

P42

ORDINANCE NO. 30-2021

Amending Ch. 350 – Zoning, Ordinance 146-76.

The County Board of Supervisors of Green Lake County, Green Lake Wisconsin, duly assembled at its regular meeting begun on the 21st day of September 2021, does ordain as follows:

- 1 WHEREAS, an amendment is necessary to update the County's Zoning Ordinance.

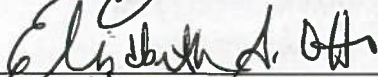
Roll Call on Ordinance No. 30-2021

Submitted by Land Use Planning & Zoning Committee:

Ayes 14, Nays 1, Absent 2, Abstain 0

Passed and Enacted/Rejected this 21st day of September, 2021.

  
County Board Chairman


  
ATTEST: County Clerk

Approve as to Form:

  
Corporation Counsel



Curt Talma, Chair



William Boutwell, Vice-chair



Harley Reabe



Charles Buss



Don Lenz

Section 1. Green Lake County Ordinance, No. 146-76 adopted by the Green Lake County Board of Supervisors on June 15, 1976 and as amended from time-to-time is amended as follows (deletions are in ~~strikeout~~, additions are in underline):

Proposed Amendments to Chapter 350, Zoning Ordinance September 2, 2021

Article I: Introduction, No changes

Article II: (Reserved), No changes

**Article III: General Provisions, Amendments as follows:**

**§ 350-15** Accessory buildings, Accessory structures.

**§ 350-17.A (2-6).** Dwelling design and construction.

A. All dwellings ~~and buildings~~ as defined and permitted by this chapter shall conform to the following. They shall:

(2) Have a first-story minimum living area of 800 square feet, ~~and be not less than 20 feet in their smallest horizontal dimension, exclusive of attached garage, carport or open deck.~~

(3) Be not less than 20 feet in their smallest horizontal dimension, exclusive of portions of the dwelling including but not limited to three-season rooms, sunrooms or solariums, mudrooms, passageways and entryways.

(43) Have any wheels, axles, hitches, tow bars and other equipment necessary for transporting on streets or highways removed when the structure is placed on the foundation.

(54) Be constructed in accordance with accepted construction practices and building codes. In no case shall a shipping or storage container(s), or parts thereof, be used as a dwelling. [Added 8-18-2020 by Ord. No. 9-2020]

(6) There shall only one attached garage per dwelling unit and in no case shall the footprint of the attached garage exceed the dwelling unit's total living area.

**§ 350-17.B.** The requirements as set forth in Subsection A(2) A(3) above do not apply to dwellings located in an R-2 District, and the requirements as set forth in Section A(6) above do not apply to dwellings located in the A-1 and A-2 zoning districts.

**§ 350-20.B.** Side and rear yard regulations.

B. Except as otherwise provided in this section, every structure hereafter erected, moved or structurally altered shall provide the minimum side and rear yards as required by the following table for the district in which such ~~building~~ structure is or is to be located:

	Each Side Yard	Rear Yard
	(feet)	(feet)
District		
Residential	12	25
Recreational	12	25
Agricultural	12	25
Conservancy	20	25
Commercial*	12	25
Industrial*	20	25

**NOTE:**

- \* Commercial and industrial buildings structures, not designed for human occupancy, are required to provide a minimum setback 1.1 times their overall height.

37

38 **Article IV: Zoning Districts, Amendments as follows:**

39 **§ 350-27.A.(2)(b)** A-1, Farmland Preservation District, Conditional uses.

40 (b) A business, activity, or enterprise, whether or not associated with an agricultural  
41 use, and is not a dog breeding facility or a dog breeder as defined in ATCP 16,  
42 which meets all of the following requirements:

43 [1] It is conducted on a farm by an owner or operator of that farm.

44 [2] It requires no buildings, structures, or improvements other than those described in  
45 Subsection D(1) and (3) of the definition of "accessory use."

46 [3] The total cumulative hours worked by paid employees, excluding the owner(s),  
47 shall not exceed 160 hours per week.

48 [4] It does not impair or limit the current or future agricultural use of the farm or other  
49 protected farmland.

50 **§ 350-27.A.(2)(h)** A-1, Farmland Preservation District, Conditional uses.

51 (h) Dog kennels qualifying as an accessory use under § 91.01(1), Wis. Stats. Dog  
52 breeder(s) or dog breeding facility(s) as defined in ATCP 16.01 are not allowed in  
53 the A-1, Farmland Preservation Zoning District.

54 **§ 350-27.A.(2)(Note)** A-1, Farmland Preservation 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 chapter. Dog breeder or Dog breeding facility as defined in ATCP 16 are exempt from this provision.

**§ 350-27.A.(3)(c)[1]** A-1, Farmland Preservation District, Principal structure setback and height standards.

~~[1] Highway setbacks: Refer to § 350-50A. [Amended 11-14-2017 by Ord. No. 22-2017] Street yard setback:~~

~~[a] State trunk road rights-of-way: 67 feet minimum.~~

~~[b] All other public road rights-of-way: 40 feet minimum.~~

**§ 350-27.D.** A-1, Farmland Preservation District, Definitions

**DOG BREEDER**

A person who in any license year sells at least 25 dogs, from more than 3 litters, which that person has bred and raised in this state. A person has bred and raised dogs for purposes of this paragraph if that person has owned the dogs from birth until sale, regardless of whether the person has contracted with an agent to raise the dogs on real estate owner or occupied by that agent.

**DOG BREEDING FACILITY**

A place in this state where dogs are bred and raised and from which at least 25 dogs from more than 3 litters are sold in a license year.

**DOG KENNEL**

An establishment, that is not a dog breeding facility, in which dogs are housed, boarded, groomed, sheltered, protected, trained or sold for fee or compensation.

**LICENSE YEAR**

Means the 12-month period ending on September 30th for a license granted by the Department of Agriculture, Trade and Consumer Protection to operate as a dog dealer, dog breeder or as a dog breeding facility.

85    **§ 350-28.A.(1)(c).** A-2, General Agriculture District, Permitted uses.

86    ~~(c) Accessory structure/use, temporary.~~

87    **§ 350-28.A.(2)(b & f).** A-2, General Agriculture District, Conditional uses.

88    (b) Animal veterinary clinic.

89    (f) Animal ~~veterinary clinic.~~ Dog breeder or Dog breeding facility

90    **§ 350-28.A.(3)(c)[1]** A-2, General Agriculture District, Principal structure setback and  
91       height standards.

92    [1] Highway setbacks: Refer to § 350-50A. [Amended 11-14-2017 by Ord. No. 22-  
93       2017] Street yard setback:

94    ~~[a] State trunk road rights-of-way: 67 feet minimum.~~

95    ~~[b] All other public road rights-of-way: 40 feet minimum.~~

96    **§ 350-33.A.(2).** C-2, Extensive Commercial District, Permitted uses.

97    ~~(2) Parking lot~~

98    **§ 350-33.B.(7).** C-2, Extensive Commercial District, Conditional uses.

99    ~~(7) Sawmills, manufacture, sale or processing of wood or plywood products.~~

100   **§ 350-34.B.(28).** I, Industrial District, Conditional uses.

101   (28) Sawmills, manufacture, sale or processing of wood or plywood products.

102   **§350-35.H.** M-1, Mineral Extraction District.

103   H. Highway setbacks: Refer to § 350-50A.

104   **§ 350-38.A.(2)** R-1 Single-Family Residence District, Permitted uses.

105   (2) Churches; public schools; parochial schools; municipal buildings, except sewage  
106       disposal plants; garbage incinerators; public warehouses; public garages; public  
107       shops; public storage yards; and public recreational and community center  
108       buildings and grounds.

109   **§ 350-38.D.(1)** R-1 Single-Family Residence District, Principal structure setback and  
110       height standards.

111 (1) Highway setbacks: Refer to § 350-50A. [Amended 11-14-2017 by Ord. No. 22-  
112 2017] Street yard setback:

113 ~~(a) State trunk road rights-of-way: 67 feet minimum.~~

114 ~~(b) All other public road rights-of-way: 40 feet minimum.~~

115 ~~(c) All riparian lots or parcels that front on a public Town road right-of-way: 25 feet~~  
116 ~~minimum.~~

117 **§ 350-38.E R-1 Single-Family Residence District, Accessory building structures.**

118 E. Accessory building structures. The total combined footprint area allowed for  
119 ~~attached and detached~~ accessory building structures shall not exceed 10% of the  
120 land area, excluding any road right-of-way. Each accessory building structure shall  
121 satisfy all of the following standards: ~~[Added 2-15-2011 by Ord. No. 989-2011]~~

122 **§ 350-38.E.(2) R-1 Single-Family Residence District, Accessory building structures.**

123 (2) Height: 25 feet maximum; ground floor surface to peak. There shall be no  
124 sidewalls above the ground floor ceiling joists, ~~unless attached to the dwelling unit.~~  
125 Ground floor sidewalls shall not exceed 15 feet in height.

126 **§ 350-39.A. R-2 Single-Family Mobile Home Residence District.**

127  
128 A. In the Class Two Residential District, all uses and structures shall be permitted that  
129 are permitted in the regular ~~(Class One)~~ Single-family residential Residence  
130 District, and, in addition thereto, mobile and manufactured homes occupied by a  
131 single family shall be permitted. ~~[Amended 3-19-2019 by Ord. No. 2-2019]~~

132 **§ 350-39.E.(1) R-2 Single-Family Mobile Home Residence District, Principal structure**  
133 **setback and height standards.**

134 (1) Highway setbacks: Refer to § 350-50A. [Amended 11-14-2017 by Ord. No. 22-  
135 2017] Street yard setback:

136 ~~(a) State trunk road rights-of-way: 67 feet minimum.~~

137 ~~(b) All other public road rights-of-way: 40 feet minimum.~~

138 ~~(c) All riparian lots or parcels that front on a public Town road right-of-way: 25 feet~~  
139 ~~minimum.~~

140 **§ 350-39.F. R-2 Single-Family Mobile Home Residence District, Accessory building**



structures.

E. Accessory building structures. The total combined footprint area allowed for ~~attached and detached~~ accessory building structures shall not exceed 10% of the land area, excluding any road right-of-way. Each accessory building structure shall satisfy all of the following standards: ~~[Added 2-15-2011 by Ord. No. 989-2011]~~

**§ 350-40.A.(13)** R-3 Multiple-Family Residence District, Permitted uses.

~~(13) Reserved Temporary structure/use.~~

**§ 350-40.D.(1)** R-3 Multiple-Family Residence District, Permitted uses.

D. Principal structure setback and height standards.

(1) ~~Highway setbacks: Refer to § 350-50A. [Amended 11-14-2017 by Ord. No. 22-2017]~~ Street yard setback:

~~(a) State trunk road rights-of-way: 67 feet minimum.~~

~~(b) All other public road rights-of-way: 40 feet minimum.~~

~~(c) All riparian lots or parcels that front on a public Town road right-of-way: 25 feet minimum. [Added 8-19-2014 by Ord. No. 1092-2014]~~

**§ 350-40.E.** R-3 Multiple-Family Residence District, Accessory structure standards.

E. Accessory building structures. The total combined footprint area allowed for ~~attached and detached~~ accessory building structures shall not exceed 10% of the land area, excluding any road right-of-way. Each accessory building structure shall satisfy all of the following standards: ~~[Added 2-15-2011 by Ord. No. 989-2011]~~

**§ 350-40.E (3) & (4).** R-3 Multiple-Family Residence District, Accessory structure standards.

(3) Area: ~~600~~ 1500 square foot maximum footprint (ground floor).

(4) Volume: ~~40,000~~ 25,000 cubic feet maximum volume.

**§ 350-40.F.** R-3 Multiple-Family Residence District, Accessory nonbuilding structure standards.

~~F. Accessory nonbuilding structure standards. For the purpose of this subsection, nonbuilding structures shall be structures that do not meet the definition of "building structure." The setback for nonbuilding structures from any ownership boundary line~~

of a lot or parcel shall be 1.1 times the overall height of that structure. The overall height shall be measured from the lowest ground point adjacent to the structure to the highest point of the structure.

**§ 350-41.B.(8) R-4 Rural Residential District, Conditional uses.**

(8) Kennel (must be on at least a 5 acre lot or parcel and only as an accessory use to the residential use). ~~[Added 3-19-2019 by Ord. No. 2-2019]~~

**§ 350-41.D.(1) R-4 Rural Residential District, Principal structure setback and height standards.**

(1) Highway setbacks: Refer to § 350-50A. ~~[Amended 11-14-2017 by Ord. No. 22-2017]~~ Street yard setback:

~~(a) State trunk road rights-of-way: 67 feet minimum.~~

~~(b) All other public road rights-of-way: 40 feet minimum.~~

**§ 350-41.E. R-4 Rural Residential District, Accessory structure standards.**

E. Accessory structure standards. The total combined footprint area allowed for attached and detached accessory building structures shall not exceed 10% of the land area, excluding any road right-of-way. An accessory building structure shall satisfy all of the following standards:

**§ 350-41.E.(2) R-4 Rural Residential District, Accessory structure standards.**

(2) Height: 25 feet maximum; ground floor surface to peak. There shall be no sidewalls above the ground floor ceiling joist, ~~unless attached to the dwelling unit.~~ Ground floor sidewalls shall not exceed 15 feet in height.

**§ 350-41.F. R-4 Rural Residential District, Accessory nonbuilding structure standards.**

~~F. Accessory nonbuilding structure standards. For the purpose of this subsection, nonbuilding structures shall be structures that do not meet the definition of "building structure." The setback for nonbuilding structures from any ownership boundary line of a lot or parcel shall be 1.1 times the overall height of that structure. The overall height shall be measured from the lowest ground point adjacent to the structure to the highest point of the structure.~~

**Article V. Non-Building Structures, Amendments as follows:**

**§ 350-43.B.(4)(a) Signs, On-site signs advertising business on premises.**



(a) One on-site sign attached to a building structure advertising a business conducted or service available on the premises shall not exceed the height of the building structure it is attached to. Such sign shall not exceed ~~32~~ 50 square feet in gross area.

**§ 350-43.1.C. Fences.**

C. Open style agricultural fences, no greater than eight feet in height, are allowed, without a land use permit, on lands zoned A-1, A-2 & R-4.

**Article VI. Highway Setback Lines, Amendments as follows:**

**§ 350-50.A. Setback distances.**

A. Along highways generally. The setback distance from the center line or right-of-way line, at any point, for the respective classes of highways shall be as follows:  
~~[Amended 11-14-2017 by Ord. No. 22-2017; 3-19-2019 by Ord. No. 2-2019; 8-18-2020 by Ord. No. 9-2020]~~

	Setback From Center Line  (feet)	Setback From Street Lot Line  (feet)
<b>Highway Classification</b>		
State trunk highways	110	Not less than 67
County trunk highways	75	Not less than 40
Town roads, except in platted subdivisions <u>or non-riparian lots or parcels.</u>	75	Not less than 40
<u>Town roads</u> Streets in platted subdivisions		30
<u>Town roads accessed by a riparian lot</u>		<u>25</u>

**Article IX. Administration and Enforcement, Amendments as follows:**

**§ 350-65.A. Land use permit.**

A. No building or structure or billboard or any part thereof, except as herein provided, shall hereafter be erected, enlarged, structurally 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 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 with the Land Use

Planning and Zoning Department 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 Land Use Planning and Zoning Department. All such forms shall be approved by the County Board. For a fee schedule refer to Article XII, Fee Schedule. ~~[Amended 11-14-2017 by Ord. No. 22-2017]~~

Article X. Enforcement, No changes.

**Article XI. Amendments, Amendments as follows:**

§ 350-75.B. Rezoning amendment standards.

B. All rezone amendments that result in the creation of a new parcel or parcels shall be done by certified survey map in accordance with § 315-38 of the Land Division and Subdivision Ordinance. The rezone amendment shall not take effect until the certified survey map, creating the rezoned parcel(s), is recorded in the Green Lake County Register of Deeds office. If the required certified survey map is not recorded within 12 months of the rezone amendment's approval, the rezone amendment is void.

Article XII. Fee Schedule, No changes.

**Article XIII. Word Usage and Definitions, Amendments as follows:**

§ 350-77 Word usage and definitions.

**ACCESSORY STRUCTURE**

A subordinate structure, detached from the principal structure, the use of which is incidental to and customarily found in connection with the principal structure or use of the property.

**BREEZEWAY**

An above-ground, roofed accessory structure that is utilized for the purpose of connecting two structures or buildings, as between a house and a garage, with either open or enclosed sides, with or without a foundation. A breezeway is not considered part of a dwelling.

**DOG BREEDER**

A person who in any license year sells at least 25 dogs, from more than 3 litters, which that person has bred and raised in this state. A person has bred and raised dogs for purposes of this paragraph if that person has owned the dogs from birth until sale, regardless of whether the person has contracted with an agent to raise

262 the dogs on real estate owner or occupied by that agent.

263 DOG BREEDING FACILITY

264 A place in this state where dogs are bred and raised and from which at least 25  
265 dogs from more than 3 litters are sold in a license year.

266 ENTRYWAY

267 An inside area through which you enter a dwelling from outside of the dwelling  
268 that leads to other rooms within a dwelling.

269 GARAGE

270 A structure or part thereof, used or intended to be used for parking and storage of  
271 vehicles and/or other personal property.

272 A. ATTACHED: A garage sharing a common wall with the principal structure. The  
273 attachment must extend from original grade to the roofline of one or more of the  
274 connected structures, must be completely enclosed by a roof, walls and floor  
275 (openings only for windows, skylights, and doors are allowed), and there must be  
276 a direct connection from the 2nd floor of the principal structure to the 2nd floor of  
277 the attached garage.

278 B. DETACHED: A garage that is not attached to ~~separate from~~ the principal  
279 structure, being an accessory structure.

280 KENNEL

281 An establishment, that is not a dog breeding facility as defined in ATCP 16, in  
282 which domestic animals are housed, boarded, groomed, sheltered, protected,  
283 bred, trained or sold for a fee or compensation. A property where there are fewer  
284 than 5 adult dogs is not considered a kennel.

285 LICENSE YEAR

286 Means the 12-month period ending on September 30th for a license granted by  
287 the Wisconsin Department of Agriculture, Trade and Consumer Protection to  
288 operate as a dog dealer, dog breeder or a dog breeding facility.

289 LIVING AREA

290 That area or space within a dwelling unit, devoted to the principal residential use  
291 of the structure, excluding attached garages, porches, sheds, and other similar



292 appurtenances.

293 MUDROOM

294 A room in a dwelling designed especially for shedding of dirty or wet footwear and  
295 clothing.

296 PASSAGEWAY

297 A narrow extended room that is open on both ends, having walls on either side  
298 and under roof that allows unobstructed access to different rooms within a  
299 dwelling.

300 ~~STRUCTURE OR USE, TEMPORARY~~

301 ~~A structure or use on a property that requires a land use permit and meets all of the~~  
302 ~~following:~~

303 ~~[Added 10-15-2013 by Ord. No. 1070-2013]~~

304 ~~A. That is present for not more than 90 days from the date of issuance of the land~~  
305 ~~use permit.~~

306 ~~B. That complies with applicable dimensional and use standards.~~

307 ~~C. That there is no remaining evidence at the termination of the temporary structure~~  
308 ~~or use.~~

309 Section 2. This ordinance shall become effective upon passage and publication.

310 Section 3. The repeal and recreation of any section herein shall not have any effect on  
311 existing litigation and shall not operate as an abatement of any action or proceeding then  
312 pending or by virtue of the repealed sections.

313 Section 4. All ordinances and parts of ordinances in conflict herewith are hereby  
314 repealed.