an application fee. If the appeal is made for a variance after construction has commenced, the variance shall be considered after-the-fact.

(4) Powers. The Board shall have the following powers:

(a) To hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made by the Administrator.

(b) To authorize upon appeal in specific cases, such variance to the terms of this chapter ordinance, as will not be contrary to the public interest, where, owing to special conditions peculiar to a specific lot or tract of land, a literal enforcement will result in an unnecessary hardship, and so that the spirit of this chapter shall be observed and substantial justice done. In every case where a variance from these regulations has been granted by the Board, the minutes of the Board shall affirmatively show that an unnecessary hardship exists and the records of the Board shall clearly show in what particular and specific respects an unnecessary hardship is created.

(c) To grant special exceptions and variances for renewable energy resource systems. If the Board denies an application for a special exception or variances for such a system, the Board shall provide a written statement of the reasons for denying the application.

(d) To reverse or affirm wholly or in part or modify any order requirement, determination or decision appealed from and shall make such order, requirement, decision or determination as ought to be made on the premises and to that end shall have all the powers of the Administrator. The concurring vote of 2 members of the Board shall be necessary to reverse any action appealed from or to decide in favor of the applicant on any matter on which it is required to pass or to effect any variation in the requirements of this chapter.

(e) To call on any other county department or official for assistance in the performance of its duties, and it shall be the duty of each other department and official to render such assistance as may be reasonably required.

(f) No action of the Board shall have the effect of permitting in any district uses prohibited in that district.

(g) In exercising any of the foregoing powers, the Board may, in appropriate cases establish suitable conditions and safeguards in harmony with the general purpose and intent of this chapter.

(239-11/12)

17.08 ADMINISTRATION AND ENFORCEMENT. This chapter shall be enforced by the Administrator. The Administrator shall have the following duties in connection with the enforcement of this chapter:

(1) Keep records of all violations to the terms of this chapter and report such violations to the respective property owner for resolution.

(2) Issue citations for forfeitures for violations of this chapter when necessary.

(3) Post stop work orders for any activity that has commenced prior to the issuance of a required Zoning/Occupancy Permit.

(4) Keep records of all existing non-conforming structures or buildings as established by this chapter. Such record shall be kept current and shall show any such buildings or structures that are removed if damaged to the extent that their reconstruction will be contrary to this chapter. These records are to include:

(a) The distance of said structure or building from the centerline and/or property line.

(b) The size of said structure or building.

(c) The type of construction and use.

(d) The location and quarter section of said structure or building.

(e) Names and addresses of the owners and/or occupant(s) and the date on which the record is made.

(5) Issue Zoning/Occupancy Permits. The Administrator shall issue Zoning/Occupancy Permits prior to construction activities such as, but not limited to, the construction or erection of any new building or structure, the change in use of any existing building or structure, or the structural alteration or addition to any existing building or structure.

(a) If the Administrator finds that the proposed Zoning/Occupancy Permit Application will not be in violation of this or any other ordinance, the Administrator shall issue a Zoning/Occupancy Permit. The Administrator shall retain one copy of the permit and any pertinent application materials and return any other documents and an approved permit to the applicant.

(b) If the Administrator finds that the proposed Zoning/Occupancy Permit Application is not in compliance with the provisions of this Chapter, the Administrator will deny such application and inform the applicant of the reasons for denial.

(c) Zoning/Occupancy Permit Applications shall be issued or the application shall be denied within 10 days after receipt of the application.

(d) A Zoning/Occupancy Permit shall not be issued without prior issuance of any other applicable permit, such as but not limited to: Sanitary Permit, Well Permit, Erosion Control Permit, Stormwater Permit, Driveway Permit or Conditional Use Permit.

(e) A Zoning/Occupancy Permit is not required for agricultural buildings constructed on a farm. The Administrator shall provide forms, which the property owner shall submit to the Department, certifying that an existing or proposed structure will be used solely for agricultural purposes.

(f) A Zoning/Occupancy Permit is not required for accessory buildings 100 square feet or less. All lots and accessory buildings shall meet the requirements as specified in the Table in s. 17.14(1).

(g) A separate Zoning/Occupancy Permit is required for each unit within a Condominium Plat where the units are not connected to one another.

(h) A separate Zoning/Occupancy Permit is required for each building within a Planned Unit Development (PUD).

(i) If activity has commenced prior to the issuance of a Zoning/Occupancy Permit, any Zoning/Occupancy Permit issued for said activity will be considered an after-the-fact permit.

(j) Zoning/Occupancy Permits issued after the effective date of this ordinance shall expire 24 months from the date of issuance.

(240-11/12)

17.09 ZONING/OCCUPANCY PERMIT APPLICATIONS.

(1) Zoning/Occupancy Permit Applications shall be made on forms provided by the Department and all applications shall include:

- (a) A map in duplicate, drawn to scale showing:
 - 1. The location, shape and dimensions of the parcel or lot to be built on.
 - 2. The location and dimensions of all existing and proposed construction.
 - 3. The dimensions necessary to determine the exact location of the proposed building or structure on the parcel or lot.
 - 4. The location of all existing or proposed septic systems and private wells.
- (b) The proposed use of any existing or proposed buildings or structures.
- (c) The height of all existing and proposed buildings or structures.
- (d) The estimated cost of any new construction activity.
- (e) Any other information deemed necessary to ensure compliance with this chapter.
- (f) Application fee. See s. 17.13.

(2) Signed applications that are made under oath and any willfully false statement in the application shall subject the person making the application to the penalties of this chapter, in addition to other penalties for false swearing.

(3) A Zoning/Occupancy Placard shall be posted on the premises so as to be visible from the highway at all times until such construction has been completed.

17.10 PUBLIC HEARING PROCEDURES. Text and map amendments, conditional use permits and special exception permits are subject to the following procedures:

(1) Applications for text or map amendments, conditional use permits and special exception permits shall be made in accordance with the procedures provided in s. 59.69(5)(e)1., Wis. Stats. In addition to the procedures provided for public hearings by s. 59.69(5)(e)2., Wis. Stats., the County shall notify adjoining property owners in writing of the date and place of a public hearing of the requested zoning amendment. Adjoining owners are all owners of property adjacent to the entire parcel owned by the Petitioner, whether or not the entire parcel or a portion of the property is sought to be rezoned.

(2) If activities or uses relating to a text or map amendment, conditional use permit or special exception permit have commenced prior to application for said amendment, conditional use permit or special exception permit, the application shall be considered after-the-fact.

(3) After an application for a text or map amendment or conditional use permit has been heard and denied, no other petition or application affecting the same property or portion thereof requesting the same change may be filed and heard for a period of 1 year from the date of said denial.

(4) Once a public hearing is held on a text or map amendment or conditional use permit, the amendment or application cannot be withdrawn unless a majority vote of the Committee approves such withdrawal at said public hearing.

(5) Applications shall be made on forms furnished by the Department and shall include the following:

- (a) A map in duplicate, drawn to a minimum scale of 1" to 100' showing:
 - 1. The parcel boundaries and its legal description.
 - 2. The legal description of the area affected.
 - 3. The location of all structures, existing and proposed on the property, all roads, wells, sanitary sewers, stormwater drainage and any other pertinent information.
 - 4. The ordinary high-water mark of any navigable waters within 300 feet of parcel boundaries.

(241-11/12)

(b) Application fee. See s. 17.13. Any costs incurred by the Department in obtaining legal, planning, engineering and/or other technical and professional assistance in connection with the review of a text or map amendment, conditional use permit or special exception permit and preparation of conditions to be imposed on such uses shall be charged to the applicant. If required by the Department, a fee covering such costs shall accompany the application fee.

(c) An impact statement summarizing the impacts of the proposed application to the property and its surrounding properties.

(d) Any additional information deemed necessary to ensure compliance with this chapter.

(6) Upon submittal of an application a public hearing shall be held at a regular meeting of the Committee.

(7) If the Committee determines that an application is not complete and postpones the public hearing, the applicant shall be required to pay an additional application fee.

17.11 VIOLATIONS AND PENALTIES.

(1) Any person, firm or corporation who violates, disobeys, neglects, omits or refuses to comply with or who resists the enforcement of any provisions of this chapter, shall, upon conviction or order for removal by a court, remove any structure or part thereof which violates the terms of this chapter within 30 days of such conviction or order. Upon failing to do so, the county may remove or request the appropriate Town to remove such structure or part thereof which violates the terms of this chapter and the cost of such removal shall become a lien or special assessment upon the property.

(2) Any person, firm or corporation who violates, disobeys, neglects, omits or refuses to comply with or who resists the enforcement of any provisions of this chapter may also be required, upon conviction, to forfeit not less than \$100, nor more than \$500 for each offense, together with the costs of prosecution. Failure to pay said forfeiture may result in imprisonment in the county jail until such forfeiture and costs are paid, but not to exceed 30 days.

(3) Each day that a violation exists or continues may be considered a separate offense.

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

17.13 DEPARTMENT FEES. The fees under this chapter shall be determined by the County Board.

17.14 ORDINANCE TABLES

(1) Accessory Buildings. Accessory buildings shall comply with the requirements of the following table. These standards may not apply in certain situations where the lot is within a Shoreland Zoning District. See Chapter 20 of the La Crosse County Code of Ordinances for Shoreland Zoning.

LOT SIZE	00 - 7,500 S.F.	7,501 S.F. -1 AC.	11.01 -3 AC.	33.01 - 5 AC.	55.01 -10 AC.	110.01+ AC.
HEIGHT	17'	17'	17'	17'	21'	40'
AREA S.F.	576	768	1,008	1,500	3,200	5,000
FRONT YARD	See 17.06 Highway Setback Lines					
SIDE YARD	3'	3'	3'	5'	5'	10'
REAR YARD	3'	3'	3'	5'	5'	10'
NUMBER OF BUILDINGS	1	2	2	3	3	3

(2) Original date of adoption of farmland preservation zoning by towns. These dates shall be used when determining if a residence is defined as pre-existing under 17.03(58) and 17.05(5)(c)1.a.

<u>Town</u>	<u>Original Date of Adoption</u>
Bangor	August 19, 1982
Barre	November 11, 1980
Burns	July 21, 1983
Campbell	Did not adopt
Farmington	November 12, 1980
Greenfield	November 12, 1980
Hamilton	November 18, 1982
Holland	September 19, 1985
Medary	Did not adopt
Onalaska	November 19, 1980
Shelby	November 17, 1980
Washington	November 12, 1980

Section 2. This Ordinance shall take effect the day after passage and publication as required by law.

TARA JOHNSON, County Board Chair

GINNY DANKMEYER, County Clerk

PLANNING, RESOURCES AND DEVELOPMENT COMMITTEE

Motion by D. Meyer/M. Pedretti to approve. Discussion ensued. Interim Zoning, Planning & Land Information Director Nathan Sampson recapped the section references and animal unit changes for the amendment. Motion by M. Pedretti/R. Plesha to amend the section references and animal unit definition changes passed on a unanimous voice vote with 31 ayes, 4 excused - J. Billings, B. Brockmiller, T. Gamroth and J. Schroeder. Motion by R. Ebert/B. Feehan to amend section 17.08(5)(f) from 100 square feet to 144 square feet. Discussion ensued. Motion to amend failed on a roll call vote with 16 nays, 15 ayes - A. Benrud, J. Berns, D. Bina, R. Ebert, B. Feehan, D. Ferries, B. Flood, R. Geary, R. Keil, D. Manthei, L. Pfaff, R. Plesha, A. Richmond, G. Sebranek and T. Wehrs, 4 excused - J. Billings, B. Brockmiller, T. Gamroth and J. Schroeder. Discussion continued. Motion by T. Wehrs/D. Bina to amend section 17.05(g)2a by changing 200 to 500 animal units. Discussion ensued. Planner Charlie Handy responded to questions from the Board. Motion to close debate. There was only one supervisor left to speak. The motion to amend failed on a roll call vote with 23 nays, 7 ayes - D. Bina, R. Ebert, B. Feehan, R. Keil, D. Manthei, L. Pfaff and T. Wehrs, 1 abstention - R. Geary, 4 excused - J. Billings, B. Brockmiller, T. Gamroth and J. Schroeder. The motion to approve, as amended, passed on a roll call vote with 27 ayes, 4 nays - D. Bina, R. Ebert, B. Feehan and R. Keil, 4 excused - J. Billings, B. Brockmiller, T. Gamroth and J. Schroeder.

FIRST CONSIDERATION OF ORDINANCE

ORDINANCE NO. 90 TO CREATE CHAPTER 33 ENTITLED "REGULATION OF OUTDOOR ADVERTISING" OF THE GENERAL CODE OF LA CROSSE COUNTY, WISCONSIN

Motion by D. Meyer/M. Pedretti to move the first reading. Discussion ensued. Planner Charlie Handy spoke of the major changes made at the recent Planning, Resources and Development Committee Meeting. **Motion** by M. Pedretti/T. Wehrs to amend 33.02(17) Fronting on a Class 4 Highway to read: Any parcel which is adjacent to a Class 4 Highway passed on a unanimous voice vote with 31 ayes, 4 excused - J. Billings, B. Brockmiller, T. Gamroth and J. Schroeder. **Motion** by M. Pedretti/T. Wehrs to amend 33.04(9)(b)3 to read: May not be located within 300 feet of a Residential or Public District Line passed on a unanimous voice vote with 31 ayes, 4 excused - J. Billings, B. Brockmiller, T. Gamroth and J. Schroeder. **Motion** by M. Pedretti/D. Meyer to amend 33.04(5)(a) to read: Signs facing a Residential District. Any sign greater than 32 square feet per side shall not be allowed to face a RPA District, within 100 feet of such district boundary for non-illuminated signs and within 300 feet of such district boundary if the sign is an illuminated sign. Discussion

ensued. Planner Charlie Handy responded to questions from the Board. Lengthy discussion continued. The **motion** to amend passed on a roll call vote with 18 ayes, 13 nays - A. Benrud, J. Berns, J. Bilskemper, D. Bina, R. Ebert, B. Feehan, D. Ferries, R. Geary, R. Keil, D. Manthei, A. Richmond, G. Sebranek and T. Wehrs, 4 excused - J. Billings, B. Brockmiller, T. Gamroth and J. Schroeder. **Motion** by R. Ebert/B. Feehan to amend 33.01(2) to add (d) Signs are invaluable marketing tool for businesses and organizations as well as a vial component of way-finding for residents and visitors alike. Discussion ensued. The **motion** to amend passed on a voice vote with 23 ayes, 7 nays - B. Flood, S. Hampson, K. Johnson, J. Johnson, A. Kader, M. Kruse and B. Mach, 5 excused - J. Billings, J. Bilskemper, B. Brockmiller, T. Gamroth and J. Schroeder. Discussion continued. **Motion** by M. Freedland/M. Kruse to amend 33.04(9)(b)7 to read: Length of Messages. Each message change shall be accomplished in 1 second or less, and each message shall remain in a fixed position for a minimum of 8 seconds. (Freedland Amendment #1) Discussion ensued. **Motion** by S. Doyle/B. Feehan to send Freedland Amendment #1 back to Planning, Resources & Development Committee (PRD) for consideration with expectation that it comes back next month. Discussion ensued. Corporation Counsel David Lange responded to questions from Board. Supervisor Doyle asked Chair T. Johnson for her ruling on whether this motion is a major or minor amendment. Her ruling was it is considered a major change. The Chair called for a vote. The ruling of the Chair has been challenged on ending debate. Corporation Counsel Dave Lange ruled that a challenge to the Chair's rule cannot happen during a roll call vote. **Motion** to send Freedland Amendment #1 back to PRD for consideration failed on a roll call vote with 16 nays, 13 ayes - A. Benrud, J. Berns, D. Bina, S. Doyle, B. Feehan, D. Ferries, R. Geary, S. Hampson, R. Keil, D. Manthei, D. Meyer, L. Pfaff and A. Richmond, 6 excused - J. Billings, J. Bilskemper, B. Brockmiller, R. Ebert, T. Gamroth and J. Schroeder. **Motion** by A. Richmond/B. Feehan to send entire Sign Ordinance back to Planning, Resources & Development Committee. Discussion ensued. **Motion** to send entire ordinance back to PRD failed on a roll call vote with 25 nays, 5 ayes - D. Bina, B. Feehan, D. Ferries, R. Keil and A. Richmond, 5 excused - J. Billings, J. Bilskemper, B. Brockmiller, T. Gamroth and J. Schroeder. **Motion** by G. Sebranek/J. Medinger to limit debate to one time per speaker passed on a voice vote with 21 ayes, 9 nays - J. Berns, V. Burke, R. Ebert, D. Ferries, M. Freedland, S. Hampson, D. Meyer, M. Pedretti and T. Wehrs, 5 excused - J. Billings, J. Bilskemper, B. Brockmiller, T. Gamroth and J. Schroeder. The **motion** to amend the length of message from 4 seconds to 8 seconds passed on a roll call vote with 18 ayes, 10 nays - J. Berns, D. Bina, S. Doyle, R. Ebert, D. Ferries, R. Geary, D. Manthei, D. Meyer, C. Spiker and T. Wehrs, 1 abstention - R. Keil, 1 absent at vote - B. Feehan, 5 excused - J. Billings, J. Bilskemper, B. Brockmiller, T. Gamroth and J. Schroeder. **Motion** by M. Freedland/M. Pedretti to amend 33.04(9)(b)3 to read: On premise electronic signs shall be allowed subject to the following: May not be located within 300' of an RPA District, Must have a setback of 400 feet if 40 square feet or larger, and Must have a setback of 600 feet if 100 square feet or larger. Discussion ensued. Planner Charlie Handy responded to questions from the Board. **Motion** M. Freedland/A. Kader to amend the amendment by changing the wording to: Must have a setback of 400 feet from the RPA District if 40 square feet or larger, and must have a setback of 600 feet from the RPA District if 100 square feet. Discussion continued. The **motion** to amend the amendment failed on a roll call vote with 21 nays, 9 ayes - A. Benrud, D. Ferries, M. Freedland, J. Johnson, J. Medinger, L. Pfaff, R. Plesha, G. Sebranek and C. Spiker, 5 excused - J. Billings, J. Bilskemper, B. Brockmiller, T. Gamroth and J. Schroeder. **Motion** by S. Doyle/M. Freedland to make 33.04(9)(b)3 to read: May not be located within 400 feet of a Residential or Public District line if 40 square feet or larger and may not be located within 500 feet of a Residential or Public District line if 100 square feet. Discussion ensued. The **motion** to amend the amendment passed on a roll call vote with 16 ayes, 14 nays - J. Berns, D. Bina, S. Doyle, R. Ebert, B. Feehan, D. Ferries, R. Geary, J. Johnson, R. Keil, D. Manthei, D. Meyer, A. Richmond, C. Spiker and T. Wehrs, 5 excused - J. Billings, J. Bilskemper, B. Brockmiller, T. Gamroth and J. Schroeder. The **motion** to amend failed on a roll call vote with 15 ayes - A. Benrud, V. Burke, B. Flood, M. Freedland, S. Hampson, T. Johnson, K. Johnson, A. Kader, M. Kruse, B. Mach, J. Medinger, M. Pedretti, L. Pfaff, R. Plesha and M. Wood, 15 nays - J. Berns, D. Bina, S. Doyle, R. Ebert, B. Feehan, D. Ferries,

(244-11/12)

R. Geary, J. Johnson, R. Keil, D. Manthei, D. Meyer, A. Richmond, G. Sebranek, C. Spiker and T. Wehrs, 5 excused - J. Billings, J. Bilskemper, B. Brockmiller, T. Gamroth and J. Schroeder. Administrator O'Malley responded to questions from the Board. Lengthy discussion continued.

The ordinance will be held over for 30 days and is on file and open for public inspection in the office of the County Clerk and on the La Crosse County website at www.co.la-crosse.wi.us. Upon adoption and publication it will be incorporated into the La Crosse County General Code of Ordinances.

AGENDA ORDER: Chair Johnson asked for unanimous consent to take item #1-18 Re: Approve Funding Share for Conceptual Alternative Study of I-90 Interchange at Exit 3. There were no objections.

RESOLUTION NO. 83-1/12 RE: APPROVE FUNDING SHARE FOR CONCEPTUAL ALTERNATIVE STUDY OF I-90 INTERCHANGE AT EXIT 3

WHEREAS, a group of area business leaders including representatives of the City of La Crosse Northside Business Association presented their hopes for a study of options to realign the Exit 3 interchange at I-90 to accommodate greater economic development of the waterfront entrance to the Cities of La Crosse and Onalaska; and **WHEREAS**, the La Crosse Area Planning Committee has made a request to the Wisconsin Department of Transportation (DOT) to delay the USH53/I-90/STH 35 interchange project (Exit 3) to assess the options for economic development throughout the corridor; and, **WHEREAS**, the County Administrator and Highway Commissioner are taking the lead on facilitating discussions regarding a study of the options for realignment; and, **WHEREAS**, the DOT has developed a revised scope of work to prepare two options for realignment of the interchange to accommodate economic development along the waterfront, with an identified local cost of \$49,000 to be divided as follows: LAPC \$34,000, City of La Crosse \$10,000 and La Crosse County \$5,000. **NOW THEREFORE BE IT RESOLVED** that the La Crosse County Board does hereby approve up to \$5,000 toward the Conceptual Alternative Study of the I-90 Interchange at Exit 3, contingent upon approval of the funding shares among the parties. **BE IT FURTHER RESOLVED**, that the County Board Chair is authorized to approve the Work Order and sign any necessary documents to accomplish the purposes of this resolution, after approval by the Corporation Counsel. **FISCAL NOTE:** The total cost to La Crosse County for the study will be \$5,000 from Org 1061-71061 Business and Industry Promotion, plus in kind staff time to support the process.

**ECONOMIC DEVELOPMENT FUND BOARD
EXECUTIVE COMMITTEE**

Motion by V. Burke/L. Pfaff to approve. Discussion ensued. Corporation Counsel David Lange responded to questions from the Board. Motion by J. Medinger/R. Geary to end debate passed on a voice vote with 24 ayes, 6 nays - J. Berns, R. Ebert, D. Ferries, M. Freedland, M. Pedretti and T. Wehrs, 5 excused - J. Billings, J. Bilskemper, B. Brockmiller, T. Gamroth and J. Schroeder. The motion to approve passed on a roll call vote with 23 ayes, 6 nays - D. Bina, B. Feehan, D. Ferries, B. Flood, G. Sebranek and C. Spiker, 1 abstention - A. Benrud, 5 excused - J. Billings, J. Bilskemper, B. Brockmiller, T. Gamroth and J. Schroeder.

ZONING ORDINANCE NO. Z274-1/12 RE: PETITION NO. 1880 TO AMEND THE LA CROSSE COUNTY ZONING ORDINANCE FILED BY DENNIS HATZ, ACTING ON BEHALF OF JOYCE L HATZ, AND ON BEHALF OF TODD A & MICHELLE L PAULUS, TO REZONE PARCEL A FROM AGRICULTURE DISTRICT "A" TO EXCLUSIVE AGRICULTURE DISTRICT AND TO REZONE PARCELS B & C FROM EXCLUSIVE AGRICULTURE DISTRICT TO AGRICULTURE DISTRICT "A" IN THE TOWN OF BANGOR

The La Crosse County Planning, Resources and Development Committee, having considered Petition No. 1880 to amend the La Crosse County Zoning Ordinance filed by Dennis Hatz, PO Box 452, Bangor, WI 54614; acting on behalf of Joyce L Hatz, W643 County Road B, Bangor, WI 54614, and on behalf of Todd A & Michelle L Paulus, W631 County Road B,

(245-11/12)

Bangor, WI 54614 and having held a public hearing on the 3rd day of January, 2012 for a petition to rezone Parcel A from Agriculture District "A" to Exclusive Agriculture District the following described land to correct a lot line encroachment in the Town of Bangor. Part of Lot 1 of Certified Survey Map No. 10 in Volume 12; Commencing at the south ¼ corner of Section 2; thence N44°59'49"E 1515.03' to the southeast corner of said Lot 1 and POB; thence along the south line of said Lot 1 S89°44'55"W 86.90'; thence N19°32'47"E 271.96' to the northeast corner of said Lot 1; thence S00°54'57"W 255.94' to the POB. Town of Bangor. And to rezone Parcels B & C from Exclusive Agriculture District to Agriculture District "A" the following described land to correct a lot line encroachment in the Town of Bangor. Parcel B being a 0.26 acre parcel described as: Part of the SW-SE, Section 2, T16N, R5W; Commencing at the south ¼ corner of Section 2; thence N44°59'49"E 1515.03' to the southeast corner of Lot 1 of Certified Survey Map No. 10 in Volume 12; thence along the south line of said Lot 1 S89°44'55"W 86.90' to the POB; thence S19°32'47"W 26.27'; thence S89°44'55"W 447.88' to the easterly R/W line of County Road B; thence along said R/W line N11°06'23"E 25.21' to the southwest corner of said Lot 1; thence N89°44'55"E 451.81' to the POB. Town of Bangor. AND Parcel C being a 3.77 acre parcel described as: Part of the SW-SE, Section 2, T16N, R5W; Commencing at the south ¼ corner of Section 2; thence N31°07'56"E 837.03' to the easterly R/W line of County Road B and POB; thence along said easterly R/W line N11°06'23"E 160.28'; thence along said easterly R/W line N27°48'20"E 104.40'; thence along said easterly R/W line N11°06'23"E 79.64'; thence N89°44'55"E 447.88'; thence S00°00'00"E 329.74'; thence N90°00'00"W 542.79' to the POB. Town of Bangor. And pursuant to s. 59.69 Wis. Stats.: the Committee did publish and receive proof of a Class II notice of the hearing; did receive receipts of mailing of the notices to the affected Town Clerk(s); did hold a public hearing to hear testimony and official correspondence; and, did receive and consider action from the affected Town Board(s). The Committee, under s. 59.69(5)(e)4, and under s. 91.48(1), Wis. Stats., has the authority to approve the petition as submitted; to disapprove of the petition; or, to modify and approve the petition. Having considered the entire record the Committee's recommendation is to: By a vote of 6 in favor, 1 excused – Manthei, the Committee recommended approval of these three (3) rezones. (If this petition is approved as a conditional zoning, deed restrictions must be recorded before zoning takes effect.) The County Board, under s.59.69(5)(e)5 Wis. Stats., has the authority to effectuate the petition by ordinance or to disapprove it. **The County Board** took the following action this 19th day of January, 2012. Approved the petition as submitted, becomes an ordinance.

PLANNING, RESOURCES AND DEVELOPMENT COMMITTEE

Motion by D. Meyer/D. Bina to approve as recommended by the Committee passed on a unanimous voice vote with 30 ayes, 5 excused - J. Billings, J. Bilskemper, B. Brockmiller, T. Gamroth and J. Schroeder.

CONDITIONAL USE PERMIT NO. 849 FILED BY ROGER A & JOANN G HENDERSON TO AMEND EXISTING CONDITIONAL USE PERMIT NO. 526 TO OPERATE SEVERAL RETAIL BUSINESSES ALONG WITH AN INSURANCE BUSINESS ON LAND ZONED EXCLUSIVE AGRICULTURE DISTRICT IN THE TOWN OF HAMILTON

The La Crosse County Planning, Resources and Development Committee, having considered an application filed by Roger A & Joann G Henderson, N6193 State Road 108, West Salem, WI 54669 and having held a public hearing on the 3rd day of January, 2012 for a Conditional Use Permit to amend existing Conditional Use Permit No. 526 to operate several retail businesses along with an insurance business. The businesses are called J&R Custom Framing & Gift Shop, Chalk-It-Up, and Greater Insurance Service. The existing Real Estate Office and Remodeling Business are still in operation on land zoned Exclusive Agriculture District in the Town of Hamilton and described as follows: The SE-SW of Section 15, T17N, R6W. Town of Hamilton. And pursuant to s. 59.69 Wis. Stats. and s. 17.36 Zoning Code: the Committee did publish and receive proof of a Class II notice of the hearing; did receive receipts of mailing of the notices to the affected Town Clerk(s); did hold a public hearing to hear testimony or correspondence from the people; and, did receive and consider action from the affected Town Board(s). The Committee, under s. 91.48(1), Wis. Stats., along

(246-11/12)

with the affected Town Board(s), under s. 17.36(4), have the authority to approve the application with integral conditions or to disapprove of the application. Having considered the entire record the Committee's recommendation is to: By a vote of 6 in favor, 1 excused – Manthei, the Committee recommended approval of this permit subject to the following twelve (12) conditions:

1. The owners, Roger and JoAnn Henderson, of N6193 State Road 108, West Salem, WI will be the sole employees of the following businesses: Greater Insurance Service, Chalk-It-Up and J&R Custom Framing & Gift Shop;
2. Hours of Operation: Mon-Sat from 9:00am to 5:00pm;
3. A minimum of fifteen (15) parking spaces shall be maintained for customers;
4. The personal property shall be reported yearly to the local assessor and all businesses shall be reported to the Department of Revenue;
5. All buildings used in connection with the businesses shall be reported to the local assessors yearly. 44-ft X 80-ft used for all retail. Quonset hut has insurance;
6. No signage is allowed unless permitted by this department with a zoning/occupancy permit;
7. Since agricultural buildings have been converted to a commercial use, after the fact zoning/occupancy permits are required for all buildings that have seen a change in occupancy;
8. No outside storage of anything related to the businesses is allowed;
9. The responding fire department shall be contacted regarding types of supplies being maintained on the site;
10. This permit is granted specifically for the businesses itemized herein. Any change will require another public hearing and permit;
11. Conditional Use Permit No. 526 is terminated in its entirety; and
12. The permit is non-transferrable. New owners would have to reapply.

THE COUNTY BOARD took the following action this 19th of January, 2012. Approved subject to conditions as outlined.

PLANNING, RESOURCES AND DEVELOPMENT COMMITTEE

Motion by D. Meyer/D. Manthei to approve as recommended by the Committee passed on a unanimous voice vote with 30 ayes, 5 excused - J. Billings, J. Bilskemper, B. Brockmiller, T. Gamroth and J. Schroeder.

CONDITIONAL USE PERMIT NO. 850 FILED BY TERESA M BAGNEIFSKI AND JIM WHITAKER TO OPERATE A MOBILE FOOD SALES BUSINESS, KNOWN AS BIG MAMA'S GYRO, ON LAND ZONED RESIDENTIAL DISTRICT "A" IN THE TOWN OF SHELBY

The La Crosse County Planning, Resources and Development Committee, having considered an application filed by Teresa M Bagneifski and Jim Whitaker, W5744 Sherwood Dr, La Crosse, WI 54601 and having held a public hearing on the 3rd day of January, 2012 for a Conditional Use Permit to operate a mobile food sales business, known as Big Mama's Gyro, which includes the parking of the business trailer for cleaning, maintenance and repair at W5744 Sherwood Dr on land zoned Residential District "A" in the Town of Shelby and described as follows: Lot 2 of Skyline Subdivision. Town of Shelby. And pursuant to s. 59.69 Wis. Stats. and s. 17.36 Zoning Code: the Committee did publish and receive proof of a Class II notice of the hearing; did receive receipts of mailing of the notices to the affected Town Clerk(s); did hold a public hearing to hear testimony or correspondence from the people; and, did receive and consider action from the affected Town Board(s). The Committee, under s. 91.48(1), Wis. Stats., along with the affected Town Board(s), under s. 17.36(4), have the authority to approve the application with integral conditions or to disapprove of the application. Having considered the entire record the Committee's recommendation is to: By a vote of 6 in favor, 1 excused – Manthei, the Committee recommended approval of this permit subject to the following six (6) conditions:

1. Permit granted to store one (1) concession type business trailer in the driveway at W5744 Sherwood Dr, La Crosse, WI with no overnight parking;
2. The business related to the trailer storage is Big Mama's Gyro;

(247-11/12)

3. Any personal property, including the trailer, such as water coolers, freezers & dispensers shall be reported yearly to the local assessor;
4. Cleaning, maintenance and repair on the trailer can be done up to two (2) days per week, Wednesday and Thursday, during the daylight hours. No outside storage of any equipment other than the trailer is allowed;
5. The concession trailer cannot be stored on this property during the months of December, January, February or March. No on street parking; and
6. This permit is non-transferable.

THE COUNTY BOARD took the following action this 19th of January, 2012. Approved subject to conditions as outlined.

PLANNING, RESOURCES AND DEVELOPMENT COMMITTEE

Motion by D. Meyer/D. Manthei to approve. Discussion ensued. Interim Zoning, Planning & Land Information Director Nate Sampson responded to questions from the Board. The motion to approve as recommended by the Committee passed on a unanimous voice vote with 29 ayes, 6 excused - J. Billings, J. Bilskemper, B. Brockmiller, T. Gamroth, J. Schroeder and G. Sebranek.

ZONING PETITION NO. Z275-1/12 RE: PETITION NO. 1881 TO AMEND THE LA CROSSE COUNTY ZONING ORDINANCE FILED BY HOWARD L & SUSAN K LARSON TO REZONE FROM EXCLUSIVE AGRICULTURE DISTRICT TO AGRICULTURE DISTRICT "A" IN THE TOWN OF BURNS

The La Crosse County Planning, Resources and Development Committee, having considered Petition No. 1881 to amend the La Crosse County Zoning Ordinance filed by Howard L & Susan K Larson, N5914 County Road E, Bangor, WI 54614 and having held a public hearing on the 3rd day of January, 2012 for a petition to rezone from Exclusive Agriculture District to Agriculture District "A" the following described land for continued single family residential use in the Towns of Burns. Part of the SE-NE of Section 21, T17N, R5W; Commencing at the northeast corner of Section 21; thence S29°16'52"W 2290.64' to the northeast corner of a parcel of land described in Volume 1043, Page 207 of La Crosse County Records and the POB; thence S72°07'17"E 123.83'; thence S21°19'22"W 174.56'; thence S10°30'17"W 108.95'; thence S16°12'13"W 132.51' to the southeast corner of the parcel of land described in Volume 1043, Page 207 of La Crosse County Records; thence N00°19'28"E 435.00' along the east line of the parcel described in Volume 1043, Page 207 to the POB. Town of Burns. And pursuant to s. 59.69 Wis. Stats.: the Committee did publish and receive proof of a Class II notice of the hearing; did receive receipts of mailing of the notices to the affected Town Clerk(s); did hold a public hearing to hear testimony and official correspondence; and, did receive and consider action from the affected Town Board(s). The Committee, under s. 59.69(5)(e)4, and under s. 91.48(1), Wis. Stats., has the authority to approve the petition as submitted; to disapprove of the petition; or, to modify and approve the petition. Having considered the entire record the Committee's recommendation is to: By a vote of 6 of favor, 1 excused – Manthei, Committee recommended approval of this rezoning to Agriculture District "A". (If this petition is approved as a conditional zoning, deed restrictions must be recorded before zoning takes effect.) The County Board, under s.59.69(5)(e)5 Wis. Stats., has the authority to effectuate the petition by ordinance or to disapprove it. **The County Board** took the following action this 19th day of January, 2012. Approved the petition as submitted, becomes an ordinance.

PLANNING, RESOURCES AND DEVELOPMENT COMMITTEE

Motion by D. Meyer/R. Keil to approve as recommended by the Committee passed on a unanimous voice vote with 29 ayes, 6 excused - J. Billings, J. Bilskemper, B. Brockmiller, T. Gamroth, J. Schroeder and G. Sebranek.

CONDITIONAL USE PERMIT NO. 851 FILED BY JEFFREY W STINGL TO OPERATE A BOAT, MOTOR & BLIND INSTALLATION AND BOAT MOTOR MAINTENANCE SHOP, KNOW AS PART OF MAINSTREAM FIREARMS AND MARINE ON 0.82 ACRES OF LAND ZONED RESIDENTIAL DISTRICT "A" IN THE TOWN OF CAMPBELL

(248-11/12)

The La Crosse County Planning, Resources and Development Committee, having considered an application filed by Jeffrey W Stingl, 2909 Lakeshore Dr, La Crosse, WI 54603 and having held a public hearing on the 3rd day of January, 2012 for a Conditional Use Permit to operate a boat, motor & blind installation and boat motor maintenance shop, know as part of Mainstream Firearms and Marine, at 2909 Lakeshore Dr, on 0.82 acres of land zoned Residential District "A" in the Town of CAMPBELL and described as follows: Lot 11, Block 1 of Richmond Addn. Town of Campbell. And pursuant to s. 59.69 Wis. Stats. and s. 17.36 Zoning Code: the Committee did publish and receive proof of a Class II notice of the hearing; did receive receipts of mailing of the notices to the affected Town Clerk(s); did hold a public hearing to hear testimony or correspondence from the people; and, did receive and consider action from the affected Town Board(s). The Committee, under s. 91.48(1), Wis. Stats., along with the affected Town Board(s), under s. 17.36(4), have the authority to approve the application with integral conditions or to disapprove of the application. Having considered the entire record the Committee's recommendation is to: By a vote of 6 in favor, 1 excused – Manthei, the Committee recommended approval of this permit subject to the following nine (9) conditions:

1. This permit is granted specifically for the operation of a boat and motor and accessory shop with maintenance;
2. Hours of operation: 7-9pm by appointment only during the months of July, August, September and October. With family members as the only employees;
3. Off street parking is required at all times;
4. Gas, oil, batteries and any other flammable liquids shall be stored inside in properly marked containers. Absolutely no dumping on the ground;
5. No more than two (2) boats with trailers; that do not belong to the owner, may be on the property at one time;
6. The fire department shall be notified of any commercial quantities of flammable liquids;
7. All work and maintenance will be performed inside the garage or pole shed;
8. A zoning/occupancy permit is required for the change in use for the pole building; and
9. The permit is non-transferrable.

THE COUNTY BOARD took the following action this 19th of January, 2012. Approved subject to conditions as outlined.

PLANNING, RESOURCES AND DEVELOPMENT COMMITTEE

Motion by D. Meyer/D. Manthei to approve. Discussion ensued. The motion to approve as recommended by the Committee passed on a unanimous voice vote with 29 ayes, 6 excused - J. Billings, J. Bilskemper, B. Brockmiller, B. Feehan, T. Gamroth and J. Schroeder.

RESOLUTION NO. 84-1/12 RE: SUPPORTING ASSEMBLY BILL 454, PERFORMANCE OF HIGHWAY IMPROVEMENT PROJECTS BY A COUNTY HIGHWAY DEPARTMENT FOR ANOTHER COUNTY OR MUNICIPALITY

WHEREAS, under the 2011 Biennial Budget Act (Act 32), a County is generally prohibited from using its own workforce to perform a highway improvement project on a highway under the jurisdiction of another county or municipality that is located in a different county; and, **WHEREAS**, Act 32 also prohibits a city with a population of 5,000 or more from having a highway improvement project performed by a county workforce unless the project is under and meets the requirements of the local roads improvement program; and, **WHEREAS**, a city, village, town or county may not use its own workforce to perform a construction project for which a private person is financially responsible; and, **WHEREAS**, Assembly Bill 454 eliminates these prohibitions enacted by Act 32. **NOW THEREFORE BE IT RESOLVED** the La Crosse County Board does hereby go on record supporting Assembly Bill 454 to eliminate the prohibitions enacted by Act 32, in order to permit Wisconsin Counties to perform work for each other and municipalities in the most cost effective manner possible. **BE IT FURTHER RESOLVED**, that a copy of this resolution be sent to Wisconsin Counties Association, area legislators and Governor Scott Walker. **FISCAL NOTE:** If the prohibitions are not eliminated, costs for painting and striping will likely

double to \$20,000 per year and up to an additional \$300,000 worth of equipment will need to be purchased that was formerly rented from other Counties.

LEGISLATIVE COMMITTEE

PUBLIC WORKS AND INFRASTRUCTURE COMMITTEE

Motion by C. Spiker/L. Pfaff to approve passed on a unanimous voice vote with 29 ayes, 6 excused - J. Billings, J. Bilskemper, B. Brockmiller, B. Feehan, T. Gamroth and J. Schroeder.

SECOND CONSIDERATION OF ORDINANCE NO. 101 TO CREATE S. 30.81(11) OF CHAPTER 30 OF THE GENERAL CODE OF LA CROSSE COUNTY, WISCONSIN REGARDING SLOW NO-WAKE ZONE

County Board of Supervisors of the County of La Crosse does hereby ordain as follows:

Section 1: Section 30.81(11) is created to read:

30.81(11). There shall be a slow no-wake zone in that part of the waterway known as Bluff Slough, which is a backwater of the Mississippi River, located in the City of La Crosse and the Town of Shelby, legally described as: All that part of the SW1/4 of the SE1/4 of Section 8, City of La Crosse; and that part of the NW1/4 of the NE1/4 of Section 17, Town of Shelby; and that part of the NE1/4 of the NE1/4 of Section 17, City of La Crosse, all in Township 15 North, Range 7 West described as follows: Commencing at the northeast corner of said NW1/4 of the NE1/4; thence South along the east line thereof, being also the boundary between the City of La Crosse and the Town of Shelby 532 feet to the point of beginning; thence Northeasterly 200 feet to the southeast corner of Lot 17, Huber Homes, which is on the lot line between 2808-2810 and 2816-2818 Huber Court; thence Northeasterly along the easterly shore line of Bluff Slough (also known as Swift Creek or Running Slough) 2,025 feet more or less to a point 233 feet south of the north line of said SW1/4 of the SE1/4 of Section 8, said point being the southwest corner of 2514 Riverside Drive; thence Southwesterly at a right angle to the shore line 325 feet to the westerly shore line of Bluff Slough; thence Southeasterly along the westerly shore line of Bluff Slough a distance of 2,100 feet more or less to the point of beginning.

Section 2: This Ordinance shall take effect the day after passage and publication as required by law.

TARA JOHNSON, County Board Chair

GINNY DANKMEYER, County Clerk

EXECUTIVE COMMITTEE

Motion by V. Burke/D. Meyer to approve passed on a unanimous voice vote with 29 ayes, 6 excused - J. Billings, J. Bilskemper, B. Brockmiller, B. Feehan, T. Gamroth and J. Schroeder.

RESOLUTION NO. 85-1/12 RE: ACKNOWLEDGE "THE BEST OF PUBLIC SERVICE"

WHEREAS, the following employees have been a faithful part in providing "The Best of Public Service" to La Crosse County:

<u>NAME</u>	<u>DEPARTMENT</u>	<u>YEARS</u>
William A. Shepherd	Corporation Counsel	37+
Jeffrey H. Bluske	Zoning, Planning and Land Information	36+
Ronald D. Berg	Health Department	34+
Nancy M. Lubinski	Emergency Services	33+
Anita M. Moe	Lakeview Health Center	26+
Dale J. Sutherland	Highway Department	24+
Judith A. Jamesson	Library Administration Center	23+
Stephen P. Lenser	Health Department	22+
Cheryl M. Hicke	Human Services Department	22+

WHEREAS, it is the wish of the County Board of Supervisors to acknowledge long and faithful service on behalf of the citizens of La Crosse County; **NOW THEREFORE BE IT RESOLVED**, that a resolution extending our congratulations be recorded in La Crosse County Board Proceedings and a certificate of our actions be presented as an expression of our gratitude.

(250-11/12)

EXECUTIVE COMMITTEE

Motion by V. Burke/M. Kruse to approve passed on a unanimous voice vote with 29 ayes, 6 excused - J. Billings, J. Bilskemper, B. Brockmiller, B. Feehan, T. Gamroth and J. Schroeder.

RESOLUTION NO. 86-1/12 RE: DEPUTY MEDICAL EXAMINER COMPENSATION

WHEREAS, the Medical Examiner is authorized by action of the County Board to appoint Deputies subject to the Judiciary and Law Enforcement Committee's approval to assist with the duties of the County Medical Examiner; and, **WHEREAS**, Deputy Medical Examiners continue to be needed, due to the volume of work, and it is necessary and desirable to pay Deputies as County employees on-call pay; and, **WHEREAS**, Deputy Medical Examiners now receive an hourly rate of \$16.84 on scene, and when appropriate, \$1.50 per hour on-call pay for assistants that are designated duly appointed Deputy Medical Examiners, which pay has not been increased since 2004, and it is desirable to increase on-call pay to an amount of \$2.00 per hour. **NOW THEREFORE BE IT RESOLVED**, that the on-call pay, for duly appointed Deputy Medical Examiners when assigned to be on-call, be increased to an amount of \$2.00 per hour, effective January 23, 2012. **BE IT FURTHER RESOLVED**, that the Finance and Personnel Departments are authorized and directed to take such action necessary to carry out the intent of this resolution. **FISCAL NOTE**: The estimated increase in cost is expected to be less than \$3,250.00 wage per year to the Medical Examiner's office, and revenues have greatly increased in amounts sufficient to cover this expense. There are currently five Deputy Medical Examiners eligible for on-call pay.

JUDICIARY & LAW COMMITTEE

EXECUTIVE COMMITTEE (Two-thirds of Full Board Vote needed to pass) Motion by V. Burke/K. Johnson to approve. Discussion ensued. The motion to approve passed on a unanimous roll call vote with 29 ayes, 6 excused - J. Billings, J. Bilskemper, B. Brockmiller, B. Feehan, T. Gamroth and J. Schroeder.

RESOLUTION NO. 87-1/12 RE: CREATING AN ECONOMIC SUPPORT SUPERVISOR POSITION IN LA CROSSE COUNTY FOR THE WESTERN REGION FOR ECONOMIC ASSISTANCE (WREA) INCOME MAINTENANCE CONSORTIUM

WHEREAS, La Crosse County is the administrative lead county in the Western Region for Economic Assistance (WREA) partnership that includes eight counties (Buffalo, Clark, Jackson, La Crosse, Monroe, Pepin, Trempealeau, Vernon) which administer Income Maintenance programs on a regional basis; and, **WHEREAS**, although WREA includes eight partner counties, WREA operates under a single state / county contract between La Crosse County and the State Department of Health Services (DHS), a unified budget and a unified management / supervisory structure; and **WHEREAS**, a WREA supervisory position (1.0 FTE) currently employed by another partner county (Jackson) has become vacant; and, **WHEREAS**, filling the position in La Crosse County would maximize the capabilities and outcomes of the unified management/supervisory structure; and, **WHEREAS**, the increased costs for La Crosse County associated with the new position would be completely covered by State and Federal dollars which are already part of the unified WREA budget. **NOW THEREFORE BE IT RESOLVED**, that the La Crosse County Board of Supervisors authorize the creation of 1.0 FTE Economic Support Supervisor position, effective immediately, and authorize the Finance Department to make any appropriate account transfers necessary related to the funding of this position. **FISCAL NOTE**: There is no impact on the County tax levy. ES Supervisor: salary \$44,948; fringe \$26,460.

HEALTH & HUMAN SERVICES BOARD

EXECUTIVE COMMITTEE

Motion by V. Burke/M. Wood to approve passed on a unanimous voice vote with 29 ayes, 6 excused - J. Billings, J. Bilskemper, B. Brockmiller, B. Feehan, T. Gamroth and J. Schroeder.

ADJOURN

(251-11/12)

Motion by G. Sebranek/A. Benrud to adjourn at 9:44 PM passed on a unanimous voice vote with 29 ayes, 6 excused - J. Billings, J. Bilskemper, B. Brockmiller, B. Feehan, T. Gamroth and J. Schroeder.

STATE OF WISCONSIN)

COUNTY OF LA CROSSE)

I, Ginny Dankmeyer , La Crosse County Clerk, in and for the County of La Crosse, Wisconsin, do hereby certify that the foregoing is a true and correct copy of the Journal of Proceedings of the La Crosse County Board of Supervisors at the La Crosse County Board of Supervisors Monthly Meeting held Thursday, January 19, 2012 and that it is the whole thereof. IN WITNESS THEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED THE OFFICIAL SEAL THIS DAY 30 OF JANUARY 2012.