

Text Amendments to the Jackson County Zoning Ordinance

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ADD:

17.80 ~~Conditions~~ Nonconforming Uses

~~17.81 Substandard Lots~~

17.81 Nonconforming Structures

17.82 Substandard Lots

2. Section 17.02.

Currently reads:

The purpose of this chapter is to promote the health, safety and general welfare of this community.

Proposed to read:

The purpose of this chapter is to promote and protect the public health, safety and general welfare of this community.

3. Section 17.03.

Currently reads:

It is the general intent of this chapter to regulate and restrict the use of all structures and lands, regulate and restrict lot coverage, population distribution and density and the size and location of all structures so as to lessen congestion in and promote the safety and efficiency of the streets and highways; secure safety from fire, flooding, panic and other dangers; provide adequate light, air sanitation and drainage; prevent overcrowding; avoid undue population concentration; facilitate the adequate provision of public facilities and utilities; stabilize and protect property values; further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the community; and implement the community's comprehensive plan or plan components. It is further intended to provide for the administration and enforcement of this chapter and to provide penalties for its violation.

Proposed to read:

It is the general intent of this chapter to aid in the implementation of a county comprehensive land use plan or plans as might be adopted and amended from time to time both prior to and after the adoption of this ordinance, promote public health, safety convenience and general welfare, encourage planned and orderly land use development, protect property values and the property tax base, permit the careful planning and efficient maintenance of highway systems, ensure adequate highway, utility, health, educational and recreational facilities, provide adequate light, air sanitation and drainage, prevent overcrowding, recognize the needs of agriculture, forestry, industry, residential development and business in future growth, encourage uses of land and other natural resources which are in accordance with

their character and adaptability, protect the groundwater and surface water resources, protect the beauty and amenities of landscape and man-made developments, provide healthy surroundings for family life, promote the efficient and economical use of public funds and manage storm water runoff from development and post development sites. It is further intended to provide for the administration and enforcement of this chapter and to provide penalties for its violations.

4. Section 17.10.

MODULAR HOME (c): DELETE: ILHR 21 CHANGE TO: DSPS 321

ADD:

SETBACK. The minimum horizontal distance between the right-of-way line or the centerline of a public road and from the property lines to the nearest point of a building or structure or any projection thereof, excluding uncovered steps.

5. Section 17.18 (4)

CHANGE COMM 85 to DSPS 385

6. Section 17.25 (1).

Currently reads:

Thirteen zoning districts are provided as follows:

Proposed to read:

Fourteen (14) zoning districts are provided as follows:

7. Section 17.25 (1) (f).

ADD:

Rural Residential (R-6).

CHANGE EXISTING (f), (g), (h), (i), (j), (k), (l), (m) to (g), (h), (i), (j), (k), (l), (m), (n)

8. Section 17.27 (6).

ADD:

(6) R-6 RURAL RESIDENTIAL DISTRICT.

(a) Principal uses. One and two family dwellings, including conventional stick built, manufactured home (1), and modular homes to be served by private sewer and water supply.

(b) Conditional uses. See 17.36, 17.37 and 17.38

(c) This district DOES allow for the keeping of livestock and poultry. Examples of livestock are: cattle, horses, pigs, sheep, goats, chickens, pheasants, geese, roosters, etc. All Jackson County Land Conservation Department requirements must be met for the keeping of animals.

- (d) Lot.
 - 1. Road frontage minimum – 160’.
 - 2. Average width minimum – 160’.
 - 3. Area minimum – Three (3) acres.
 - 4. Animal confinement area must be a minimum of 200 feet from any adjacent dwelling units.
- (e) Yard.
 - 1. Street minimum – Setback as in Section 17.45
 - 2. Rear minimum – 40’ for all buildings
 - 3. Side minimum – 40’ for all buildings
- (f) Maximum Structure Height. 60’, see Section 17.60 (1)

9. Section 17.29 (2).

Currently reads:

- (a) Principal Uses. Non-metallic mineral extraction operations and concrete products manufacturing.
- (b) Conditional Uses. Extension of legally existing Non-metallic mineral extraction operations and the manufacturing of asphalt, concrete and concrete products or the creations of such new extraction or manufacturing operations. See 17.41.

Proposed to read:

- (a) Principal Uses. Non-metallic mineral extraction operations, processing of non-metallic minerals and concrete products manufacturing, provided a conditional use permit has been issued.
- (b) Conditional Uses. Extension or alterations of legally existing non-metallic mineral extraction operations and the manufacturing of asphalt, concrete and concrete products or the creation of new extraction or manufacturing operations. See 17.41.

10. Section 17.29 (2)

ADD

DEFINITIONS. In Section 17.29, unless the context dictates otherwise, the following definitions shall be used.

ACTIVE MINE BOUNDARY. The expression upon the land surface of a more or less continuous series of points that when taken together enclose all activities and operations that occur at the mine site on a regular or irregular basis, including all structures, facilities, parking areas, interior haul roads that are integral to or directly serve the mining operation and all stockpiles, waste piles, settling ponds, retention ponds, detention ponds, and lay-down areas that are utilized by the mining operation.

NON-METALLIC MINERAL PROCESSING. To beneficiate, concentrate, screen, sort, clean, wash, dry, package, containerize or apply coating to a non-metallic mineral or non-metallic mineral aggregate, by product, co-product, waste or waste product.

NON-METALLIC MINING. Means any of the following:

- a. Extraction from the earth of stone, non-metallic mineral aggregates, or non-metallic minerals for off-site use or sale, associated activities such as drilling, blasting, excavation, grading and dredging of such aggregates and minerals.
- b. Any manufacturing or processing operation that may involve the use of equipment for crushing, screening, sorting, separation, blending or coating of the mineral aggregates or non-metallic minerals obtained by extraction from the mining site or with minerals transferred from off-site.
- c. Manufacturing processes aimed at providing non-metallic products, except for construction aggregate, for sale or use by the operator.
- d. Stockpiling or transloading of non-metallic products for sale or use off-site and stockpiling of waste materials or materials intended for use in mine reclamation.
- e. Transport of extracted non-metallic materials, finished products, or waste materials to or from the extraction, manufacturing or processing site located in the unincorporated areas of Jackson County.
- f. Disposal of non-metallic mining waste materials as defined in this ordinance.
- g. Reclamation of lands and waters that have been impacted by non-metallic mining.

NON-METALLIC MINING OPERATION. The extraction from the earth of stone, non-metallic mineral aggregates and/or non-metallic minerals for sale, profit or export from the site of origin, and related operations, processes and activities, including but not limited to removing of overburden, drilling, blasting, excavating, grading, dredging, stockpiling, crushing, screening, sorting, scalping, dewatering, drying, coating, blending, packaging,

containerizing, storing of non-metallic minerals, non-metallic mineral aggregates, overburden, top soil, waste rock, production by products or mining wastes. It includes activities and operations performed within the active mine boundary to construct, operation or maintain any machines, equipment, building, tank, pond, lagoon, structure or facility used in conjunction with any non-metallic mining, non-metallic mineral processing, handling, or disposal at the mine site of any non-metallic mining waste material and non-metallic mining reclamation. It does not include removal from the earth of products or commodities that contain only minor or incidental amounts of non-metallic minerals such as commercial sod, agricultural crops, ornamental or garden plants, forest products, Christmas trees or plant nursery stock.

NON-METALLIC MINING STRUCTURES. Any buildings, facilities, permanent equipment or framework that is located on the mine site. It includes but is not limited to, mining and processing equipment, storage facilities and improvements, constructed ponds and lagoons, mechanical shops, paved parking surfaces and other spaces.

**11. Section 17.31
ADD M-3**

**12. Section 17.33 (2) (a).
INSERT general farming**

**13. Section 17.38 (13) (b)
Currently reads:**

Travel trailers/camping units shall be permitted in the R-2, R-3, R-4, A-1 and A-2 Districts without a principal structure being present under the following conditions:

Proposed to read:

Travel trailers/camping units shall be permitted in the R-2, R-3, R-4, A-1 and A-2 Districts, and the R-1 District, unless prohibited by local Sanitary District Ordinances, without a principal structure being present under the following conditions:

**14. Section 17.41 (1)
Renumber (a), (b), (c), (d) changing to (b), (c), (d), and (e)**

**15. Section 17.41 (1)
ADD**

- (a) A description of the mining process, sequence of operations, operational schedule (including years of operation and daily operational schedule), and estimated volumes of material to be removed or processed on an annual basis for the life of the operation.

- (k) Verification that the applicant has requested that a cultural resource site review be performed by the Department of Natural Resources or other agency or company certified to do such a review by the WI-DNR and that the site review has been completed. A copy of the site review report must be provided to the County prior to the issuance of a conditional use permit.

16. Section 17.41 (1) (e)

Currently reads:

The depth of all existing and proposed excavations.

Proposed to read: Renumbering to (f)

A map at a scale of not less than 1 inch equals 660 feet showing the extent of the extraction area, and describing the direction, length, width and the depth of all existing and proposed excavations.

17. Section 17.41 (1) (f)

Currently reads:

The location of existing and proposed public or access roads.

Proposed to read: Renumbering to (g)

The location of existing and proposed public or access roads, and a transportation plan describing transportation routes, traffic volumes and frequency, load weights, schedule and general approach for the receipt and/or transport of materials.

18. Section 17.41

ADD

- (6) Any wash ponds and settling ponds that have chemicals introduced to them shall have 5 feet of separation distance to bedrock and to the groundwater elevation, and shall have an impervious liner. The operator is responsible for maintaining all aspects of the wash and settling ponds, including impervious liners and ensuring that releases from the ponds to the groundwater shall not occur. Any portion of any pond to which chemicals were introduced that exists at an elevation below the projected post-reclamation water table, shall be fully excavated and removed during the reclamation and prior to allowing the water table to rise to the elevation of the pond bottom.
- (7) The operator shall perform the following monitoring and testing at the operator's expense using an independent, licensed, third-party and using a certified laboratory approved by the Jackson County Zoning and Land Information Committee:
 - (a) For mining operations involving extraction, processing, stockpiling, or overburden disposal, the operator shall install a groundwater monitoring well network for the purposes of establishing the actual baseline groundwater quality and elevation at the facility site and for

monitoring changes to the groundwater elevation, quality and quantity over time. The monitoring network shall have at least one monitoring well at the boundary of the site that is down gradient of the groundwater flow. The network shall consist of sufficient monitoring wells located in the down gradient direction of groundwater flow to allow for the monitoring of groundwater elevations. The Jackson County Zoning and Land Information Committee may request additional monitoring wells based on hydrology, site conditions, and characteristics of the operation. The operator shall take quarterly samples of the monitoring well(s) for lead, arsenic, turbidity, total suspended solids, chlorides, nitrates, specific conductivity and any other toxic substance that may reasonably be believed to be present in the area or in the type of deposit from which the extraction will be made during the first two years of operation and twice a year in subsequent years. The monitoring well network shall be designed by a professional hydrologist or professional engineer specializing in hydrogeology and reviewed and approved by the Jackson County Zoning and Land information Department or its designees in advance of well installation. Analysis of the monitoring well samples shall be conducted by a certified laboratory with all groundwater monitoring activities at the expense of the operator.

- (8) The Zoning and Land Information Committee reserves the right to place additional conditions on non-metallic mining operations to insure the health, safety and welfare of the residents of Jackson County.

19. Section 17.60 (1)

DELETE "grain bins" located in the 2nd sentence

20. Section 17.61 (5).

Currently reads:

- (5) Accessory uses and detached accessory structures are allowed as per this ordinance. They shall not be closer than 10 feet to the principal structure, exceed 20 feet in height, and occupy no more than 20% of the yard area. The setbacks for an accessory structure are as follows:
- (a) 5 feet to a lot line or alley line for lots less than 1.5 acres in size.
 - (b) 10 feet to a lot line for lots 1.5 to 5 acres in size.
 - (c) 25 feet to a lot line for lots 5 to 20 acres in size.
 - (d) 50 feet to a lot line for lots 20 acres and greater in size.

Proposed to read:

- (5) Accessory uses and detached accessory structures are allowed as per this ordinance. They shall not exceed 25 feet in height and occupy no more than 20% of the yard area. The setbacks for a detached accessory structure are as follows, unless otherwise specified in this ordinance:
- (a) 5 feet to a lot line for lots less than 1.5 acres in size.
 - (b) 10 feet to a lot line for lots 1.5 to 5 acres in size.
 - (c) 25 feet to a lot line for lots 5 to 20 acres in size.
 - (d) 50 feet to a lot line for lots 20 acres or more in size.

21. Section 17.80 NON-CONFORMING USES

Currently reads:

CONDITIONS. The existing lawful use of a structure or premises which is not in conformity with the provisions of this chapter at the time of its adoption or amendment may be continued subject to the following conditions:

- (1) No such use shall be expanded or enlarged, except in conformity with the provision of this chapter and upon granting of a variance by the Board of Adjustment.
- (2) No structure alteration or repair to any such existing structure as long as such use continues shall exceed 50% of its equalized value, except upon granting of a variance by the Board of Adjustment.
- (3) If such use is discontinued for 12 consecutive months, any future use of the structure and premises shall conform to this chapter. The assessor shall notify the Zoning Administrator in writing of all instances of nonconforming uses, which have been discontinued for a period of 12 consecutive months.

Proposed to read:

- (1) The following shall apply to all buildings or structures which house a nonconforming use, except for such nonconforming uses are otherwise regulated and controlled by the Jackson County Shoreland Ordinance and the Jackson County Floodplain Ordinance.
 - (a) Structural alterations or structural repairs of an existing building or structure which houses a nonconforming use shall be authorized by a land use permit.
 - (b) Additions to an existing building or an existing structure which houses a nonconforming use shall be authorized only by a conditional use permit. Such additions shall comply with all applicable setbacks and other dimensional requirements of this ordinance, unless a

variance is granted by the Jackson County Board of Adjustment.

- (c) If a structure which houses a nonconforming use is destroyed by fire, materially damaged, explosion, storm damage, or other disaster, such structure may be restored and the nonconforming use may be restored therein, upon issuance of a land use permit. Such restoration shall not exceed the original building area and volume, unless a conditional use permit is authorized. If the original structure which housed the nonconforming use is also a nonconforming structure, then the provisions of Section 17.81 shall also apply.
- (2) Change of use. A nonconforming use shall not be changed to any use other than a use permitted in the zoning district in which it is located.
- (3) Discontinuance. Where any such nonconforming use is discontinued for a period of twelve (12) consecutive months, any future use of the building, structure or land shall conform to the regulations of the district in which it is located.

**22. Section 17.81 SUBSTANDARD LOTS
CHANGE TO: 17.82 SUBSTANDARD LOTS**

**23. Section 17.81 NONCONFORMING STRUCTURES.
INSERT:**

- (1) Alterations and additions except the alterations and additions to structures regulated by the Jackson County Shoreland Ordinance and the Jackson County Floodplain Ordinance shall meet the following provisions:
 - (a) Structural alterations or structural repairs of nonconforming structures shall meet all the provisions of this ordinance, except that such alterations or repairs need not comply with the setback or yard provisions of this ordinance, provided they do not result in an increase in floor area nor change the footprint of the structure.
 - (b) Additions to or extensions of nonconforming structures are permitted provided that such additions or extensions comply with all the provisions of this ordinance. Additions or extensions of nonconforming structures along public highways where such structure and public highway existed prior to the effective date of this ordinance are permitted provided that such additions or extensions do not extend further toward the public highway than the existing structure.
 - (c) A conforming use in a nonconforming structure may be changed to another conforming use without complying with the setback or yard requirements of these regulations provided the new conforming use does not result in an increase in floor area nor change the footprint of

the structure, and provided that all parking and other site requirements are met.

(d) Highway projects. When a structure becomes a nonconforming structure as to setback from a highway, because the highway was widened or relocated or changed in jurisdiction by the County, a Township, or the Wisconsin Department of Transportation, such structure shall not require a variance and shall not be considered a nonconforming structure in regards to setback from a highway. However no such structure shall thereafter be enlarged or rebuilt in such a manner that it will be closer to the right-of-way of the highway.

(2) Repairs and restorations except the alterations and additions to structures regulated by the Jackson County Shoreland Ordinance and the Jackson County Floodplain Ordinance shall meet the following requirements:

(a) A nonconforming structure that is damaged or destroyed by fire, explosion, storm damage or similar calamity, may be repaired or restored provided either:

1. The repair or restoration would bring the structure into compliance with this ordinance; or
2. The repair or restoration of the nonconforming portion of the structure occurs fully within the building footprint of the structure before damage and there is no increase in the floor area of the nonconforming portion of the structure and repair or restoration takes place within twelve (12) months of being damaged.

(b) Except for historic buildings, no repairs or restoration of nonconforming structures shall be located within any public right-of-way.

24. Section 17.95 (2)(a)
INSERT: Land Information

25. Section 17.97 CHANGES AND AMENDMENTS
Currently reads:

The County Board may from time to time amend, supplement or change by ordinance the boundaries of the districts or regulations herein established. Any proposed change shall first be submitted to the Zoning Committee, which shall hold a public hearing thereon. Notice of the time and place of such hearing shall be given by publication in the County of Class II notice under Ch. 985, Wis. Stats. A copy of each notice shall be mailed by registered mail to the town clerk of each town affected by the proposed amendment at least 10 days prior to the date of such hearing.

Proposed to read:

(1) The County Board may from time to time amend, supplement, or change by

ordinance the boundaries of the districts or regulations herein established. Any proposed change shall first be submitted to the Zoning and Land Information Committee which shall hold a public hearing thereon. Notice of the time and place of such hearing shall be given by publication in the County legal paper as a Class II notice under Ch. 985, Wis. Stats. A copy of each notice shall be mailed by registered mail to the town clerk of each township affected by the proposed amendment at least ten (10) days prior to the date of such hearing.

- (2) An application for a rezone petition which has been afforded full due process of the law cannot be resubmitted or reapplied for unless the following conditions are met:
 - (a) The petition was legally withdrawn from either the Zoning and Land Information Committee’s or County Board’s agenda prior to a recommendation or vote being taken.
 - (b) An applicant must delay a rezoning reapplication for six (6) months from the time of legal withdrawal from a legally published agenda.

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DELETE:

M-3 MINING AND PROCESSING OF IRON ORE

17.29(3)

NONCONFORMING USES AND STRUCTURES DEFINED

17.10