



# GREEN LAKE COUNTY

571 County Road A, Green Lake, WI 54941

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March 2, 2017

**The following documents are included in the packet for the Land Use Planning & Zoning Committee meeting on Thursday, March 2, 2017:**

Packet Pages:

1. **Amended** Agenda
- 2-5. Draft meeting minutes from 02/02/17
- 6-10. Monthly reports
- 11-12. Land use permits and sanitary permits issued in January
- 13-14. Violation reports
- 15-17. Proposed Shoreland Zoning Ordinance amendments
- 18-19. Fee schedules
20. Public hearing notice
- 21-32. Item I: Rezone request for Jeffrey L. Fritz and the Ronald D. & Sharon K. Darnick Revocable Trust – Town of Berlin
- 33-40. Item II: Rezone ruest for Jesse Larmay, Larmay Construction, Inc. – Town of Mackford

**Post Meeting Materials**

41. **2017 Committed Funds**
42. **2017 Restricted Funds**
- 43-69. **Proposed zoning ordinance amendments**

If you have questions or need additional information, please  
contact the Land Use Planning & Zoning Department at  
(920) 294-4156.



**GREEN LAKE COUNTY**  
**Land Use Planning & Zoning Committee**

Michael Starshak, Chairman     Robert Lyon  
Harley Reabe     Peter Wallace     Rich Slate

**AMENDED AGENDA - 03/01/17 cd**

**Date: Thursday, March 2, 2017     Time: 5:15 p.m.**

**Government Center, West Wing, Lower Level, County Board Room**

*All line items are subject to any and all action by this committee, unless noted.*

1. Call to order
2. Pledge of Allegiance
3. Certification of open meeting law
4. Roll call
5. Approval of agenda
6. Approval of 02/02/17 minutes
7. Public comments – 3-minute limit
8. Public appearances – **Stuart Linger and Alan Zastrow regarding a church sign on County Road A**
9. Correspondence
10. Department activity reports
  - a. Permits & others
  - b. Violation reports
  - c. Committed funds**
  - d. Restricted funds**
11. Department/Committee Activity
  - a. Exclusive Agriculture Zoning District update
  - b. Stormwater and Erosion Control Ordinance
  - c. Shoreland Zoning Ordinance amendment
  - d. Possible additional zoning ordinance amendments**
  - e. After-the-fact land use permit fees
12. County Surveyor position update
13. Future Committee Activities
  - a. Future agenda items
  - b. Meeting date(s)  
March 2, 2017  
Business meeting 5:15 p.m.  
Public hearing 6:30 p.m.

**6:30 p.m. Public Hearing**

**Item I: Owner:** Jeffrey L. Fritz, Ronald D & Sharon K Darnick Revocable Trust **General legal description:** W1511 E Springbrook Rd, Parcels #002-00638-0100 & #002-00638-0300, Part of the SW¼ of Section 33, T17N, R13E, Town of Berlin, ±5.145 acres **Request:** Rezone from A-1 Exclusive Agriculture and A-2 General Agriculture Districts to R-4 Rural Residential District.

- a) Public Hearing
- b) Committee Discussion & Deliberation
- c) Committee Decision
- d) Execute Determination Form/Ordinance

**Item II: Owner:** Jesse Larmay, Larmay Construction, Inc **General legal description:** N1842 N Brave Rd, Parcel #010-00250-0100, Part of the SE¼ of Section 12, T14N, R13E, Town of Mackford, ±5.107 acres **Request:** Rezone from A-1 Exclusive Agriculture to R-4 Rural Residential District.

- a) Public Hearing
- b) Committee Discussion & Deliberation
- c) Committee Decision
- d) Execute Determination Form/Ordinance

14. Adjourn

***Note: The meeting area is accessible to the physically disabled. Anyone planning to attend who needs visual or audio assistance should contact Carole DeCramer at (920) 294-4156 prior to noon the day before the meeting.***

**GREEN LAKE COUNTY  
LAND USE PLANNING AND ZONING COMMITTEE  
MEETING MINUTES  
Thursday, February 2, 2017**

**CALL TO ORDER**

Committee Chair Starshak called the meeting of the Land Use Planning and Zoning Committee to order at 5:15 p.m. in the Green Lake County Government Center, County Board Room, Green Lake, WI. The requirements of the open meeting law were certified as being met.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:**

**Present: Robert Lyon, Harley Reabe, Michael Starshak, Peter Wallace**

**Absent: Rich Slate**

**Also Present: Matt Kirkman, Land Use Planning and Zoning Director**

**Missy Sorenson, Code Enforcement Officer**

**Krista Kamke, Code Enforcement Officer**

**Carole DeCramer, Committee Secretary**

**Dawn Klockow, Corporation Counsel**

**APPROVAL OF AGENDA**

**Motion by Wallace/Reabe, unanimously carried, to approve the agenda.**

**APPROVAL OF MINUTES**

**Motion by Reabe/Lyon, unanimously carried, to approve the minutes of 1/5/17.**

**PUBLIC COMMENT - None**

**PUBLIC APPEARANCES - None**

**CORRESPONDENCE**

**Kirkman** – Shared a letter from Wendy Kapral thanking the department for helping her through the rezone process. Ms. Kapral received the department’s letter in regard to the split-zoned status of her property. Ms. Kapral appreciated staff’s help in bringing her property into compliance. The department also received a letter from Dale Rezabek, WI-DNR, stating that there is a conditional approval of the shoreland zoning ordinance. Currently, the submitted text references highly developed shoreland areas and, since Green Lake County doesn’t have any areas of this type, Mr. Rezabek requested that the committee amend the ordinance to remove that language. This will be an agenda item in March.

**DEPARTMENT ACTIVITY REPORTS**

**a. Permits and Others**

Kirkman explained the monthly financial reports for the month of December.

**b. Violations**

Kirkman discussed the list of land use violations. Sorenson discussed the list of septic violations.

**DEPARTMENT/COMMITTEE ACTIVITY**

**a. Exclusive Agriculture Zoning District Update**

Kirkman read through the proposed ordinance language. Changes were made at the previous meeting and those changes were reviewed. Additional corrections were made and will be discussed again next month.

As part of the ag zoning district update, all of the split-zoned parcels within the county have been identified and Code Enforcement Officer Krista Kamke sent 150 letters to the individual parcel owners offering an opportunity to bring their parcel(s) into compliance. The response right now is at 61%.

**b. Stormwater and Erosion Control Ordinance Update**

Kirkman explained that Land Conservation has approached him regarding giving the Land Use Planning and Zoning Department the Stormwater and Erosion Control Ordinance. This may be problematic in that the department may not have staff enough to take that on. Starshak asked that Kirkman meet with Land Conservationist Paul Gunderson to work out a cost analysis for this proposal and present it at the March meeting.

**COUNTY SURVEYOR POSITION UPDATE**

Kirkman – The request for proposal was published in various venues and the deadline for submittal is February 18<sup>th</sup>. No proposals have been submitted at this time. An update will be given at the March meeting.

**CLOSED SESSION PER WISCONSIN STATE STATUTE 19.85(1)(g) CONFERRING WITH LEGAL COUNSEL FOR THE GOVERNMENTAL BODY WHO IS RENDERING ORAL OR WRITTEN ADVICE CONCERNING STRATEGY TO BE ADOPTED BY THE BODY WITH RESPECT TO LITIGATION IN WHICH IT IS OR IS LIKELY TO BECOME INVOLVED. RE: POSSIBLE LITIGATION REGARDING A LAND USE VIOLATION.**

**6:01 p.m. On a motion by Reabe/Wallace, unanimously carried on roll call (4-eyes, 0-nays), to move to closed session per Wisconsin State Statute 19.85(1)(g) Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. Re: Possible litigation regarding a land use violation.**

**RECONVENE TO OPEN SESSION TO DISCUSS FINDINGS OF CLOSED SESSION**

6:23 p.m. On a motion by Lyon/Reabe, unanimously carried on roll call (4-eyes, 0-nays, to reconvene to open session.

**Findings of closed session:**

Corporation Counsel Klockow will follow the committee's recommendation.

**FUTURE COMMITTEE ACTIVITIES**

**a. Future agenda items**

- Exclusive Agriculture Zoning District Update
- Shoreland Zoning Ordinance amendment
- Stormwater and Erosion Control Ordinance Update
- Discussions about after the fact permitting

**b. Meeting Date**

March 2, 2017

Business meeting – 5:15 p.m.

Public hearing – 6:30 p.m.

6:26 p.m. The committee recessed.

6:32 p.m. The committee reconvened.

**PUBLIC HEARING ITEMS**

*Audio of committee discussion is available upon request from the Green Lake County Land Use Planning and Zoning Department.*

**Item I: Owner:** Marjorie E. Lind **General legal description:** White Ridge Rd., Parcel #002-00209-0300, Part of the NE¼ of Section 13, T17N, R13E, Town of Berlin, ±6.6 acres **Request:** Rezone from A-1 Exclusive Agriculture to R-4 Rural Residential District.

a) Public Hearing

No one appeared.

Public hearing closed

b) Committee Discussion & Deliberation

Kirkman explained the request. The Town of Berlin approved the request.

c) Committee Decision

**On a motion by Reabe/Lyon, unanimously carried on roll call (4-eyes, 0-nays), to approve the rezone request as presented and forward to the county board for final action.**

**ADJOURN**

**6:39 p.m. The meeting was adjourned.**

**RECORDED BY**

Carole DeCramer  
Committee Secretary

**APPROVED ON:**

Draft

**GREEN LAKE COUNTY  
LAND USE PLANNING ZONING DEPARTMENT**

FEES RECEIVED		January				YEAR TO DATE				BUDGET	
		2016		2017		2016		2017		2017	
		NO.	AMOUNT	NO.	AMOUNT	NO.	AMOUNT	NO.	AMOUNT		
<b>LAND USE PERMITS</b>											
Residential	New	1	500	1	500	1	500	1	500	-	
	Alterations	1	150	-	-	1	150	-	-	-	
Commercial	New	2	550	-	-	2	550	-	-	-	
	Alterations	-	-	1	600	-	-	1	600	-	
Agricultural	New	-	-	1	150	-	-	1	150	-	
	Alterations	-	-	1	150	-	-	1	150	-	
Other	New	-	-	-	-	-	-	-	-	-	
	Alterations	-	-	-	-	-	-	-	-	-	
Other	New	-	-	-	-	-	-	-	-	-	
	Alterations	-	-	-	-	-	-	-	-	-	
Misc.	Denied/Refunded	-	-	-	-	-	-	-	-	-	
	Permit Renewals	-	-	-	-	-	-	-	-	-	
<b>Total</b>		<b>4</b>	<b>\$ 1,200</b>	<b>4</b>	<b>\$ 1,400</b>	<b>4</b>	<b>\$ 1,200</b>	<b>4</b>	<b>\$ 1,400</b>	<b>\$ 30,000</b>	<b>5%</b>
<b>SANITARY PERMITS (POWTS)</b>											
Residential	New	1	280	-	-	1	280	-	-	-	
	Replacement	2	560	1	355	2	560	1	355	-	
	Reconnect	-	-	-	-	-	-	-	-	-	
	Modify	-	-	-	-	-	-	-	-	-	
	Repairs	-	-	-	-	-	-	-	-	-	
	Additional Fees	-	-	-	-	-	-	-	-	-	
Commercial	New	-	-	-	-	-	-	-	-	-	
	Replacement	-	-	-	-	-	-	-	-	-	
	Reconnect	-	-	-	-	-	-	-	-	-	
	Modify	-	-	-	-	-	-	-	-	-	
	Additional Fees	-	-	-	-	-	-	-	-	-	
<b>Total</b>		<b>3</b>	<b>\$ 840</b>	<b>1</b>	<b>\$ 355</b>	<b>3</b>	<b>\$ 840</b>	<b>1</b>	<b>\$ 355</b>	<b>\$ 17,000</b>	<b>2%</b>
<b>NON-METALLIC MINING PERMITS</b>											
Annual Permit Fees		13	10,900	7	8,500	13	10,900	7	8,500	-	
<b>Total</b>		<b>13</b>	<b>\$ 10,900</b>	<b>7</b>	<b>\$ 8,500</b>	<b>13</b>	<b>\$ 10,900</b>	<b>7</b>	<b>\$ 8,500</b>	<b>\$ -</b>	
<b>BOARD OF ADJUSTMENT</b>											
Special Exception		-	-	-	-	-	-	-	-	-	
Variances		-	-	-	-	-	-	-	-	-	
Appeals		-	-	-	-	-	-	-	-	-	
<b>Total</b>		<b>-</b>	<b>\$ -</b>	<b>-</b>	<b>\$ -</b>	<b>-</b>	<b>\$ -</b>	<b>-</b>	<b>\$ -</b>	<b>\$ 750</b>	<b>0%</b>
<b>PLANNING &amp; ZONING COMMITTEE</b>											
Zoning Change		1	375	1	375	1	375	1	375	-	
Conditional Use Permits		-	-	1	375	-	-	1	375	-	
Variances/Amendments		-	-	-	-	-	-	-	-	-	
<b>Total</b>		<b>1</b>	<b>\$ 375</b>	<b>2</b>	<b>\$ 750</b>	<b>1</b>	<b>\$ 375</b>	<b>2</b>	<b>\$ 750</b>	<b>\$ 6,000</b>	<b>13%</b>
<b>MISC.</b>											
Rental Weatherization		-	-	-	-	-	-	-	-	250	
Wisconsin Fund		-	-	-	-	-	-	-	-	-	
Applied Funds - Code Enforcement		-	-	-	-	-	-	-	-	-	
<b>Total</b>		<b>-</b>	<b>\$ -</b>	<b>-</b>	<b>\$ -</b>	<b>-</b>	<b>\$ -</b>	<b>-</b>	<b>\$ -</b>	<b>\$ 250</b>	<b>0%</b>
<b>SURVEYOR</b>											
Certified Survey Maps		2	360	2	345	2	360	2	345	4,000	
Preliminary Plats		-	-	-	-	-	-	-	-	-	
Final Plats		-	-	-	-	-	-	-	-	-	
<b>Total</b>		<b>2</b>	<b>\$ 360</b>	<b>2</b>	<b>\$ 345</b>	<b>2</b>	<b>\$ 360</b>	<b>2</b>	<b>\$ 345</b>	<b>\$ 4,000</b>	<b>9%</b>
<b>GIS (Geographic Information System)</b>											
Map Sales		-	15	-	60	-	15	-	60	500	
Land Records Transfer		-	2,344	-	-	-	2,344	-	-	25,000	
Land Records Transfer		-	-	-	-	-	-	-	-	9,080	
<b>Total</b>		<b>-</b>	<b>\$ 2,359</b>	<b>-</b>	<b>\$ 60</b>	<b>-</b>	<b>\$ 2,359</b>	<b>-</b>	<b>\$ 60</b>	<b>\$ 34,580</b>	
<b>GRAND TOTAL</b>		<b>23</b>	<b>16,034</b>	<b>16</b>	<b>11,410</b>	<b>23</b>	<b>16,034</b>	<b>16</b>	<b>11,410</b>	<b>\$ 92,580</b>	<b>12%</b>

GREEN LAKE COUNTY

For 01/01/17 - 01/31/17

Revenue Summary Report

FJRES01A

Periods 01 - 01

Land Use & Zoning Month End Revenue

MER100-10-SHUTE

<u>Account No/Description</u>	<u>Budget Amount</u>	<u>Period Amount</u>	<u>Y-T-D Amount</u>	<u>Balance</u>	<u>Percent Received</u>
10 Land Use Planning and Zoning					
17-100-10-43589-000-000 Rental Weatherization	250.00	.00	.00	250.00	.00
17-100-10-44400-000-000 Land Use Permits	30,000.00	1,400.00	1,400.00	28,600.00	4.67
17-100-10-44400-001-000 BOA Public Hearing	750.00	.00	.00	750.00	.00
17-100-10-44400-002-000 PZ Public Hearing	6,000.00	750.00	750.00	5,250.00	12.50
17-100-10-44409-000-000 Non-Metallic Mining	.00	8,500.00	8,500.00	-8,500.00	.00
17-100-10-44410-000-000 Sanitary Permits	17,000.00	355.00	355.00	16,645.00	2.09
17-100-10-46131-001-000 GIS Map Sales	500.00	60.00	60.00	440.00	12.00
17-100-10-46131-002-000 Strategic Fund	9,080.00	.00	.00	9,080.00	.00
17-100-10-46762-000-000 Certified Survey Maps	4,000.00	345.00	345.00	3,655.00	8.63
17-100-10-47411-000-000 Interdepartment transfer/Land Records	25,000.00	.00	.00	25,000.00	.00
10 Land Use Planning and Zoning	92,580.00	11,410.00	11,410.00	81,170.00	12.32



For 01/01/17 - 01/31/17

Expenditure Summary Report

FJEXS01A

Periods 01 - 01

Land Use & Zoning Month End Expenses

MEE100-10-SHUTE

Account No/Description	Adjusted Budget	Y-T-D Encumb	Period Expended	Y-T-D Expended	Available Balance	Percent Used
<b>10 Land Use Planning and Zoning</b>						
<b>53610 Code Enforcement</b>						
17-100-10-53610-110-000 Salaries	265,433.17	.00	3,986.24	3,986.24	261,446.93	1.50
17-100-10-53610-140-000 Meeting Payments	1,000.00	.00	.00	.00	1,000.00	.00
17-100-10-53610-151-000 Social Security	20,305.64	.00	1,476.21	1,476.21	18,829.43	7.27
17-100-10-53610-153-000 Ret. Employer Share	18,049.46	.00	1,355.32	1,355.32	16,694.14	7.51
17-100-10-53610-154-000 Health Insurance	41,214.64	.00	9,242.78	9,242.78	31,971.86	22.43
17-100-10-53610-155-000 Life Insurance	467.92	.00	37.81	37.81	430.11	8.08
17-100-10-53610-210-001 Professional Services-LD	5,000.00	.00	.00	.00	5,000.00	.00
17-100-10-53610-210-002 Professional Services-SRV	5,000.00	.00	.00	.00	5,000.00	.00
17-100-10-53610-210-003 Miscellaneous Fees	1,000.00	.00	.00	.00	1,000.00	.00
17-100-10-53610-310-000 Office Supplies	200.00	.00	.00	.00	200.00	.00
17-100-10-53610-312-000 Field Supplies	300.00	.00	.00	.00	300.00	.00
17-100-10-53610-320-000 Publications-BOA Public Hearing	1,000.00	.00	.00	.00	1,000.00	.00
17-100-10-53610-320-001 Publications-PZ Public Hearing	2,000.00	.00	.00	.00	2,000.00	.00
17-100-10-53610-321-000 Seminars	1,000.00	.00	105.00	105.00	895.00	10.50
17-100-10-53610-324-000 Member Dues	800.00	.00	.00	.00	800.00	.00
17-100-10-53610-330-000 Travel	1,000.00	.00	93.09	93.09	906.91	9.31
17-100-10-53610-352-000 Vehicle Maintenance	1,000.00	.00	.00	.00	1,000.00	.00
17-100-10-53610-810-000 Capital Equipment-CEO Vehicle Purchase	2,000.00	.00	.00	.00	2,000.00	.00
<b>53610 Code Enforcement</b>	<b>366,770.83</b>	<b>.00</b>	<b>16,296.45</b>	<b>16,296.45</b>	<b>350,474.38</b>	<b>4.44</b>
<b>10 Land Use Planning and Zoning</b>	<b>366,770.83</b>	<b>.00</b>	<b>16,296.45</b>	<b>16,296.45</b>	<b>350,474.38</b>	<b>4.44</b>

GREEN LAKE COUNTY

For 01/01/17 - 01/31/17

Revenue Summary Report

FJRES01A

Periods 01 - 01

Land Use & Zoning Month End Revenue

MER100-20-SHUTE

<u>Account No/Description</u>	<u>Budget Amount</u>	<u>Period Amount</u>	<u>Y-T-D Amount</u>	<u>Balance</u>	<u>Percent Received</u>
20 GIS					
17-100-20-43691-000-000 Land Info Bd Grant	75,000.00	.00	.00	75,000.00	.00
17-100-20-43691-301-000 WLIP Education Grant	1,000.00	.00	.00	1,000.00	.00
17-100-20-43691-301-001 WLIP Strategic Grant	50,000.00	.00	.00	50,000.00	.00
17-100-20-46131-000-000 County Land Records	25,000.00	2,376.00	2,376.00	22,624.00	9.50
20 GIS	151,000.00	2,376.00	2,376.00	148,624.00	1.57

For 01/01/17 - 01/31/17

Expenditure Summary Report

FJEXS01A

Periods 01 - 01

Land Use & Zoning Month End Expenses

MEE100-20-SHUTE

<u>Account No/Description</u>	<u>Adjusted Budget</u>	<u>Y-T-D Encumb</u>	<u>Period Expended</u>	<u>Y-T-D Expended</u>	<u>Available Balance</u>	<u>Percent Used</u>
20 GIS						
100 General Fund						
17-100-20-51711-120-000 GIS Specialist Wage Cont Interdept Trans	25,000.00	.00	.00	.00	25,000.00	.00
17-100-20-51711-240-000 WLIP Base Grant	75,000.00	.00	.00	.00	75,000.00	.00
17-100-20-51711-246-000 WLIP Education Grant	1,000.00	.00	200.00	200.00	800.00	20.00
17-100-20-51711-301-000 WLIP Strategic Grant	50,000.00	.00	.00	.00	50,000.00	.00
100 General Fund	151,000.00	.00	200.00	200.00	150,800.00	.13
20 GIS	151,000.00	.00	200.00	200.00	150,800.00	.13

# Land Use Permits      January 2017

<i>Mncp</i>	<i>Last Name</i>	<i>First Name</i>	<i>Site Address</i>	<i>Prn/Acc</i>	<i>New/Alt</i>	<i>Res/Com/Ag</i>	<i>Project Cost</i>	<i>LUP Fee</i>
<i>TGL</i>								
	Suburban Properties		W2060 Melmar Dr	Prn	New	Res	\$380,000.00	\$500.00
	Transmission Co	American	W3105 County Road B	Prn	Alt	Com	\$450,000.00	\$600.00
<i>Summary for 'Mncp' = TGL (2 detail records)</i>								
<b>Sum</b>							\$830,000.00	\$1,100.00
<b>Standard</b>							91.10%	78.57%
<i>TMC</i>								
	Keplin	Anita	N1419 N Brave Rd	Acc	New	Ag	\$68,000.00	\$150.00
<i>Summary for 'Mncp' = TMC (1 detail record)</i>								
<b>Sum</b>							\$68,000.00	\$150.00
<b>Standard</b>							7.46%	10.71%
<i>TMN</i>								
	Schulz	Brian	State Road 73	Acc	New	Com	\$100.00	\$0.00
	Petersheim	Toby	N1745 State Road 44/73	Acc	Alt	Ag	\$13,000.00	\$150.00
<i>Summary for 'Mncp' = TMN (2 detail records)</i>								
<b>Sum</b>							\$13,100.00	\$150.00
<b>Standard</b>							1.44%	10.71%
<b>Grand Total</b>							\$911,100.00	\$1,400.00

## *Sanitary Permits    January 2017*

<i>Mncp Code</i>	<i>New/Repl</i>	<i>Last Name</i>	<i>First Name</i>	<i>Site Address</i>	<i>Structure</i>	<i>Prmt Fee</i>
<i>TPR</i>						
	Repl	Apostolos	Laura Ann	N5133 Fox River Ln	single fam frame exist	\$355.00
<i>Summary for 'Mncp Code' = TPR (1 detail record)</i>						
<b>Sum</b>						\$355.00
<b>Standard</b>						100.00%
<b>Grand Total</b>						\$355.00

## *Land Use Violations and Citations*

<i>Mncp</i>	<i>First Name</i>	<i>Last Name</i>	<i>Site Address</i>	<i>Notice</i>	<i>Corp Counsel</i>	<i>Violation Notes</i>
<i>TBY</i>						
	Keith A	Meyer	N6640 County Road PP	1/22/2010	2/17/2010	Subdivided lands without CSM and proper rezone (Update 11-9-16) CB rezoned lands, Still waiting for CSM.
<i>TMC</i>						
		Larmay Construction	N1842 Brave Rd	11/18/2016		Multiple zoning and sanitary violations. Update(12-2-16) Customer contact, intent is to rezone, CUP, and clean up property.
	Randall/Deborah	Schure	Schure Rd	4/5/2010	11/9/2016	Land division without CSM or rezone. Update (11-9-16) C.Counsel mailed letter requesting resolution.
<i>TMN</i>						
		Raith Revocable Trus	N1170 Proscarian Rd	11/18/2016		No LUP for camper with back and covered porch additions in shoreland, canvas tent in front yard setback. Update(12-12-16) Working to rezone, CUP, & CSM.

# Sanitation Violation Report

<i>Mncp</i>	<i>Current First</i>	<i>Current Last</i>	<i>Site Address</i>	<i>Complaint Invest</i>	<i>Vio Notice</i>	<i>C Counsel</i>	<i>Disposition</i>	<i>Violation Notes</i>
<i>TBY</i>								
	Darrin C	Schultz	N5427 Skunk Hollow		10/3/2016	11/1/2016		
	Julie A	Chier	N6201 N Lawson Dr		9/1/2016	9/29/2016		
<i>TGL</i>								
	Roland F	McGurk	N2922 N Kearley Rd		7/6/2016	9/29/2016		
<i>TMN</i>								
	Michael & Shelley	Hechler	W3360 Main St		9/1/2016	9/29/2016		
<i>TPR</i>								
	Christopher & Ther	Mans	W5874 Bend Rd		10/3/2016	11/1/2016		
	Richard & Linda	Swanke	N6725 STH 73		7/6/2016	9/29/2016		
<i>TSE</i>								
	Andrew & Linda	Ragona	W2643 Fox River Sh		9/1/2016	9/29/2016		
<i>TST</i>								
	Johan	Loberg & Sarah Pi	W4481 Huckleberry		9/1/2016	9/29/2016		
	Zrinsky Family	Irrevocable Trust	N6930 STH 73		7/6/2016	9/29/2016		Has a permit onfile for a new system

The WI-DNR has requested that the following amendments be made to Article 9.0 of the Green Lake County Shoreland Zoning Ordinance.

- A. For any filling or grading of any area which is within 300 feet landward of the ordinary high water mark of navigable water and which has surface drainage toward the water and on which there is either:
  - (1) Any filling or grading on slopes of more than 20%.
  - (2) Filling or grading of more than 1,000 sq. ft. on slopes of 12%-20%.
  - (3) Filling or grading of more than 2,000 sq. ft. on slopes less than 12%.
- B. For any construction or dredging commenced on any artificial waterway, canal, ditch, lagoon, pond, lake, or similar waterway which is within 300 feet landward of the ordinary high water mark of a navigable body of water or where the purpose is the ultimate connection with a navigable body of water.

**338-43. Permit conditions.** In granting a permit under Section 338-42., the County shall attach the following conditions, where appropriate, in addition to those provisions specified in Sections 338-63. or 338-65.

- A. The smallest amount of bare ground shall be exposed for as short a time as feasible.
- B. Temporary ground cover (such as mulch or jute netting) shall be used and permanent vegetative cover shall be established.
- C. Diversion berms or bales, silting basins, terraces, filter fabric fencing, and other methods shall be used to prevent erosion.
- D. Lagoons shall be constructed to avoid fish trap conditions.
- E. Fill and excavations shall be stabilized according to soil type and accepted non-engineered and engineering standards as required by the Land Use Planning & Zoning Department.
- F. Filling shall comply with any local floodplain zoning ordinance and shall not restrict a floodway or destroy the flood storage capacity of a floodplain.
- G. Channels or artificial watercourses shall be constructed with side slopes of two (2) units horizontal distance to one (1) unit vertical or flatter which shall be promptly vegetated, unless bulkheads or riprap are provided.

**338-44. Reserved**

## ARTICLE 9.0

### Impervious Surfaces

**338-45. Purpose.** Establish impervious surface standards to protect water quality and fish and wildlife habitat and to protect against pollution of navigable waters. Impervious surface standards of this chapter shall apply to the construction, reconstruction, expansion, replacement, or relocation of any impervious surface on a riparian lot or parcel and any non-riparian lot or parcel that is located entirely within 300 feet of the ordinary high water mark of any navigable waterway.

**338-46. Impervious surface calculation.** Percentage of impervious surface shall be calculated



by dividing the surface area of the existing and proposed impervious surfaces on the portion of a lot or parcel that is within 300 feet of the ordinary high water mark by the total surface area of that lot or parcel, and multiplied by 100. Impervious surfaces described in Section 338-49. shall be excluded from the calculation of impervious surface on the lot or parcel. If an outlot lies between the ordinary high water mark and the developable lot or parcel and both are in common ownership, the lot or parcel and the outlot shall be considered one lot or parcel for the purposes of calculating the percentage of impervious surface.

Note - NR 115.05(1)(e)1m. Clarifies that, if an outlot lies between the OHWM and the developed lot or parcel and both are in common ownership, then the lot or parcel should be considered one property for the purposes of calculating the percentage of impervious surfaces. If there is an outlot, parcel or road that is owned by some other entity, for example a hydroelectric facility, town, or county, then the county should determine what level of control the property owner has over that portion of the lot. Can the property owner place structures, such as shoreline protection, piers, stairs, boathouses etc. on that portion of the lot, or does some other entity have control over development? If a property owner has no or little say over construction on that portion of the lot, then impervious surfaces on that portion of the lot should be calculated separately.

For properties that have condominium ownership, the impervious surface calculations apply to the entire property. The property is still under one legal description and the proposed expansion to a unit is not the only impervious surface calculated since the regulation states lot or parcel and not a unit. It will be important to remember also that mitigation applies to the property as a whole and not just to the portion of the frontage that might be in front of the unit impacted.

**338-47. Impervious surface standard.** Except as allowed in Subsections 338-47-A and through 338-49., allow up to 15% impervious surface on the portion of a lot or parcel that is within 300 feet of the ordinary high water mark.

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~~A. Impervious surface standard for highly developed shorelines. The county, at its discretion, may adopt an ordinance for highly developed shorelines allowing up to 30% for residential land use and up to 40% for commercial, industrial, or business land uses for lands that meet one of the following standards:~~

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- ~~(1) The highly developed shoreline is identified as an Urbanized Area or Urban Cluster in the 2010 US Census or has a commercial, industrial, or business land use as of January 31, 2013.~~
- ~~(2) After conducting a hearing and receiving approval by the Department of Natural Resources, the county has mapped additional areas of highly developed shorelines that are at least 500 feet in length and meet the one of the following criteria:
  - ~~(a) The majority of the lots are developed with more than 30% of impervious surface area.~~
  - ~~(b) Located on a lake served by a sewerage system as defined in NR 110.03(30), Wis. Adm. Code.~~
  - ~~(c) The majority of the lots contain less than 20,000 square feet in area.~~~~

~~Note: Counties are not required under s. 59.692 to adopt the impervious surface standards for highly developed shorelines in Subsection 338-47-A, but are required to adopt the general impervious surface standard in Section 338-47.~~

**338-48. Maximum impervious surface.** A property may exceed the impervious surface standard under Section 338-47. ~~or Subsection 338-47-A,~~ provided the following standards are met:

**Commented [MEK1]:** Per WDNR 2-1-2017 Conditional Approval Letter: Green Lake County does not have any defined Highly Developed Shoreline areas. GLC can always adopt, in the future, if WDNR approves designated HDSA's thru text amendment.

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**Commented [MEK2]:** Eliminated reference also per WDNR Conditional Approval letter.

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- A. For properties where the general impervious surface standard applies under Section 338-47., a property owner may have more than 15% impervious surface but not more than 30% impervious surface on the portion of a lot or parcel that is within 300

feet of the ordinary high water mark.

~~B. For properties on shorelands where the impervious surface standard for highly developed shorelines applies under Subsection 338-47.A., a property owner may have more than 30% impervious surface but not more than 40% impervious surface for residential land uses. For commercial, industrial, or business land uses, a property owner may have more than 40% impervious surface but not more than 60% impervious surface.~~

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C. For properties that exceed the standard under Section 338-47. ~~or Subsection 338-47.A.~~ but do not exceed the maximum standard under Subsections 338-48.A. or 338-48.B., a permit can be issued for development with a mitigation plan that meets the standards found in Article 12.0.

Commented [MEK3]: Entire ordinance standard omitted per WDNR Conditional Approval Letter.

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~~Note - Counties that do not adopt the impervious surface standards for highly developed shorelines are not required to adopt Subsection 338-48.B.~~

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Commented [MEK4]: Omitted Note per WDNR Conditional Approval Letter.

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**338-49. Treated impervious surfaces.** Impervious surfaces that can be documented to show they meet either of the following standards shall be excluded from the impervious surface calculations under Section 338-46.

- A. The impervious surface is treated by devices such as stormwater ponds, constructed wetlands, infiltration basins, rain gardens, bio-swales, or other engineered systems.
- B. The runoff from the impervious surface discharges to an internally drained pervious area that retains the runoff on or off the parcel and allows infiltration into the soil.

Note - The provisions in Section 338-49. are an exemption from the impervious surface standards and, as such, should be read construed narrowly. As such, a property owner is entitled to this exemption only when the runoff from the impervious surface is being treated by a sufficient (appropriately sized) treatment system, treatment device, or internally drained. Property owners that can demonstrate that the runoff from an impervious surface is being treated consistent with Section 338-4., will be considered pervious for the purposes of implementing the impervious surface standards in this ordinance. If a property owner or subsequent property owner fails to maintain the treatment system, treatment device, or internally drained area, the impervious surface is no longer exempt under section 338-49.

To qualify for the statutory exemption, property owners shall submit a complete land use permit application that is reviewed and approved by the Land Use Planning and Zoning Department. The application shall include the following:

- (1) Calculations showing how much runoff is coming from the impervious surface area.
- (2) Documentation that the runoff from the impervious surface is being treated by a proposed treatment system, treatment device, or internally drained area.
- (3) An implementation schedule and enforceable obligation on the property owner to establish and maintain the treatment system, treatment devices, or internally drained area.
  - (a) The enforceable obligations shall be evidenced by an instrument recorded in the office of the Register of Deeds prior to the issuance of the land use permit.

**338-50. Existing impervious surfaces.** For existing impervious surfaces that were lawfully placed when constructed but do not comply with the impervious surface standard in Section 338-47. or the maximum impervious surface standard in section 338-48., the

Green Lake County, WI  
Tuesday, February 7, 2017

## Chapter 350. Zoning

### Article XII. Fee Schedule

#### § 350-76. Fees.

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

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

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

(1) Fee.

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

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

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

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

[Amended 12-15-2009 by Ord. No. 972-2009; 9-20-2011 by Ord. No. 998-2011]

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

D. Certificate of compliance: \$20.

Green Lake County, WI  
Tuesday, February 7, 2017

## Chapter 338. Shoreland Zoning

### Article XII. Fees

#### § 338-71. Fees.

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

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

(1) Fee:

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

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

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

B. All public hearing items such as a variance, rezone, appeal, conditional use permit, ordinance amendment, planned unit development or special exception permit: \$375.

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

#### § 338-72. through § 338-74. (Reserved)

# NOTICE OF PUBLIC HEARING

The Land Use Planning and Zoning Committee of *Green Lake County* will hold a public hearing in County Board Room #0902 of the Government Center, 571 County Road A, Green Lake, WI, on **Thursday, March 2, 2017, at 6:30 p.m.** to consider the following items:

**Item I: Owner:** Jeffrey L. Fritz, Ronald D & Sharon K Darnick Revocable Trust **General legal description:** W1511 E Springbrook Rd, Parcels #002-00638-0100 & #002-00638-0300, Part of the SW¼ of Section 33, T17N, R13E, Town of Berlin, ±5.145 acres **Request:** Rezone from A-1 Exclusive Agriculture and A-2 General Agriculture Districts to R-4 Rural Residential District.

**Item II: Owner:** Jesse Larmay, Larmay Construction, Inc **General legal description:** N1842 N Brave Rd, Parcel #010-00250-0100, Part of the SE¼ of Section 12, T14N, R13E, Town of Mackford, ±5.107 acres **Request:** Rezone from A-1 Exclusive Agriculture to R-4 Rural Residential District.

All interested persons wishing to be heard at the public hearing are invited to attend. For further detailed information concerning this notice and for information related to the outcome of public hearing items, contact the Green Lake County **Land Use Planning and Zoning Department** at (920) 294-4156.

*Publish: February 16, 2017  
February 23, 2017*

ITEM I: ZONING CHANGE

**OWNER:**

Jeffrey L. Fritz  
Ronald D. and Sharon K. Darnick Rev. Trust

**APPLICANT:**

same

**REQUEST:** The owners are requesting a zoning change from A-1, Exclusive Agriculture District and A-2 General Agriculture District to R-4, Rural Residential District, ±5.145 acres.

**PARCEL NUMBER / LOCATION:** The affected parcel numbers are 002-00638-0100 and 002-00638-0300, located in the SW¼, Section 33, T17N, R13E, Town of Berlin. The site proposed for zoning change is located at W1511 E. Springbrook Road.

**EXISTING ZONING AND USES OF ADJACENT AREA:** Parcel 002-00638-0100 is currently zoned A-1, Exclusive Agriculture. However, based on aerial photo review, there is no agricultural use on the property. Parcel 002-00638-0300 is zoned A-2, General Agriculture and composed of mostly cropland, pastureland, and woods. West of the subject properties are agricultural lands zoned A-1. To the south are woodlands zoned A-2. To the north are several undeveloped residential lots, zoned R-1, Single-family Residence. To the east are lands zoned R-4, Rural Residential used for both agriculture and as a residence.

The Green Lake County Farmland Preservation Plan identifies parcel 002-00638-0100 as an "Area of Agricultural Use." However, being a ±1.0 acre lot, this classification is questionable. The same plan identifies parcel 002-00638-0300 as an "Area of Nonagricultural Development." It is not unusual to see agriculturally used lands classified this way as the Farmland Preservation Plan did not designate any lands as "Areas of Agricultural Use" that were not zoned A-1.

The Green Lake County Comprehensive Plan's future land use map identifies parcel 002-00638-0100 as Agriculture; however, being a ±1.0 acre lot, there does not seem to be much opportunity for agricultural pursuits. Parcel 002-00638-0300 is identified as Residential, which again is suspect as this parcel is currently farmed and maintains no residential structures.

All lands under consideration for this request are located out of the floodplain.

**ADDITIONAL INFORMATION / ANALYSIS:** The owner of parcel 002-00638-0100 (Fritz) would like to eventually construct an outbuilding. Parcel 002-00638-0100 is 1.0 acre in size (including right-of-way) and not large enough to accommodate the outbuilding that Mr. Fritz would like to construct. Mr. Fritz has reached a deal with his neighbors to the west (and south) to purchase additional acreage. However, in order for Mr. Fritz to combine his present lands with the lands to be purchased, he is required, by ordinance, to rezone. Together the property owners, Fritz and the Darnick Trust, are requesting to rezone a total of 5.145 acres (total is 6.258 acres; however, 1.113 acres is Town road right-of-way and thus cannot be rezoned).

**STATUTORY CRITERIA PER 91.48(1):** Land may be rezoned out of a farmland preservation zoning district (A-1 Exclusive Agriculture District in Green Lake County) if all of the following are found after public hearing: **(Staff comments in bold type)**

- a) The land is better suited for a use not allowed in the farmland preservation zoning district. **Presently, Fritz’s 1.0 acre consists of 0.16 acres of right-of-way and 0.84 acres of useable land, the bulk of which maintains structures. There is little opportunity for agricultural pursuits; however, with the additional Darnick Trust lands, this situation improves in that agricultural uses can be engaged. Hence, the agricultural nature of these lands is bolstered with the approval of this request.**
  
- b) The rezoning is consistent with any applicable comprehensive plan. **The request is to rezone from the two agriculture zoning districts to the Rural Residential district whereby agricultural uses are permitted. Therefore, staff considers the request to be consistent with the applicable comprehensive plans.**
  
- c) The rezoning is substantially consistent with the county certified farmland preservation plan. **The overall goal of the County certified farmland preservation plan is to maintain the integrity and viability of county agriculture. It is staff’s belief that the request does not negatively impact the integrity or viability of county agriculture and is, therefore, substantially consistent with the County’s certified farmland preservation plan.**
  
- d) The rezoning will not substantially impair or limit current or future agricultural use of the surrounding parcels of land that are zoned for or legally restricted to agricultural use. **This request allows the property to remain in a zoning district that allows agricultural uses; therefore, it will not impair or limit current or future agricultural use.**

**TOWN OF BROOKLYN:** An Action Form requesting the Town of Berlin’s input related to this zoning change request was mailed to the Town Clerk on January 6, 2017.

Please type or use black ink

Return to: Green Lake County  
Planning & Zoning Department  
P.O. Box 3188  
Green Lake, WI 54941

C 4397

**GENERAL APPLICATION**

Fee 375.00 (not refundable)

Date 12-8-16

Zone Change from A-1, A-2 to R-4

Conditional Use Permit for —

Other —

**PROPERTY OWNER / APPLICANT**

Name Jeff L. Fritz

Mailing Address W1511 E. Springbrook Rd, Green Lake, WI 54941

Phone Number 920-341-4020

Signature [Signature] Date 12-5-16

**AGENT IF OTHER THAN OWNER**

Name Ronald D. + Sharon K. Darnick Rev. Trust

Mailing Address N7301 Springbrook Rd, Green Lake, WI 54941

Phone Number 920 294 3438

Signature [Signature] Date 12/7/16

**PROPERTY INFORMATION**

Town of Berlin Parcel Numbers (affected) 002-00638-0100 Acres (affected) 5.145  
002-00638-0300 net acres

Lot — Block — Subdivision —

Section 33 Town 17 North Range 13 East

Location of Property W1511 Springbrook Rd.

Legal Description (See attached)

Current Zoning Classification A-1 + A-2 Current Use of Property Ag / Residential

Detailed Description of Proposed Use Current property does not allow room to build an outbuilding. This will allow for the required room / area.

**PLEASE PROVIDE A DETAILED SITE PLAN WITH THE APPLICATION**

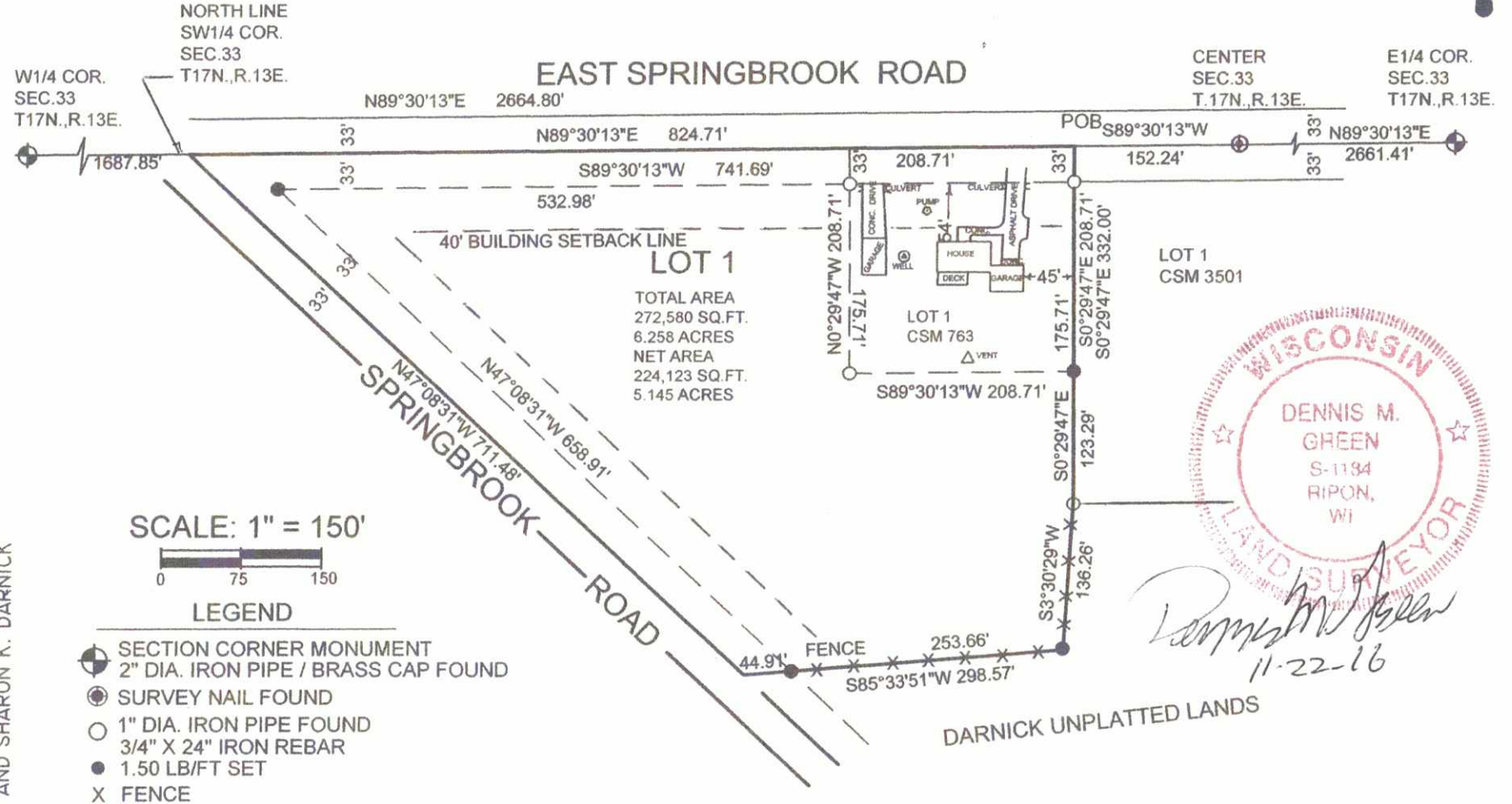
Fees: Zone Change \$375.00  
Conditional Use Permit \$375.00  
Variance \$375.00  
Special Exception \$375.00



CERTIFIED SURVEY MAP LOCATED IN PART OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 33, T.17N., R.13E., TOWNSHIP OF BERLIN, GREEN LAKE COUNTY, WISCONSIN.

PURPOSE: TO COMBINE LOT 1 CSM 763 WITH OTHER LANDS TRANSFERRED TO FRITZ FROM DARNICK.

BEARINGS REFERENCED TO THE GREEN LAKE COUNTY COORDINATE SYSTEM OF 1883 (1991) WITH THE NORTH LINE OF SW 1/4 OF SECTION 33 BEARING N89°30'13"E.



RIPON LAND SURVEYING

Division of D.M. Green & Associates, Inc.  
827 W. Fond du Lac St.  
P.O. Box 386  
Ripon, Wisconsin 54971  
Phone/Fax: (920) 748-9696



CERTIFIED SURVEY MAP

OWNER: JEFFREY L. FRITZ  
W1511 E. SPRINGBROOK RD.  
GREEN LAKE, WI. 54941  
RONALD D. AND SHARON K. DARNICK



**RIPON LAND SURVEYING**

827 W. Fond du Lac St.  
Ripon, Wisconsin 54971  
Phone (920) 748-9696

**CERTIFIED SURVEY MAP**

CERTIFIED SURVEY MAP  
LOCATED IN PART OF THE NE¼  
OF THE SW¼ OF SECTION 33, T.17N.,  
R.13E., TOWNSHIP OF BERLIN,  
GREEN LAKE COUNTY, WISCONSIN.

SURVEYOR’S CERTIFICATE

I, Dennis M. Green, Professional Land Surveyor in the State of Wisconsin, hereby certify that by the order of Jeffrey L. Fritz, I have surveyed, divided, monumented and mapped lands located in part of the NE ¼ of the SW ¼ of Section 33, T.17N., R.13E., Town of Berlin, Green Lake County, Wisconsin being more particularly described as follows:

Commencing at the West Quarter Corner of said Section 33; thence N89°-30’-13’’E along the North line of the SW¼ of said Section 33, 2664.80 feet to the Center of said Section 33; thence S89°-30’-13’’W along said North line, 152.24 feet to the Point of Beginning; thence S00°-29’-47’’E along the West line of Certified Survey Map Number 3501, 332.00 feet; thence S03°-30’-29’’W, 136.26 feet; thence S85°-33’-51’’W, 298.57 feet; thence N47°-08’-31’’W along the centerline of Springbrook Road, 711.48 feet; thence N89°-30’-13’’E along the North line of the SW¼ of said Section 33, 824.71 feet to the Point of Beginning. Said parcel contains 272,580 square feet or 6.258 acres. Said parcel subject to 33.00 foot Right of Way over the West side thereof for Springbrook Road and a 33 foot wide Right of Way for East Springbrook Road over the North side thereof. All bearings referenced to the Green Lake County Coordinate System of 1983 (1991) with the North line of SW¼ of Section 33 bearing N89°-30’-13’’E.

I further certify that the within survey is a correct representation of the boundaries surveyed, divided, monumented and mapped and that I have fully complied with the provisions of Chapter 236.34 of the Wisconsin Statutes, Green lake County land Division Ordinance and that this survey is correct to the best of my knowledge and belief.

RIPON LAND SURVEYING  
Ripon, Wisconsin

  
\_\_\_\_\_

Dennis M. Green, P.L.S. 1184  
Dated this 22<sup>nd</sup> day of November, 2016



GREEN LAKE COUNTY LAND USE PLANNING AND ZONING COMMITTEE

STATE OF WISCONSIN)  
SS  
GREEN LAKE COUNTY)

This Certified Survey Map is hereby approved this \_\_\_ day of \_\_\_\_\_, by the Authority of the Green Lake County Land Use Planning and Zoning Committee.

By: \_\_\_\_\_  
Committee Representative

GREEN LAKE COUNTY

COUNTY

CERTIFIED SURVEY MAP NO. \_\_\_\_\_

VOLUME

PAGE



# RIPON LAND SURVEYING

827 W. Fond du Lac St.  
Ripon, Wisconsin 54971  
Phone (920) 748-9696

# CERTIFIED SURVEY MAP

CERTIFIED SURVEY MAP FOR  
LOCATED IN PART OF THE NE¼  
OF THE SW¼ OF SECTION 33,  
T.17N., R.13E., TOWN OF BERLIN,  
GREEN LAKE COUNTY, WISCONSIN.

GREEN LAKE COUNTY

CERTIFIED SURVEY MAP NO.

VOLUME

PAGE

### OWNER'S CERTIFICATE

We hereby certify that we have caused the land as described in the foregoing certificate of Dennis M. Green, surveyor, to be surveyed, divided, monumented and mapped as represented by this Certified Survey Map.

We further certify that this survey is required by Section 236.10 or 236.12 of the Wisconsin State Statutes to be submitted to the following for approval or objection:

- 1) Green Lake County Land Use Planning and Zoning Committee

WITNESS the hand and seal of Jeffrey L. Fritz this \_\_\_\_\_ day of \_\_\_\_\_ 2016.

\_\_\_\_\_  
Jeffrey L. Fritz, Owner

STATE OF WISCONSIN) SS  
GREEN LAKE COUNTY)

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2016, the above named Jeffrey L. Fritz known to be the person who executed the foregoing instrument and acknowledged the same.

\_\_\_\_\_  
Wisconsin Notary Public  
My commission expires \_\_\_\_\_

WITNESS the hand and seal of Ronald D. and Sharon K. Darnick Revocable Trust Owners  
this \_\_\_\_\_ day of \_\_\_\_\_ 2016.

\_\_\_\_\_  
Ronald D. Darnick, Owner  
Ronald D. & Sharon K. Darnick  
Revocable Trust

\_\_\_\_\_  
Sharon K. Darnick, Owner  
Ronald D. & Sharon Darnick  
Revocable Trust

STATE OF WISCONSIN) SS  
GREEN LAKE COUNTY)

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_ 2016, the above named Ronald D. and Sharon K. Darnick known to be the persons who executed the foregoing instrument and acknowledged the same.

\_\_\_\_\_  
Wisconsin Notary Public  
My Commission expires \_\_\_\_\_



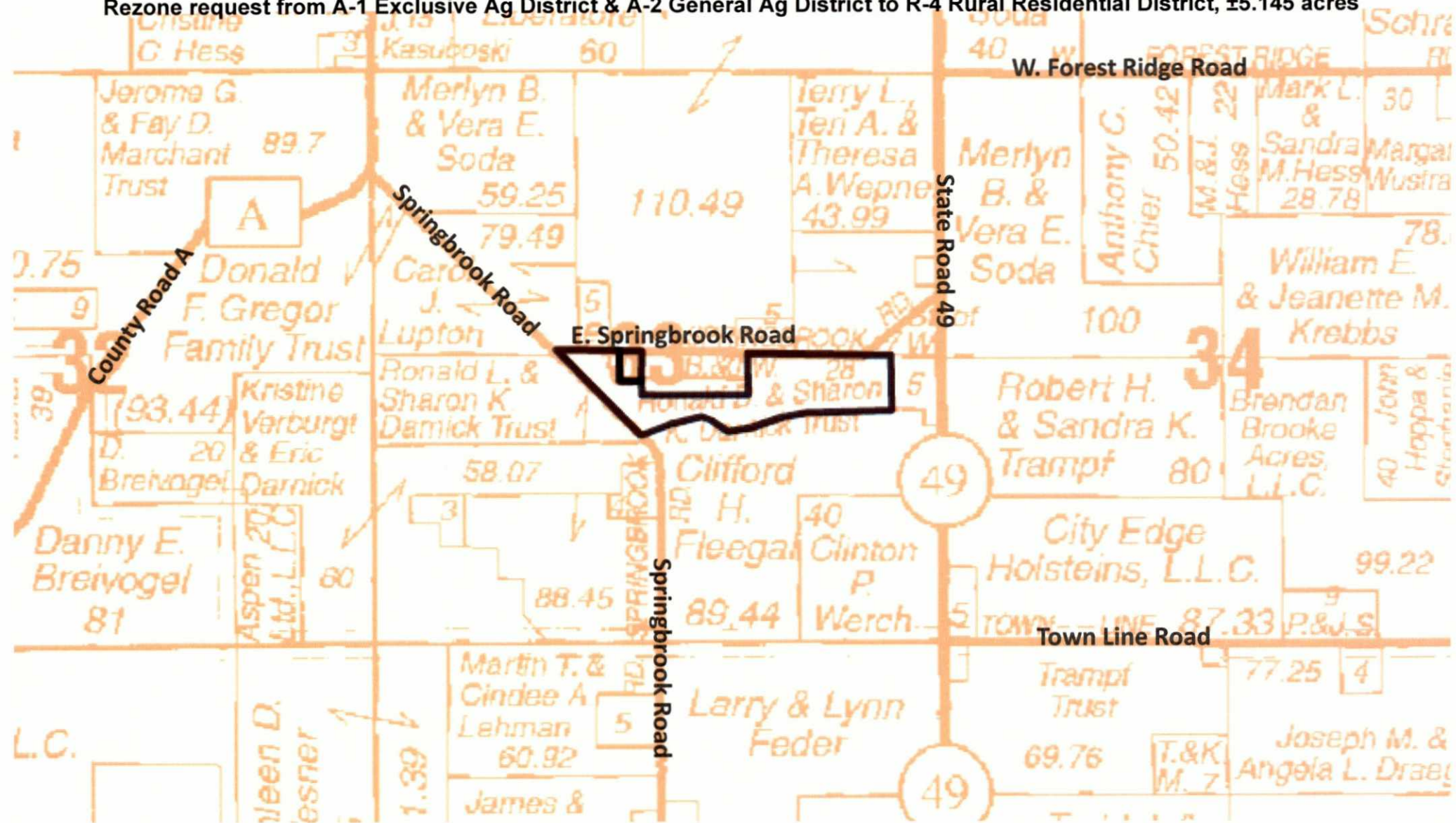
*Dennis M. Green*  
11-22-16

**Owners/Applicants: Jeffrey L. Fritz and Ronald D. & Sharon K. Darnick Revocable Trust**

**Fritz Property: W1511 E. Springbrook Road, Parcel #002-00638-0100, Lot 1 Certified Survey Map 763**

**Darnick Property: South of E. Springbrook Road, Parcel #002-00638-0300, Part of the SW¼ & SE¼  
all located within Section 33, T17N, R13E, Town of Berlin**

**Rezone request from A-1 Exclusive Ag District & A-2 General Ag District to R-4 Rural Residential District, ±5.145 acres**



**Owners/Applicants: Jeffrey L. Fritz and Ronald D. & Sharon K. Darnick Revocable Trust**

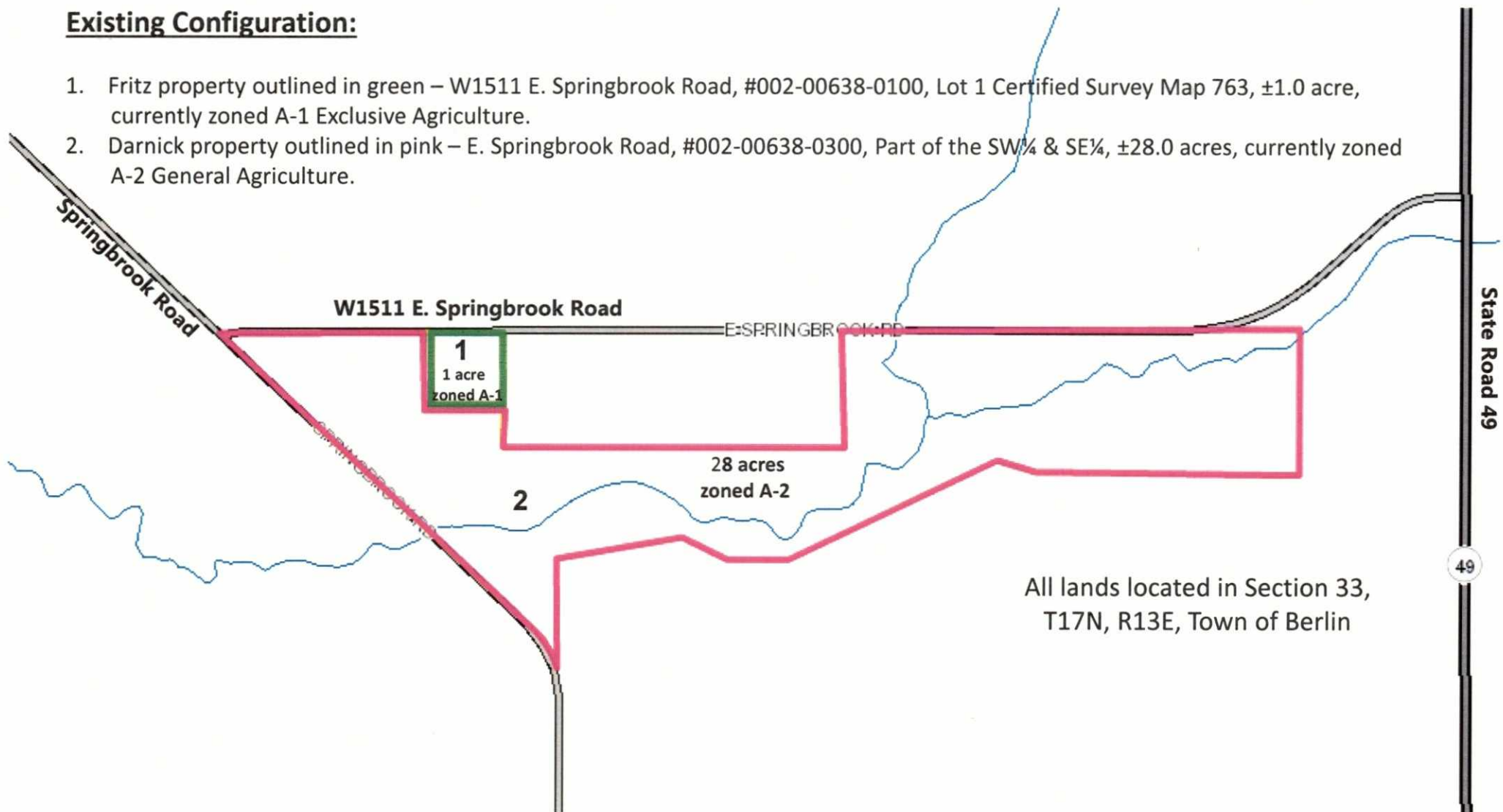
**Fritz Property: W1511 E. Springbrook Road, Parcel #002-00638-0100, Lot 1 Certified Survey Map 763**

**Darnick Property: South of E. Springbrook Road, Parcel #002-00638-0300, Part of the SW<sup>1</sup>/<sub>4</sub> & SE<sup>1</sup>/<sub>4</sub>  
all located within Section 33, T17N, R13E, Town of Berlin**

**Rezone request from A-1 Exclusive Ag District & A-2 General Ag District to R-4 Rural Residential District, ±5.145 acres**

**Existing Configuration:**

1. Fritz property outlined in green – W1511 E. Springbrook Road, #002-00638-0100, Lot 1 Certified Survey Map 763, ±1.0 acre, currently zoned A-1 Exclusive Agriculture.
2. Darnick property outlined in pink – E. Springbrook Road, #002-00638-0300, Part of the SW<sup>1</sup>/<sub>4</sub> & SE<sup>1</sup>/<sub>4</sub>, ±28.0 acres, currently zoned A-2 General Agriculture.



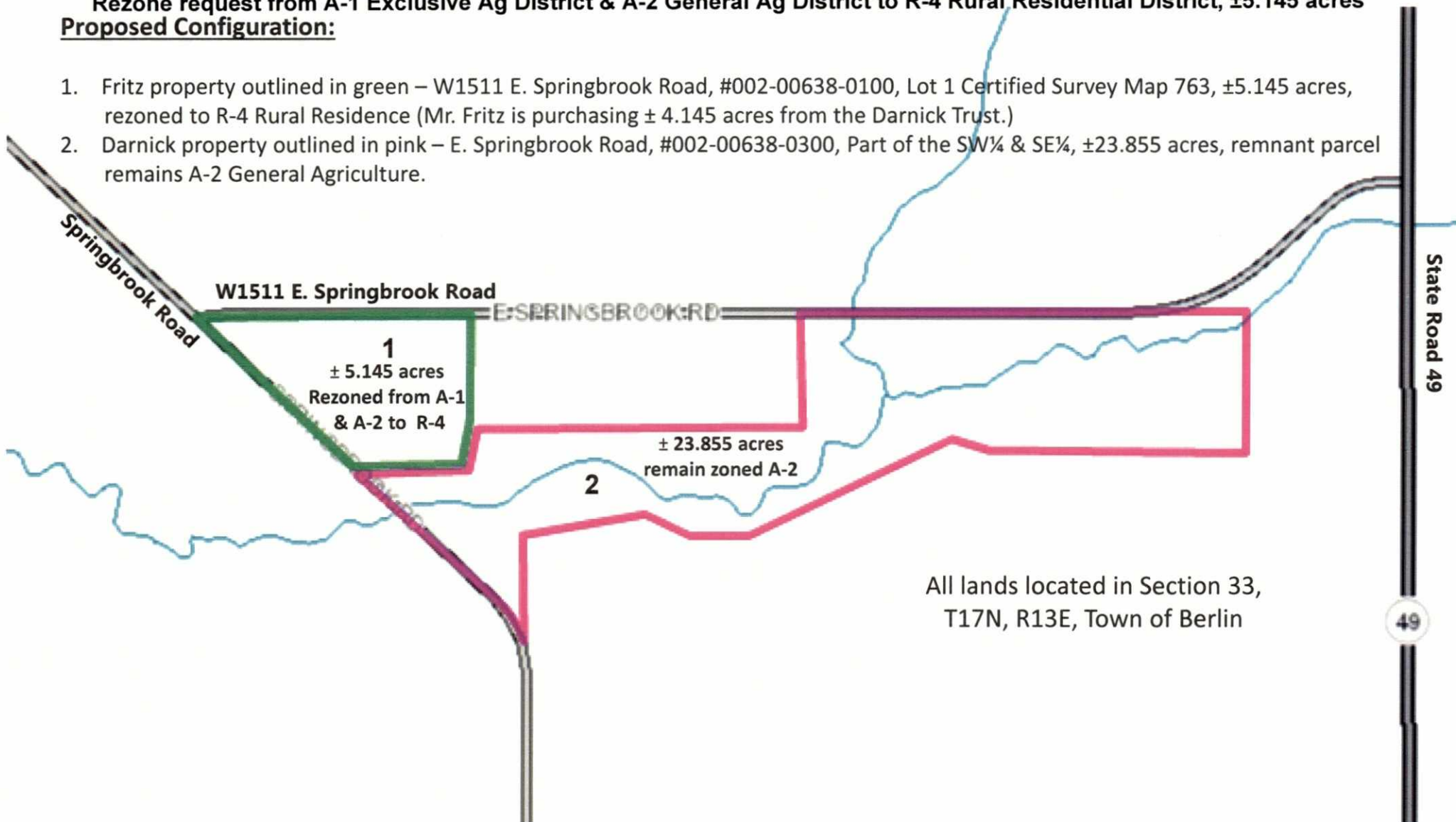
**Owners/Applicants: Jeffrey L. Fritz and Ronald D. & Sharon K. Darnick Revocable Trust**

**Fritz Property: W1511 E. Springbrook Road, Parcel #002-00638-0100, Lot 1 Certified Survey Map 763**

**Darnick Property: South of E. Springbrook Road, Parcel #002-00638-0300, Part of the SW<sup>1</sup>/<sub>4</sub> & SE<sup>1</sup>/<sub>4</sub>  
all located within Section 33, T17N, R13E, Town of Berlin**

**Rezone request from A-1 Exclusive Ag District & A-2 General Ag District to R-4 Rural Residential District, ±5.145 acres**  
**Proposed Configuration:**

1. Fritz property outlined in green – W1511 E. Springbrook Road, #002-00638-0100, Lot 1 Certified Survey Map 763, ±5.145 acres, rezoned to R-4 Rural Residence (Mr. Fritz is purchasing ± 4.145 acres from the Darnick Trust.)
2. Darnick property outlined in pink – E. Springbrook Road, #002-00638-0300, Part of the SW<sup>1</sup>/<sub>4</sub> & SE<sup>1</sup>/<sub>4</sub>, ±23.855 acres, remnant parcel remains A-2 General Agriculture.

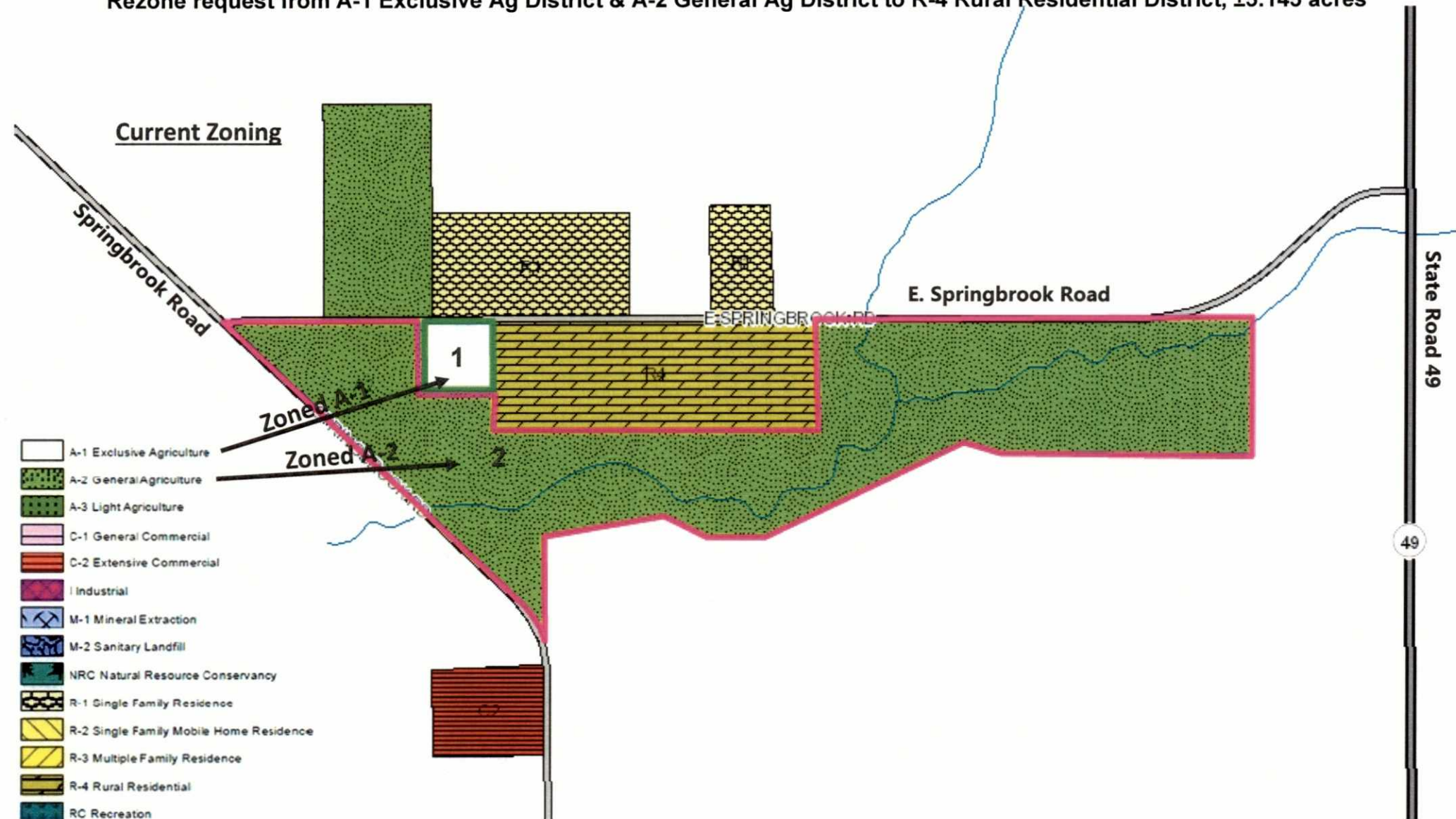


**Owners/Applicants: Jeffrey L. Fritz and Ronald D. & Sharon K. Darnick Revocable Trust**

**Fritz Property: W1511 E. Springbrook Road, Parcel #002-00638-0100, Lot 1 Certified Survey Map 763**

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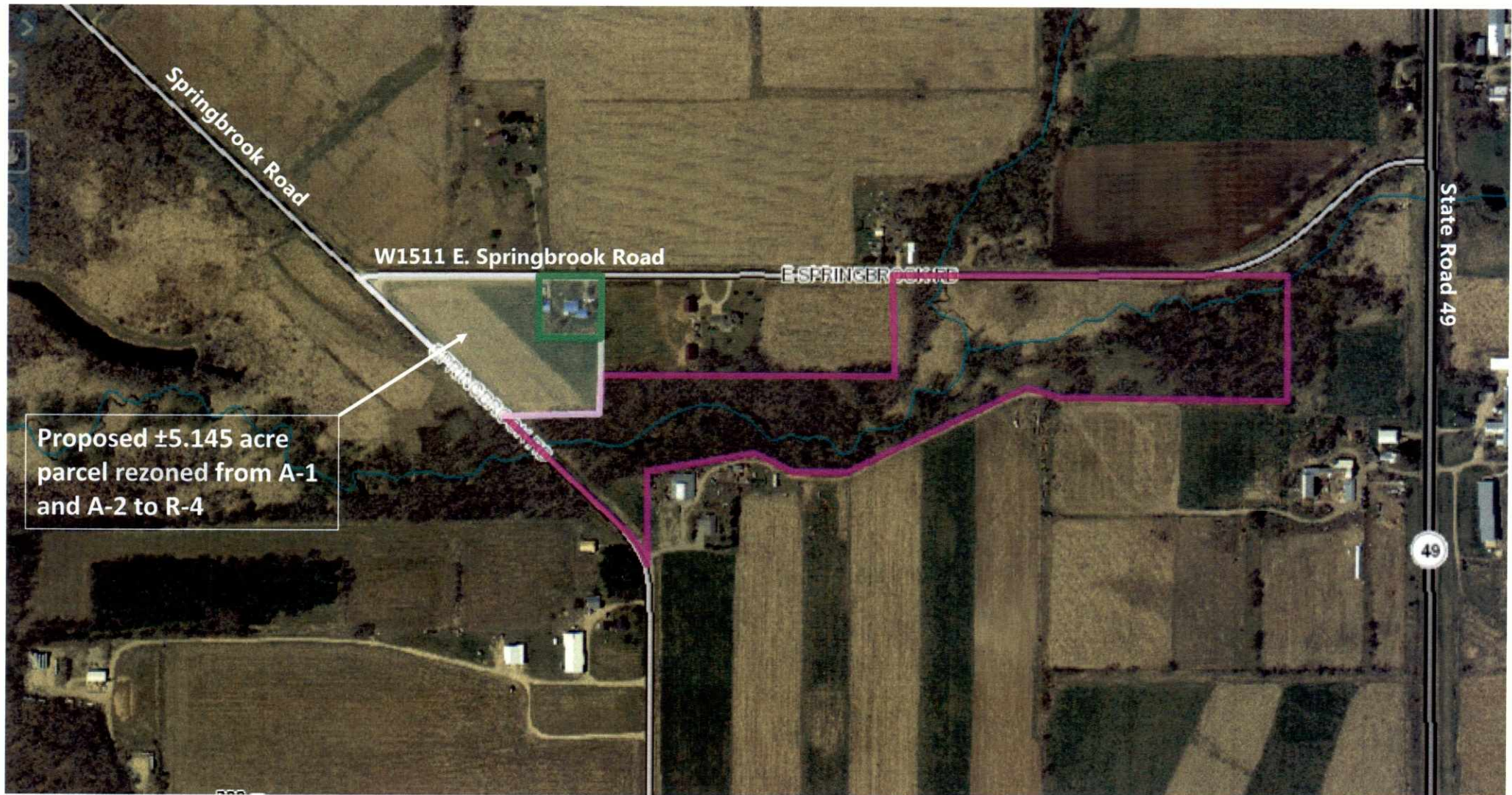


**Owners/Applicants: Jeffrey L. Fritz and Ronald D. & Sharon K. Darnick Revocable Trust**

**Fritz Property: W1511 E. Springbrook Road, Parcel #002-00638-0100, Lot 1 Certified Survey Map 763**

**Darnick Property: South of E. Springbrook Road, Parcel #002-00638-0300, Part of the SW $\frac{1}{4}$  & SE $\frac{1}{4}$   
all located within Section 33, T17N, R13E, Town of Berlin**

**Rezoning request from A-1 Exclusive Ag District & A-2 General Ag District to R-4 Rural Residential District,  $\pm$ 5.145 acres**





**Owners/Applicants: Jeffrey L. Fritz and Ronald D. & Sharon K. Darnick Revocable Trust**

**Fritz Property: W1511 E. Springbrook Road, Parcel #002-00638-0100, Lot 1 Certified Survey Map 763**

**Darnick Property: South of E. Springbrook Road, Parcel #002-00638-0300, Part of the SW<sup>1</sup>/<sub>4</sub> & SE<sup>1</sup>/<sub>4</sub>  
all located within Section 33, T17N, R13E, Town of Berlin**

**Rezone request from A-1 Exclusive Ag District & A-2 General Ag District to R-4 Rural Residential District, ±5.145 acres**



# LAND USE PLANNING AND ZONING COMMITTEE STAFF REPORT

PUBLIC HEARING

March 2, 2017

## ITEM II: ZONING CHANGE

### OWNER:

Larmay Construction, Inc.

### APPLICANTS:

Jesse Larmay - Owner

**REQUEST:** The owner/applicants are requesting a zoning change from A-1, Exclusive Agriculture District to R-4, Rural Residential District.

**PARCEL NUMBER / LOCATION:** The parcel affected by this proposed rezone is 010-00250-0100, located in the SE1/4 of Section 12, T14N, R13E, Town of Mackford. The site proposed for zoning change is located at N1842 Brave Road and consists of ±5.107 acres.

**EXISTING ZONING AND USES OF ADJACENT AREA:** The current zoning of the parcel in question is A-1 Exclusive Agriculture District. Lands surrounding the subject site on all sides are also A-1. There are lands a mile north of this parcel zoned M-1, Mineral Extraction, which are owned by Badger Mining Corporation and are currently being farmed. Additional M-1 zoning on parcels a mile to the west, owned by Gelhar Real Estate Investments, are being actively mined.

The Green Lake County Farmland Preservation Plan identifies the land under consideration for this zoning change to be in a Farmland Preservation Area. The predominant soils on the subject parcel are MsC2, MsB, and PnB (Mendota silt loam and Plano silt loam with till substratum, with slopes ranging from 2% to 12% with erosion).

According to the Flood Boundary and Floodway Map Panel 55047C0225C, the lands under consideration for this request are located out of the general floodplain. It is also located outside of shoreland zoning jurisdiction.

**ADDITIONAL INFORMATION / ANALYSIS:** In November of 2015, a fire broke out in the primary structure on the property, which was then a rental property. This fire left most of the house structure intact but gutted the home. The previous land owner sold the property to the renter, Larmay Construction, LLC., with the understanding the home would be remodeled and restored.

In response to a complaint, the Department investigated the subject site in November of 2016 for multiple zoning and sanitary violations. As part of steps to compliance, the current owner wishes to rezone from A-1 Exclusive Agriculture District to R-4 Rural Residential District. This zoning allows for application of a land use permit to temporarily locate a mobile home on the property. This structure would serve as temporary housing, per our permitted uses in R-4 (350-41.A(23), "mobile home shall be allowed as a temporary structure for the shelter of persons and property as a result of disaster-related damages...for no more than one year and shall be located on the premises with the construction of the new permanent structure."

The subject site had been a rural residential use, with the previously existing accessory buildings falling into disrepair over the last 15-20 years, per aerial imagery.

**STATUTORY CRITERIA PER 91.48(1):** Land may be rezoned out of a farmland preservation zoning district (A-1 Exclusive Agriculture District in Green lake County) if all of the following are found after public hearing: **(Staff comments in bold type)**

- a) The land is better suited for a use not allowed in the farmland preservation zoning district. **The goal of the County’s Comprehensive Plan and the County Farmland Preservation Plan is to preserve and protect quality agricultural lands. This request does preserve and protect lands as the R-4 zoning classification allows for light agricultural uses.**
  
- b) The rezoning is consistent with any applicable comprehensive plan. **The proposed rezone is consistent with the County comprehensive plan as the future land use is projected to be light agricultural.**
  
- c) The rezoning is substantially consistent with the county certified farmland preservation plan. **The overall goal of the County certified farmland preservation plan is to maintain the integrity and viability of county agriculture. It is staff’s belief that the request does not negatively impact the integrity or viability of county agriculture and is, therefore, substantially consistent with the County’s certified Farmland Preservation Plan.**
  
- d) The rezoning will not substantially impair or limit current or future agricultural use of the surrounding parcels of land that are zoned for or legally restricted to agricultural use. **The R-4, Rural Residential District is intended to provide for limited rural residential use development, but also requires a larger area to maintain the rural character and to accommodate uses like light agriculture. The R-4 district is not intended to impair or limit future agricultural use of surrounding parcels.**

**TOWN OF MACKFORD:** An Action Form requesting the Town of Mackford’s input related to this zoning change request was mailed to the Town Clerk on January 6, 2017.

Please type or use black ink

Return to: Green Lake County  
Planning & Zoning Department  
P.O. Box 3188  
Green Lake, WI 54941

**GENERAL APPLICATION**

Fee \$375.00 (not refundable)

Date 12-1-16

Zone Change from A-1 to R-4

Conditional Use Permit for \_\_\_\_\_

Other \_\_\_\_\_

**PROPERTY OWNER / APPLICANT**

Name Jesse Larway / Larway Construction Inc.

Mailing Address N1842 N Brave rd Markesan, WI 53946

\* Phone Number (920) 382-8827

Signature [Signature] Date 12/01/16

**AGENT IF OTHER THAN OWNER**

Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

Phone Number \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

**PROPERTY INFORMATION**

Town of Mackford Parcel Numbers (affected) 010-00250-0100 Acres (affected) 5.107

Lot — Block — Subdivision \_\_\_\_\_

Section 12 Town 14E North Range 13 East

Location of Property N 1842 Brave Rd.

Legal Description Com 515' S of Cent. Sec# 12: E 540'; S 412'; W 540'; N 412' to beg.

Current Zoning Classification A-1 Current Use of Property Residential/Aggregator

\* Detailed Description of Proposed Use Temporary location for rebuilding house per Section 350-41A(23). For a temporary mobile home not to exceed 1 year.

**PLEASE PROVIDE A DETAILED SITE PLAN WITH THE APPLICATION**

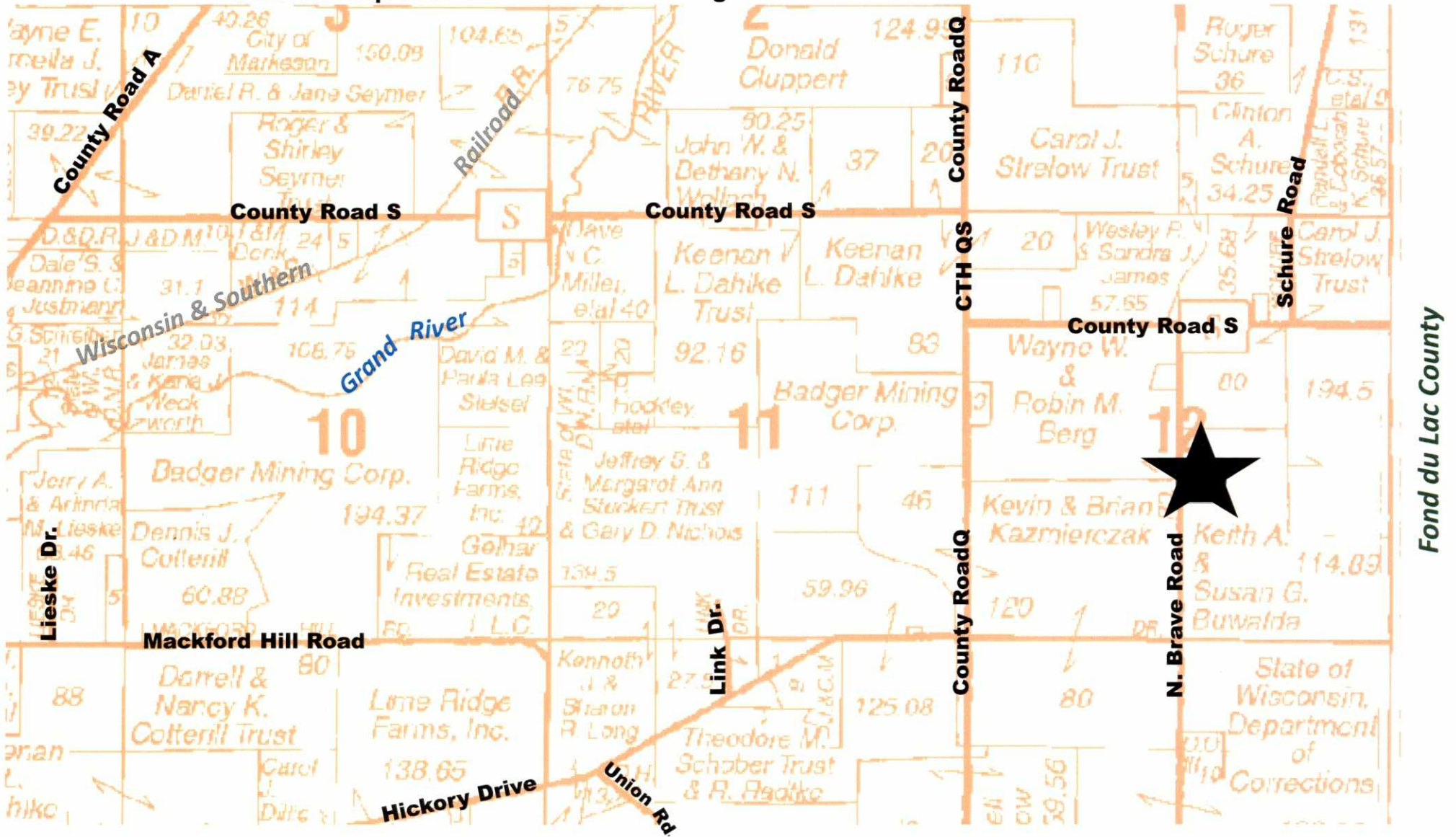
Fees: Zone Change \$375.00  
Conditional Use Permit \$375.00  
Variance \$375.00  
Special Exception \$375.00

Owner: Jesse Larmay, Larmay Construction, Inc.

N1842 N. Brave Road, Parcel #010-00250-0100, Part of the SE¼ of Section 12, T14N, R13E

Town of Mackford, ±5.145 acres

Rezone request from A-1 Exclusive Ag District to R-4 Rural Residential District



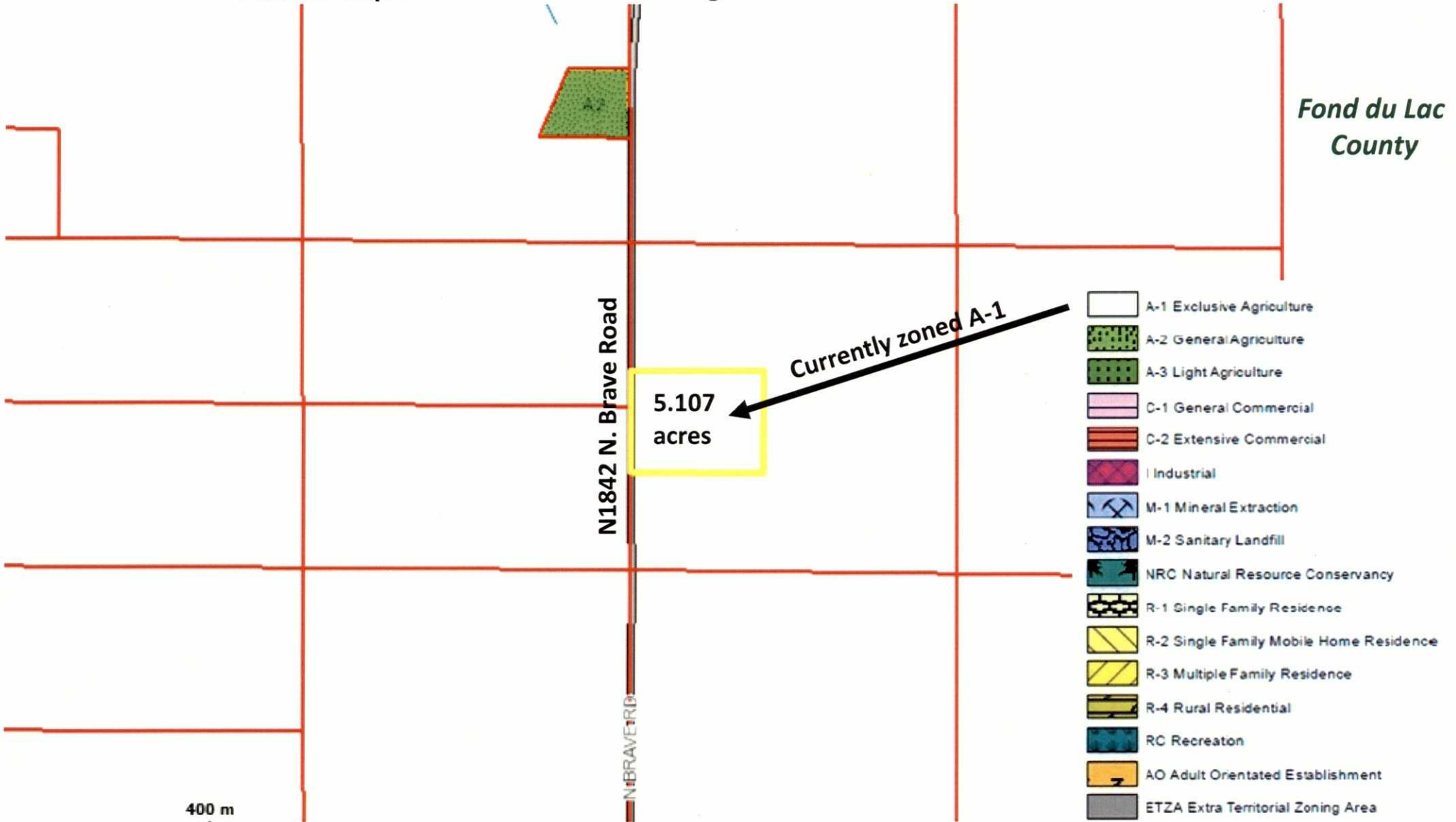
Green Lake County Land Use Planning & Zoning Committee Public Hearing 03/02/17

Owner: Jesse Larmay, Larmay Construction, Inc.

N1842 N. Brave Road, Parcel #010-00250-0100, Part of the SE<sup>1</sup>/<sub>4</sub> of Section 12, T14N, R13E

Town of Mackford, ±5.145 acres

Rezone request from A-1 Exclusive Ag District to R-4 Rural Residential District



Green Lake County Land Use Planning & Zoning Committee Public Hearing 03/02/17

**Owner: Jesse Larmay, Larmay Construction, Inc.**

**N1842 N. Brave Road, Parcel #010-00250-0100, Part of the SE $\frac{1}{4}$  of Section 12, T14N, R13E**

**Town of Mackford,  $\pm$ 5.145 acres**

**Rezone request from A-1 Exclusive Ag District to R-4 Rural Residential District**



**Owner: Jesse Larmay, Larmay Construction, Inc.**

**N1842 N. Brave Road, Parcel #010-00250-0100, Part of the SE $\frac{1}{4}$  of Section 12, T14N, R13E**

**Town of Mackford,  $\pm$ 5.145 acres**

**Rezone request from A-1 Exclusive Ag District to R-4 Rural Residential District**



**Green Lake County Land Use Planning & Zoning Committee Public Hearing 03/02/17**

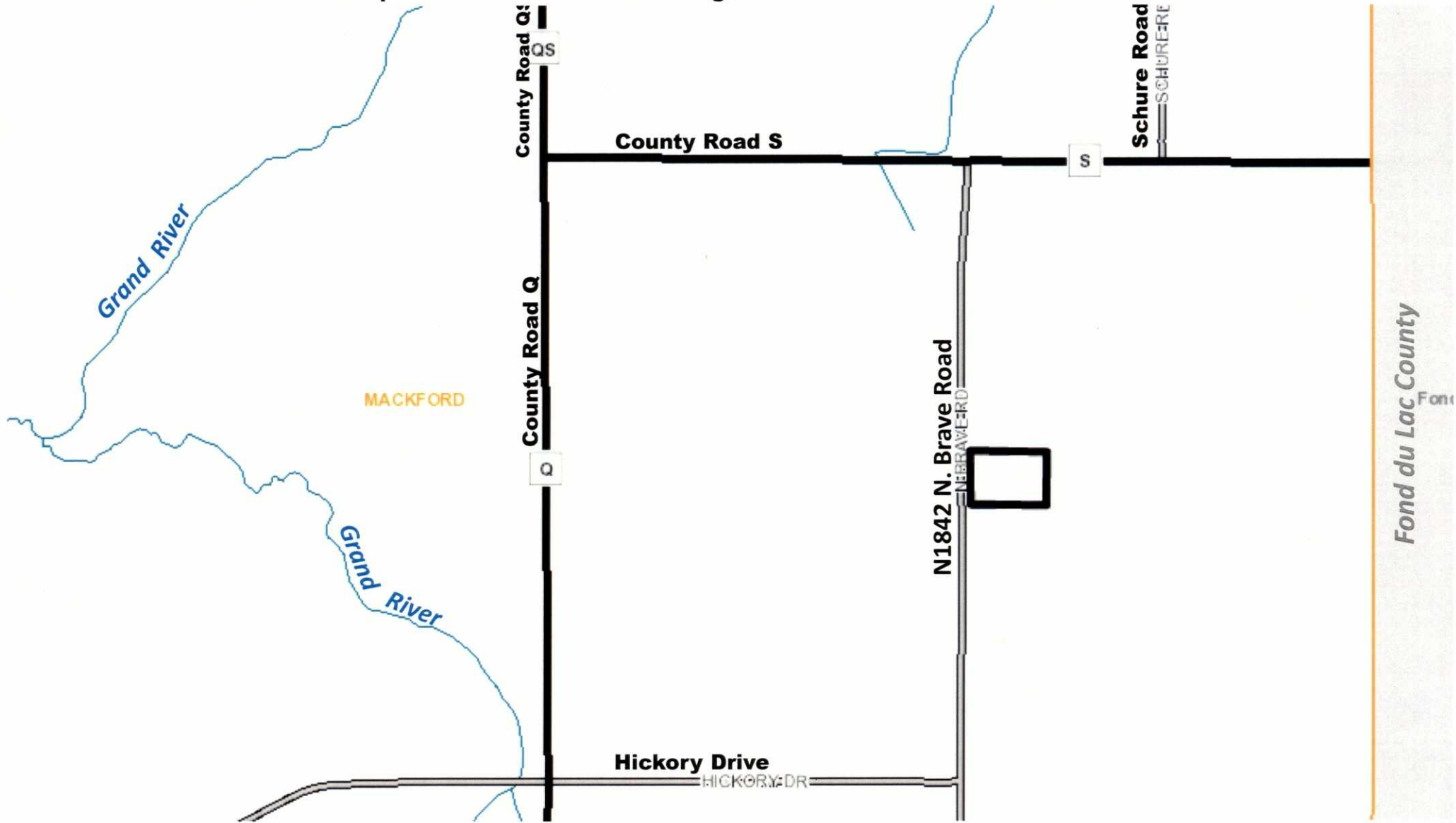


**Owner: Jesse Larmay, Larmay Construction, Inc.**

**N1842 N. Brave Road, Parcel #010-00250-0100, Part of the SE¼ of Section 12, T14N, R13E**

**Town of Mackford, ±5.145 acres**

**Rezone request from A-1 Exclusive Ag District to R-4 Rural Residential District**



**Green Lake County Land Use Planning & Zoning Committee Public Hearing 03/02/17**



# Land Use Planning & Zoning Department

County Government Center  
 571 County Road A P.O. Box 3188  
 Green Lake, WI 54941

Phone 920-294-4156 Website: <http://www.co.green-lake.wi.us/>

Land Development Code Enforcement County Surveyor GIS Land Information

## 2017 BUDGET COMMITTED FUNDS

March 2, 2017

DEPARTMENT: LAND USE PLANNING AND ZONING (#10)  
 COMMITTEE: LAND USE PLANNING AND ZONING

The following amounts are being requested as committed funds from the 2016 Land Use Planning and Zoning Department budget to the 2017 budget. The Land Use Planning and Zoning Committee will review these proposed committed funds at their regular monthly meeting.

Acc't #	Acc't Name	Year-end 2016 budget	Proposed 2016 carryover funds	Balance for 2017
10-53610-999-001	Vehicle Purchase	25,704	0	25,704
10-53610-999-00?	Professional Services - Land Development	26,143	5,000 (budget) 12,389 (FPP Grant)	43,532
10-53610-999-00?	Professional Services - Surveyor	<u>76,310</u>	1,850 (budget) <u>850 (budget)</u>	<u>79,010</u>
	<b>Total</b>	<b>\$128,157</b>	<b>\$20,089</b>	<b>\$148,246</b>



# Land Use Planning & Zoning Department

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571 County Road A P.O. Box 3188  
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## 2017 BUDGET RESTRICTED FUNDS March 2, 2017

DEPARTMENT: LAND USE PLANNING AND ZONING (#10)  
COMMITTEE: LAND USE PLANNING AND ZONING

The following amounts are being identified as restricted funds from the 2016 Land Use Planning and Zoning Department budget to the 2017 budget.

Acc't #	Acc't Name	Year-end 2016 budget	Proposed 2016 carryover funds	Balance for 2017
10-53610-999-000	Non-Metallic Mining	<u>62,862</u>	<u>14,300</u>	<u>77,162</u>
	<b>Total</b>	<b>\$62,862</b>	<b>\$14,300</b>	<b>\$77,162</b>

Article III. General Provisions

Section 350-13.B. Every residential building hereafter erected, converted, enlarged or structurally altered shall be located on a lot, and in no case shall there be more than one main residential building on one lot.

Section 350-14. Nonconforming uses, structures and lots or parcels.

350-14.C. Nonconforming lots or parcels. Any lot or parcel created prior to the effective date of this chapter, or revisions and/or amendments thereto, which does not meet the current minimum lot or parcel size standards of this chapter shall not be reduced in size unless the reduction results in compliance with the minimum lot or parcel size standard of the zoning district in which it is located.

350-14.E. Split-zoned lots or parcels: In no case shall a land use permit be issued to a property owner or property owner’s agent for a lot or parcel that is split-zoned. In these cases, the property owner shall consult the Land Use Planning & Zoning Department to obtain a resolution strategy to remedy the split-zoning condition. The resolution strategy could include a comprehensive plan amendment, rezone, and a certified survey map.

350-18.A. Except as otherwise provided in this chapter, every building/structure hereafter erected, moved or structurally altered for residential purposes shall be located on a lot at least 100 feet in average width and 20,000 square feet in area, regardless of the district in which such building is, or is to be, located, provided that when the regulations of Ch. COMM 83, Wis. Adm. Code DSPS 383, require a larger area, then such state regulations shall prevail.

Class	Private Water Supply Systems			Public Water Supply Systems	
	Minutes required for water to fall	Minimum Lot Area (Square Feet)	Minimum Average Lot Width (feet)	Minimum Lot Area (Square Feet)	Minimum Average Lot Width (feet)
1	Under 10	20,000	100	12,000	75
2	10 to 30	20,000	100	14,000	75
3	30 to 45	25,000	100	16,000	75
4	45 to 60	25,000	100	18,000	100

350-19.A. Except as otherwise provided in this chapter, the maximum height of any building hereafter erected, moved or structurally altered shall be 2 ½ stories or 35 feet, regardless of as required in the following table the district in which such building is, or is to be, located.

District	Height
Residential	2 ½ stories or 35ft

Recreational	2 ½ stories or 35ft
Agricultural	2 ½ stories or 35ft
Conservancy	2 ½ stories or 35ft
Commercial	2 ½ stories or 35ft
Industrial	2 ½ stories or 35ft

350-21.E. (1) In all districts there shall be provided, at the time any building or structure is erected, off street parking spaces in accordance with the requirements of this section. A site plan, including layout of parking spaces of any area for more than five vehicles, shall be submitted to the ~~Surveyor/Land Development Director~~ Land Use Planning & Zoning Department for approval prior to construction. Requests for parking lots shall be accompanied by detailed plans on landscaping, parking layout, drainage provisions and driveway locations.

350-22.B. Substandard lots not served by a public sewer. The provisions of Subsection A and ~~DSPS 385 Ch. COMM 85, Wis. Adm. Code~~, shall apply, and, in addition, the minimum lot area shall be 7,500 square feet and the minimum lot width 50 feet at the building line and 50 feet average width.

350-23. Outdoor lighting installations shall be permitted in all yard areas, but no closer than three feet to an abutting property line, and shall be adequately shielded or hooded so that no direct light, ~~unreasonable excessive~~ glare or illumination is cast upon other properties.

Article IV. Zoning Districts

350-24. Districts established.

A. The Farmland Preservation District is regulated by Ch. 91, Wis. Stats and certified by the Department of Agriculture, Trade and Consumer Protection. All permitted and conditional uses provided to this district are listed in Section 350-27.

B. The permitted and conditional uses listed under all other zoning districts represent uses that are consistent with the purpose and intent of each zoning district. In cases where an unlisted use is proposed the Land Use Planning and Zoning Department shall determine its consistency with a zoning district. A conditional use permit shall be required for any proposed use which the Land Use Planning and Zoning Department determines consistent with a zoning district, but also determines that the effect of the proposed use on the character of the neighborhood and the location's suitability for development warrants additional review.

C. For the purposes of this chapter, Green Lake County, Wisconsin, is hereby divided into 14 zoning districts, as follows:

- |     |  |
|-----|--|
| A-1 | <del>Exclusive Agriculture District</del> Farmland Preservation District |
| A-2 | General Agriculture District   |
| NRC | Natural Resource Conservancy District                                    |
| C-1 | General Commercial District  |
| C-2 | Extensive Commercial District  |
| I   | Industrial District  |
| M-1 | Mineral Extraction District  |
| M-2 | Sanitary Landfill District   |
| RC  | Recreation District  |
| R-1 | Single-Family Residence District   |
| R-2 | Single-Family Mobile Home Residence District                             |
| R-3 | Multiple-Family Residence District                                       |

R-4

Rural Residential District

AO

Adult-Oriented Establishment District

350-26 Official Map.

There shall be an official Zoning District Map, Green Lake County, which shall be available to the public through the County ~~Surveyor / Land Development Director~~ Land Use Planning and Zoning Department. The Zoning District Map shall be a digital electronic data map layer of the County's Geographic Information System (GIS). The County ~~Surveyor / Land Development Director~~ Land Use Planning and Zoning Department shall from time to time update the Zoning District Map as necessary to reflect changes in zoning district boundaries enacted by the County Board as amendments under this chapter.

350-27 A-1 Exclusive Agriculture District. ~~This district provides for the preservation, maintenance and enhancement of agriculture, forestry and natural areas to protect the land best suited for farming and other agricultural uses of Green Lake County. The agriculture district regulations are designed to regulate use of land and structures where soil and topography conditions are best adapted to agricultural pursuits and are consistent with and satisfy all the requirements and standards of Ch. 91, Wis. Stats., Farmland Preservation.~~

~~A. Permitted uses:~~

~~(1) Agriculture:~~

~~(2) Beekeeping:~~

~~(3) Dairying:~~

~~(4) Egg production:~~

~~(5) Fish and fur farms:~~

~~(6) Floriculture:~~

~~(7) Forestry:~~

~~(8) Grazing:~~

~~(9) Greenhouse:~~

~~(10) Home occupation:~~

- (11) Horse trails.
- (12) Nature trails.
- (13) Orchards.
- (14) Paddocks.
- (15) Plant nurseries.
- (16) Raising of livestock.
- (17) Raising of poultry.
- (18) One single family dwelling for farm owner.
- (19) Stables.
- (20) Sod farming.
- (21) Game farms and management.
- (22) Horticulture.
- (23) Raising of:
  - (a) Cash crops.
  - (b) Grain.
  - (c) Fruits.
  - (d) Nuts.
  - (e) Berries.
  - (f) Mint.
  - (g) Grass.
  - (h) Seed crops.
  - (i) Vegetables.
- (24) Roadside farm stand.
- (25) Any use similar to the above when not specifically identified in another zoning district.



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

(1) Single family dwelling for caretaker or laborer engaged in a permitted use.

(2) Commercial livestock sales barns.

(3) Housing for migratory or seasonal farm laborers.

(4) Commercial feed lots over 100 animals.

(5) Private airstrip when utilized in conjunction with permitted agricultural uses.

(6) Veterinary clinics, shelters and kennels.

(7) Municipal buildings.

(8) Radio and television towers, communication towers, microwave radio relay structures and mechanical appurtenances.

(9) Schools. [Added 6-17-2008 by Ord. No. 935-08]

C. Accessory uses.

(1) Buildings for the purpose of sheltering livestock, farm equipment and farm produce.

(2) Accessory structures associated with the residential use of the property.

D. Parcel standards.

(1) Area: 35 acres minimum.

(2) Width: 625 feet minimum.

(3) Depth: 625 feet minimum.

E. Principal structure standards.

(1) Front yard setback:

(a) State trunk highways: 67 feet minimum.

(b) County trunk highways: 42 feet minimum.

(c) Town roads: 42 feet minimum.

(2) Rear yard setback: 25 feet minimum.

(3) Side yard setback: 12 feet minimum, both sides.

(4) Shore yard setback: 75 feet minimum.

(5) Building height: none required.

(6) Dwellings shall meet all minimum principal structure standards of the R-1 Single-Family Residence District.

F. Attached and detached accessory building structure standards. [Amended 2-15-2011 by Ord. No. 989-2011]

(1) Front yard setback: same as principal structure.

(2) Rear yard setback: same as principal structure, except when abutting or contiguous to any other zoning district, the setback shall be a minimum of 100 feet.

(3) Side yard setback: same as principal structure, except when abutting or contiguous to any other zoning district, the setback shall be a minimum of 100 feet.

(4) Shore yard setback: same as principal structure.

(5) Height: none.

(6) Structure footprint area: none.

(7) Human habitation of a detached accessory building structure may be allowed, however shall be limited to 20% of the footprint area or 300 square feet, whichever is less. This standard shall apply to only one detached accessory building structure per lot or parcel.

#### **A-1 (Farmland Preservation Plan Zoning District)**

##### **A. Purpose**

The purpose of this district is to promote areas for uses of a generally exclusive agricultural nature in order to protect farmland and to allow participation in the state's farmland preservation program. Land zoned under this district must comply with the following:

##### **(1) Permitted Uses**

(a) Agricultural uses. See Section D for agricultural use definitions.

(b) Not including the specified accessory uses identified in Subsection (2), other accessory uses including the farm residence. See Section D for accessory use definition.

- (c) Upon prior notification to the county, transportation, utility, communication, or other uses that are required under state or federal law to be located in a specific place or that are authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit for those uses.
- (d) [Subsection (c) acknowledges that state or federal law may sometimes preempt local authority to restrict the siting of certain facilities. It does not purport to determine which state or federal actions are preemptive. It merely says that IF state or federal action is preemptive, no local permit is required and there is no need to rezone the site out of the farmland preservation district. Uses covered by subsection (c) might include, for example, state and federal highways, federally-mandated pipelines, and energy generation and transmission facilities whose location and design are specifically mandated by the Wisconsin Public Service Commission pursuant to a certificate of convenience and necessity.]
- (e) Undeveloped natural resource and open space areas.
- (f) Non-Farm residences built prior to January 1, 2014.

**(2) Conditional Uses**

- (a) Agriculture-related uses. (See Section D for agricultural related use definition.)
- (b) A business, activity, or enterprise, whether or not associated with an agricultural use, which meets all of the following requirements:
  - i. It is conducted on a farm by an owner or operator of that farm.
  - ii. It requires no buildings, structures, or improvements other than those described in Section 350-27 D. (1) or 350-27 D. (3).
  - iii. It employs no more than 4 full-time employees annually.
  - iv. It does not impair or limit the current or future agricultural use of the farm or other protected farmland.
- (c) Upon prior notification to the County, transportation, communication, pipeline, electric transmission, utility, or drainage uses, facilities for the generation from sunlight, wind, coal or natural gas, if all the following apply:
  - i. The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
  - ii. The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
  - iii. The use is reasonably designed to minimize conversion of land at and around the site of the use, from agricultural use or open space use.

- iv. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
  - v. Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.
- (d) Governmental, institutional, religious, or nonprofit community uses, if all of the following apply:
- i. The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
  - ii. The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
  - iii. The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.
  - iv. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
  - v. Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.
- (e) Nonmetallic mineral extraction, if all of the following apply:
- i. The operation complies with Subchapter I of Chapter 295, Wisconsin Statutes, and rules promulgated under that subchapter, with applicable provisions of local ordinances under Ch. §295.14, Wis. Stats. (including all applicable provisions of this ordinance), and with any applicable requirements of the Wisconsin Department of Natural Resources concerning the restoration of nonmetallic mining sites.
  - ii. The operation and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
  - iii. The operation and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations outside the farmland preservation zoning district, or are specifically approved under state or federal law.
  - iv. The operation is reasonably designed to minimize the conversion of land around the extraction site from agricultural use or open space use.
  - v. The operation does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

- vi. The owner agrees to restore the land to agricultural use, consistent with any required reclamation plan, when extraction is completed.
- vii. Compliance with Chapter 213 (Nonmetallic Mining Reclamation).
- (f) Oil and gas exploration or production that is licensed by the Department of Natural Resources under Subchapter II of Chapter 295, Wisconsin Statutes.
- (g) Private airport or air strip qualifying as an accessory use under Ch. 91.01(1), Wis. Stats.
- (h) Dog kennels qualifying as an accessory use under Ch. 91.01(1), Wis. Stats.
- (i) Game farms/shooting preserves qualifying as an accessory use under Ch. 91.01(1) (b), Wis Stats. To meet the definition of agricultural use, the game birds or cervids must be raised on the farm for release for hunting.
- (j) Shooting Ranges meeting the requirements in Ch. 91.01(1)(d), Wis. Stats.
- (k) Manure storage systems. (Please note that permits for manure storage systems are subject to Ch. ATCP 50.56 and Ch. ATCP 51, Wis Adm. Code.
- (l) Slaughtering of livestock from the A-1 District.
- (m) Processing agricultural by-products or wastes received directly from farms, including farms in the A-1 District.

Note: The County may issue a conditional use permit for a proposed land use not identified in this section if the proposed land use meets applicable conditions under this section. Before issuing a conditional use permit, the County shall determine in writing, that the proposed use meets applicable conditions under this section. The County may issue the permit subject to conditions designed to carry out the purposes of this ordinance.

**(3) Area, Height and Yard Requirements:**

- (a) All Principal Structures shall be on a lot consistent with the principal use permitted on such lot by the regulations of the district in which it is located.
- (b) Dimensional standards: A lot or parcel shall have no less than 15 acres of contiguous land area.

Note: The area within the road right(s)-of-way shall not be included for the standards of this subsection. Design standards pursuant to Chapter 315, Code of Green Lake County, Land Division and Subdivision, shall apply to a newly created lot or parcel for this subsection.

- (c) Principal structure setback and height standards.

- i. Street yard setback:

1. State trunk road rights-of-way: 67 feet minimum.
2. All other public road rights-of-way: 40 feet minimum.

- ii. Rear yard setback: 25 feet minimum.

iii. Side yard setback: 12 feet minimum.

iv. Structure height, dwelling structure: 35 feet.

(d) Accessory building structure standards. An accessory building structure shall satisfy all of the following standards:

i. Setbacks: same as principal structure.

ii. Height: none

iii. Structure footprint area: none.

iv. Volume: none.

v. Human habitation of a detached accessory building structure may be allowed; however, it shall be limited to 20% of the footprint area or 300 square feet, whichever is less. This standard shall apply to only one detached accessory building structure per lot or parcel.

**B. Rezoning Land out of the A-1 Farmland Preservation Zoning District**

Land may be rezoned out of the A-1 Farmland Preservation Zoning District if the County, through their review and recommendation, and after a public hearing, finds that all of the following apply:

(1) The land is better suited for a use not allowed in the A-1 Farmland Preservation Zoning District.

(2) The rezoning is consistent with the Green Lake County Comprehensive Plan.

(3) The rezoning is substantially consistent with the Green Lake County Farmland Preservation Plan, certified under Ch. 91, Wis. Stats., which is in effect at the time of zoning.

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

(5) Note: The above Section B (1-4) does not apply to any of the following situations:

(a) A rezoning that is affirmatively certified by the Wisconsin Department of Agriculture, Trade and Consumer Protection under Ch. 91, Wis. Stats.

(b) A rezoning that makes the farmland preservation zoning ordinance map more consistent with the Green Lake County farmland preservation plan map, certified under Ch. 91, Wis. Stats., which is in effect at the time of the rezoning.

**C. Certification of Ordinance and Amendments by DATCP**

(1) This Zoning Ordinance must be certified by the State of Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) in order for owners of land that is zoned A-1 Farmland Preservation in the Green Lake County to be eligible to claim tax credits under the State of Wisconsin's Farmland Preservation Program.

(2) Green Lake County shall notify DATCP of any amendments as required by Ch. 91.36(8), Wis. Stats.

(3) Green Lake County shall notify DATCP by March 1 annually, of any acres rezoned out of a farmland preservation zoning district during the previous year and a map that clearly shows the location of those acres as required by Ch. 91.48(2) and 91.48(3), Wis. Stats.

#### **D. Farmland Preservation Definitions**

For the purposes of Section 350-27 of this Ordinance, the following definitions shall be used. Please see Section 350-77 for conventional zoning district definitions.

Accessory Use: Within the A-1 Zoning District means any of the following land uses on a farm:

- (1) A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use. This may include, for example:
  - (a) A facility used to store or process raw agricultural commodities, all of which are produced on the farm.
  - (b) A facility used to keep livestock on the farm.
  - (c) A facility used to store or process inputs primarily for agricultural uses on the farm.
  - (d) A facility used to keep or service vehicles or equipment primarily employed in agricultural uses on the farm.
  - (e) A wind turbine or solar energy facility that collects wind or solar energy on the farm, and uses or transforms it to provide energy primarily for use on the farm.
  - (f) A manure digester, bio-fuel facility, or other facility that produces energy primarily from materials grown or produced on the farm, primarily for use on the farm.
  - (g) A waste storage or processing facility used to store or process animal waste produced solely from livestock kept on the farm.
- (2) An activity or business operation that is an integral part of or incidental to, an agricultural use.
- (3) A farm residence, including normal residential appurtenances.
- (4) Any other use that DATCP, by rule, identifies as an accessory use.

Agricultural Use: Any of the following activities conducted for the purpose of producing an income or livelihood:

- (1) Crop or forage production.
- (2) Keeping livestock.
- (3) Beekeeping.
- (4) Nursery, sod, or Christmas tree production.
- (5) Floriculture.

- (6) Aquaculture.
- (7) Fur farming.
- (8) Forest management.
- (9) Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
- (10) Any other use that the Department of Agriculture, Trade and Consumer Protection, by rule, identifies as an agricultural use.

**Agriculture-related use:** An agricultural equipment dealership, facility providing agricultural supplies, facility for storing or processing agricultural products, or facility for processing agricultural wastes. In addition, any use that the Department of Agriculture, Trade and Consumer Protection identifies by rule as an agriculture-related use. An "agriculture related use" must be primary (not just incidentally) related to agriculture, and must have a direct connection to agriculture uses in the A-1 zoning district.

**Certified Farmland Preservation Plan:** A farmland preservation plan that is certified as determined under Ch. 91.12, Wis. Stats.

**Certified Farmland Preservation Zoning Ordinance:** A zoning ordinance that is certified as determined under Ch. 91.32, Wis. Stats.

**Common Ownership:** Ownership by the same person or persons, or by persons that are all wholly owned by the same person or persons. "Common ownership" includes joint tenancy and tenancy in common. Solely for purposes of this definition, a parcel owned by one member of a married couple is deemed to be owned by the married couple.

Land is deemed to be under "common ownership," for purposes of this ordinance, if it is all owned by the same individual, married couple, joint tenants, and tenants in common, corporation, LLC, partnership, estate or trust. If land parcels are owned by separate legal entities, but those legal entities are all wholly owned by exactly the same person or persons, those land parcels are deemed to be under "common ownership" for purposes of this ordinance.

**Contiguous:** Adjacent to or sharing a common boundary. "Contiguous" land includes land that is separated only by a river, stream, section line, public road, private road, railroad, pipeline, transmission line, or transportation or transmission right-of-way. Parcels are not "contiguous" if they meet only at a single point.

**Conditional Uses:** Uses of a special nature as to make impractical their predetermination as a permitted use in a district. Conditional uses as used in the A-1 Farmland Preservation Zoning District must meet the requirements of Ch. 91.46, Wis. Stats.

**Farm:** All land under common ownership that is primarily devoted to agricultural use. For the purpose of this definition, land is deemed to be primarily devoted to agricultural use if the following apply:

- (1) The land produces at least \$6,000 in annual gross farm revenues to its owner or renter, regardless of whether a majority of the land area is in agricultural use; or,



- (2) A majority (greater than 50%) of the land is in agricultural use.

In determining whether land is in agricultural use for purposes of par. (2), a zoning authority may consider how the land is classified for property tax purposes. See Ch. TAX 18, Wis. Adm. Code.]

**Farm Residence:** A single-family or two family residence that is the only residential structure on the farm or is occupied by any of the following:

- (1) An owner or operator of the farm.
- (2) A parent or child of an owner or operator of the farm.
- (3) An individual who earns more than 50 percent of his or her gross income from the farm.

To qualify as a "farm residence," a residence must be located on a "farm." If a farm owner deeds off a residential parcel to another person (even if that person is the farm owner's parent, child or employee), the separately-owned parcel is no longer part of the original "farm." A residence built on that parcel does not qualify as a "farm residence" unless the parcel qualifies as a "farm" in its own right.

**Gross Farm Revenues:** Means gross receipts from agricultural use of a farm, excluding rent receipts, less the cost or other basis of livestock or other agricultural items purchased for resale which are sold or otherwise disposed of during the taxable year. Gross farm revenue includes receipts accruing to a renter, but does not include rent paid to the landowner.

**Livestock:** Includes bovine animals, equine animals, goats, poultry, sheep, swine, farm raised deer, farm raised game birds, camelids, ratites and farm raised fish.

**Nonfarm Residence:** Any residence other than a farm residence.

**Nonconforming Uses or Structures:** Any structure, land, or water lawfully used, occupied, or erected at the time of the effective date of this Ordinance which does not conform to the regulations of this Ordinance. Any such structure conforming in respect to use, but not in respect to frontage, width, height, area, yard, parking, loading, or distance requirements shall be considered a nonconforming structure and not a nonconforming use.

**Open Space Parcel:** A parcel on which no buildings, other than hunting blinds or small sheds, have been constructed or approved for construction.

**Person:** An individual, corporation, partnership, limited liability company (LLC), trust, estate or other legal entity.

**Protected Farmland:** Land that is any of following:

- (1) Land that is located in the A-1 Farmland Preservation Zoning District certified under Ch. 91, Wis. Stats.
- (2) Covered by a farmland preservation agreement under Ch. 91, Wis. Stats.
- (3) Covered by an agricultural conservation easement under Ch. 93.73, Wis. Stats.
- (4) Otherwise legally protected from nonagricultural development

350-28.A. Permitted uses. Those uses permitted in this district shall be agricultural and those that are consistent with agricultural uses. ~~In addition to any conditional uses listed below, the conditional uses that may be allowed in this district are specified in Chapter 350, Appendix A, Zoning District Matrix.~~

350-28.B. Conditional uses. Conditions and standards for a conditional use permit are set forth in Chapter 350, Article VII, Conditional Use Permits. ~~In addition to any conditional uses listed below, the conditional uses that may be allowed in this district are specified in Chapter 350, Appendix A, Zoning District Matrix.~~

1 thru 19 remain the same

- (20) Nonmetallic Mining
- (21) Radio or television broadcasting studio
- (22) Railroad depot/station
- (23) Riding Stable with boarding/stabling, commercial
- (24) RV and Boat Storage for rental
- (25) Sawmill
- (26) Schools
- (27) Sewage disposal plant
- (28) Tower and appurtenances, communications or relay.
- (29) Utility substations/other structure, public.
- (30) Utility transmission lines, not regulated by the Public Service Commission
- (31) Yard and landscaping services
- (32) A business, activity or enterprise, whether or not associated with an agricultural use, which meets all of the following requirements:
  - (a) It is conducted on a farm by an owner or operator of that farm.
  - (b) It requires no buildings, structures, or improvements other than those that can be easily converted back to farm use.
  - (c) It employs no more than 4 full-time employees annually.
  - (d) It does not impair or limit the current or future agricultural use of the farm or other protected farmland.

350-28.C. Dimensional standards

- (1) All Principal Structures shall be on a lot consistent with the principal use permitted on such lot by the regulations of the district in which it is located.
- (2) A lot or parcel shall have no less than 8 acres of contiguous land area.

Lot and parcel area. The area within the road right(s)-of-way shall not be included for the standards of this subsection. Design standards pursuant to Chapter 315, Code of Green Lake County, Land Division and Subdivision, shall apply to a newly created lot or parcel for this subsection.

~~(a) A lot or parcel shall have no less than eight acres of contiguous land area. Note: The area within the road right(s) of way shall not be included for the standards of this subsection. Design standards pursuant to Chapter 315, Code of Green Lake County, Land Division and Subdivision, shall apply to a newly created lot or parcel for this subsection.~~

~~(3) Width. The land area shall have a minimum width of 300 feet. The dimensions within the road right(s) of way shall not be included for the standards of this subsection.~~

350-31.A.(3) The maps designated below are hereby adopted and made a part of the Natural Resources Conservancy District outside of the shoreland area. They are on file in the ~~office of the Surveyor/Land Development Director~~ **office of the Surveyor/Land Development Director for Land Use Planning and Zoning Department** of Green Lake County.

350-37.C.(17) ~~Refer to 350-54.A.~~

350-38.B. Conditional uses. ~~Refer to 350-54.A.~~

350-39.C.(1) A petition requesting an amendment of this chapter and zoning maps describing the area to be rezoned (together with a sketch map of the same) to Class Two Residential District must be filed with the ~~Surveyor/Land Development Director~~ **Surveyor/Land Development Director Land Use Planning and Zoning Department** bearing the signatures of 80% of the property owners in the area to be so rezoned. Upon receipt of such petition, the ~~Surveyor/Land Development Director~~ **Surveyor/Land Development Director Land Use Planning and Zoning Department** shall verify the number of signatures before filing the same with the Land Use Planning and Zoning Committee of the County Board for further action in accordance with the following provisions.

350-39.C.(2) Upon receipt of the petition described above from the ~~Surveyor/Land Development Director~~ **Surveyor/Land Development Director Land Use Planning and Zoning Department**, the Land Use Planning and Zoning Committee shall set the same for hearing after publishing notice of hearing as a Class 2 notice. At the hearing, the Land Use Planning and Zoning Committee shall determine if the area requested to be rezoned is feasible for Class Two residential purposes and whether or not objection has been made by 20% or more of all property owners living within the proposed district or within a radius of 1.5 miles from the boundaries of the proposed district. Objection must be made in writing and may be filed with the ~~Surveyor/Land Development Director~~ **Surveyor/Land Development Director Land Use Planning and Zoning Department** prior to the date set for said hearing or may be made orally and filed in writing at the hearing itself. If the Land Use Planning and Zoning Committee finds that such objection has been made, it shall certify the same and order a referendum of all the property owners of the town in which the proposed district lies (and additionally a referendum of all the property owners of all adjacent towns that lie within a distance of 1.5 miles from the boundaries of the proposed district) and shall set the date therefor, not later than 90 days from the date of order, and shall notify the clerk of the town(s) affected, who shall cause notice of the referendum to be published as a Class 2 notice and who shall further mail notice of the referendum to all property owners of his/her town, whether

present within the County or absent therefrom. Absentee ballots will be accepted in said referendum and shall be handled and regulated by the provisions of §§ 6.85 through 6.89 (as applicable), Wis. Stats. Said town clerk(s) shall further cause all other preparations to be made for the conduct of said referendum and together with the Land Use Planning and Zoning Committee shall make an estimate of the total cost of said referendum, which shall be borne by the initial petitioners, who shall pay to the clerk of the town(s) involved a deposit of the estimated cost of the referendum, all unused portions of which shall be returned to them after the completion of said referendum. Failure to pay such deposit within 10 days from the date of receiving notice of the estimated cost shall cause automatic dismissal of the petition. All town clerks involved in said referendum shall withhold mailing of notice or publication of notice of such referendum until all costs have been paid as herein required. The question to be stated in such referendum shall be substantially as follows: "Shall a portion of the Town of \_\_\_\_\_ located in Section \_\_\_\_\_, containing about \_\_\_\_\_ acres, be rezoned to Class Two Residential District permitting mobile homes to be parked therein as permanently located single-family dwellings? (YES or NO)."

350-40.A. Permitted uses. ~~In addition to any uses listed below, the uses permitted in this district are specified in § 350, Appendix A. Zoning District Matrix.~~

350-40.B. Conditional uses. Conditions and standards for a conditional use permit are set forth in § 350, Article VII, Conditional Use Permits. ~~In addition to any conditional uses listed below, the conditional uses permitted in this district are specified in § 350, Appendix A. Zoning District Matrix.~~

350-40.C. Dimensional standards.

~~(2) \_\_\_\_\_ Width. The lot or parcel in this district shall have a minimum average width of 100ft. \_\_\_\_\_ The dimension within the road right(s) of way shall not be included for the standards of this subsection.~~

350-41.A. Permitted uses. ~~In addition to any uses listed below, the uses permitted in this district are specified in § 350, Appendix A. Zoning District Matrix.~~

350-41.B. Conditional uses. Conditions and standards for a conditional use permit are set forth in § 350, Article VII, Conditional Use Permits. ~~In addition to any conditional uses listed below, the conditional uses permitted in this district are specified in § 350, Appendix A. Zoning District Matrix.~~

350-41.C. Dimensional standards.

~~(2) \_\_\_\_\_ Width. The land area shall have a minimum width of 200ft. The dimension within the road right(s) of way shall not be included for the standards of this subsection.~~

Article V. Nonbuilding Structures

350-43.B.(5) Other off-site signs not specifically referred to in this Section shall not exceed 300 square feet in gross area. These signs are not allowed in R-1, R-2, R-3, R-4 and NRC Zoning Districts and shall meet the following standards:

- (a) An off-site sign 32 square feet or less shall have a minimum setback of 10 feet from the right-of-way line.
- (b) An off-site sign that is greater than 32 square feet and up to and including 300 square feet shall have a minimum setback from the right-of-way line as required by the zoning district in which the sign is located.

Article VI. Highway Setback Lines

350-52.A.(2) Telephone, telegraph and power transmission poles and lines and microwave radio relay structures, except satellite earth stations, may be constructed within the setback lines, provided that the owner will file with the ~~Surveyor/Land Development Director~~ **Land Use Planning and Zoning Department** of Green Lake County an agreement in writing to the effect that the owner will remove all new construction, additions and replacements erected after the adoption of this chapter, at his expense, when necessary for the improvement of the highway and pay a recording fee.

Article VII. Conditional Use Permits

350-54 Conditional uses.

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

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

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

(2) ~~Charitable institutions.~~

(3) ~~Microwave radio relay structure and mechanical appurtenances.~~

(4) ~~Penal and correctional institutions.~~

(5) ~~Public hospitals, when such hospital building shall be located not less than 100 feet from any lot in any residence district not used for the same purpose.~~

(6) ~~Public utility or public service corporation buildings or structures, provided that the Land Use Planning and Zoning Committee shall find such buildings or structures to be reasonably necessary for the public convenience, safety or welfare.~~

(7) ~~Public utility transmission lines.~~

(8) ~~Radio and television towers.~~

(9) ~~Trailers and temporary structures for the shelter of persons or property, on a lot in connection with the construction of a permanent building or buildings on such lot, for a period not to exceed one year.~~

350-57. ~~Review~~ Revocation of conditional use permits

350-57.A. The Land Use Planning and Zoning Committee shall retain continuing jurisdiction over all conditional uses for the purpose of resolving complaints against all previously approved conditional uses. Such authority shall be in addition to the enforcement authority of the ~~Surveyor/Land Development Director~~ Land Use Planning and Zoning Department to order the

removal or discontinuance of any unauthorized alterations of an approved conditional use and the elimination, removal or discontinuance of any violation of a condition imposed prior to or after approval, or violation of any other provision of this chapter.

350-57.B. Complaint procedure. Upon written complaint by any citizen or official, the Land Use Planning and Zoning Committee shall initially determine whether said complaint indicates a reasonable probability that the subject conditional use is in violation or either the purpose and intent of this chapter, a condition of approval or other requirement imposed hereunder. Upon reaching a positive initial determination, a hearing shall be held upon notice. Any person may appear at such hearing and testify in person or be represented by an agent or attorney. The Land Use Planning and Zoning Committee may, in order to bring the subject conditional use into compliance with the standards set forth in this chapter or conditions previously imposed by the Land Use Planning and Zoning Committee, modify existing conditions upon such use and impose additional reasonable conditions upon the subject conditional use. Additionally, the offending party may be subjected to a forfeiture as set forth in Article X. In the event that no reasonable modification of such conditional use can be made, the Land Use Planning and Zoning Committee may revoke the subject conditional approval and direct the ~~Surveyor/Land Development Director~~ **Land Use Planning and Zoning Department** and Corporation Counsel to seek the elimination of the subject use. Following any such hearing the decision of the Land Use Planning and Zoning Committee shall be furnished to the current owner of the conditional use in writing stating the reasons therefor. An appeal from a decision of the Land Use Planning and Zoning Committee under this section may be taken to the Board of Adjustment.

350-58 The County Land Use Planning and Zoning Committee may require the ~~Surveyor/Land Development Director~~ **Land Use Planning and Zoning Department** to issue a conditional use permit after review and public hearing, provided that such conditional uses and structures are in accordance with the purpose and intent of this chapter.



Article VIII. Board of Adjustment

- 350-61.H. Should a change in circumstances occur within said twelve-month period which, in the applicant's opinion, changes the character of the application, then the applicant shall, in that event, submit a request for an additional hearing, outlining the changes in circumstances that have occurred. The Board shall review the request of the applicant, and if in the opinion of the majority of the Board there is sufficient change in said circumstances to warrant a hearing, the ~~Surveyor/Land Development Director~~ Land Use Planning and Zoning Department shall schedule said hearing under the normal rules of procedure of the Board.
- 350-62.A. Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of Green Lake County affected by any decision, order or ruling of the ~~Surveyor/Land Development Director~~ Land Use Planning and Zoning Department. Such appeal shall be taken within 30 days, as provided by the rules of the Board of Adjustment, by filing with the ~~Surveyor/Land Development Director~~ Land Use Planning and Zoning Department a notice of appeal, on forms provided by the Department, specifying the grounds thereof.
- 350-62.B. An appeal shall stay all proceedings in furtherance of the action appealed from unless the ~~Surveyor/Land Development Director~~ Land Use Planning and Zoning Department shall certify to the Board of Adjustment, after the notice of appeal shall have been filed with the Land Use Planning and Zoning Department, that by reason of facts stated in the certificate a stay would cause imminent peril to life or property. In such case, the proceedings shall not be stayed other than by a restraining order, which may be granted by the Board of Adjustment or by a court of record on application or notice to the Land Use Planning and Zoning Department and on due cause shown.

Article IX. Administration and Enforcement

350-64.A. The ~~Surveyor/Land Development Director~~ Land Use Planning and Zoning Department or designee(s) shall administer and enforce ~~be the enforcement officer(s) for the Land Use Planning and Zoning Department under~~ this chapter for Green Lake County.

350-64.D. It shall be the duty of the ~~Surveyor/Land Development Director~~ Land Use Planning and Zoning Department or designee(s) to investigate alleged violation(s) of this chapter to determine the facts and, if a violation is identified, to pursue enforcement to achieve compliance.

350-64.E. In addition to the Corporation Counsel having the authority to file a complaint to achieve compliance with the below said land use ordinances, the ~~Surveyor/Land Development Director~~ Land Use Planning and Zoning Department or designee(s) shall have the authority to prepare, sign and issue citations in order to achieve compliance with the following land use ordinances:

- (1) Chapter 350, Zoning (Ordinance Nos. 146-76 and 381-89).
- (2) Chapter 315, Land Division and Subdivision (Ordinance No. 150-76).
- (3) Chapter 300, Floodplain Zoning (Ordinance No. 339-87).
- (4) Chapter 338, Shoreland ~~Protection Zoning~~ (Ordinance No. 303-85).
- (5) Chapter 334, Sewage Systems, Private (Ordinance No. 225-80).
- (6) Chapter 323, Nonmetallic Mining Reclamation (Ordinance No. 735-2001).

350-65.A. Except as provided in Subsection C, no building or structure or billboard or any part thereof, except as herein provided, shall hereafter be erected, enlarged, altered, repaired or moved within the areas subject to the provisions of this chapter until a land use permit shall have been applied for in writing and obtained from the ~~Surveyor/Land Development Director~~ Land Use Planning and Zoning Department. Such permit shall be posted in a prominent place on the premises prior to and during the period of construction, alteration, repair or moving. Land use permits shall be valid for a period of one year from date of issue unless otherwise specified on the permit. A copy of such permit shall be filed within the ~~Surveyor/Land Development Director~~ Land Use Planning and Zoning Department office and with the inspector and clerk for the town in which the permit is effective. Forms for the application for land use permits shall be supplied by the ~~Surveyor/Land Development Director~~ Land Use Planning and Zoning Department. All such forms shall be approved by the County Board. For fee schedule refer to Article XII, Fee Schedule.

350-65.B. Except as provided in Subsection C, all applications for land use permits shall be accompanied by a location sketch drawn to scale, showing the location, actual shape and dimensions of the lot to be built upon, the exact size and location of the building on the lot, the existing and intended use of the building, the number of families to be accommodated, its situation with reference to the

highway, the distance between the nearest point on the building and the center line of the highway, and such other information with regard to the proposed building and neighboring lots or buildings as may be called for on the application or may be necessary to provide for the enforcement of this chapter. ~~The Surveyor/Land Development Director~~ Land Use Planning and Zoning Department may require satisfactory evidence of actual lot line location, including a surveyor's certificate and map where necessary.

350-66. Certificate of Compliance.

Upon written request from the owner, the ~~Surveyor/Land Development Director~~ Land Use Planning and Zoning Department may issue a certificate of compliance at a fee as provided in Article XII, Fee Schedule, for any building or premises existing at the time of the adoption of this chapter, certifying, after inspection, the extent and kind of use made of the building or premises and whether or not such use conforms to the provisions of this chapter.

350-67.A. Town boards, or town zoning/planning committees as established by town boards, shall be notified in writing at least 10 days prior to a public hearing on a conditional use or zoning amendment change in that town by the ~~Surveyor/Land Development Director~~ Land Use Planning and Zoning Department or Land Use Planning and Zoning Committee.

350-67.E. A copy of the conditional use permit or rezoning change, if approved by the County Land Use Planning and Zoning Committee, shall be forwarded by the ~~Surveyor/Land Development Director~~ Land Use Planning and Zoning Department to the board chairman of the affected town.

Article XI. Amendments

350-74. Fee. A fee shall be paid by the person filing the amendment to the ~~Surveyor/Land Development Director~~ Land Use Planning and Zoning Department to defray the cost of administration, investigation, advertising and processing of the amendment application. Refer to Article XII, Fee Schedule.

Article XIII. Word Usage and Definitions

350-77

All definitions stay the same except the changes below...

NONCONFORMING LOT OR PARCEL

A lot or parcel, the area, dimensions or location of which was lawful prior to the adoption, revision or amendment of an ordinance but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the ordinance.

SPLIT-ZONED LOT OR PARCEL

A lot or parcel whereby the lot or parcel consists of more than one zoning district.

**Attachments:**

**Appendix A—Zoning Matrix**