

DRAFT #5
ORDINANCE NO. _____

ORDINANCE AMENDING WAUSHARA COUNTY CODE CHAPTERS 58

WHEREAS, Waushara County has enacted Chapters 8 – Buildings and Building Regulations, 18 – Floods, 42 – Subdivisions, 54 – Utilities, and 58 - Zoning to promote and protect the public health, safety, comfort, convenience, prosperity, aesthetics, and other aspects of the general welfare and to affix reasonable standards as applicable thereto; and

WHEREAS, the Waushara County Planning and Zoning Committee has determined that it is in the interest of the public health, safety and welfare to enact certain amendments to such Chapter; then

NOW, THEREFORE BE IT RESOLVED the County Board of Waushara County, Wisconsin, do hereby ordain as follows:

**FOLLOWING ARE AMENDMENTS PROPOSED TO THE
WAUSHARA COUNTY CODE CHAPTER 8:**

(amended sections are underlined)

~~(deleted sections are stricken)~~

Explanatory notations are in italics

SECTION 8-38 IS HEREBY AMENDED TO READ AS FOLLOWS:

The county has adopted the certified municipality status as described in COMM 61.6070 of the Wisconsin Administrative Code.

(1) *Responsibilities*. The county shall assume the following responsibilities for the department of commerce (department):

- a. Provide inspection of commercial buildings with certified commercial building inspectors.
- b. Provide plan examination of commercial buildings with certified commercial building inspectors.

(2) *Plan examination*. Except as exempted by Comm 61.30 of the Wisconsin Administrative Code, drawings, specifications and calculations for all the types of buildings and structures, except state-owned buildings and structures, to be constructed within the limits of the municipality shall be submitted, if the plans are for any of the following:

- a. A new building or structure containing less than 50,000 cubic feet of total volume.
- b. An addition to a building or structure where the area of the addition results in the entire building or structure containing less than 50,000 cubic feet of total volume.
- c. An addition containing no more than 2,500 square feet of total floor area and no more than one floor level, provided the largest roof span does not exceed 18 feet and the exterior wall height does not exceed 12 feet.
- d. An alteration of a space involving less than 100,000 cubic feet of total volume.
- e. A certified municipality may waive its jurisdiction for the plan review of a specific project or types of projects, or components thereof, in which case plans and specifications shall be submitted to the department for review and approval.

f. The department may waive its jurisdiction for the plan review of a specific project, where agreed to by a certified municipality, in which case plans and specifications shall be submitted to the certified municipality for review and approval.

(3) *Plan submission procedures.* All commercial buildings, structures and alterations require plan submission as follows:

- a. Building permit application;
- b. Application for review –SBD-118;
 1. Fees per Table 2.31-2 and COMM 2.31;
 2. Fees apply to all commercial projects;
- c. Four sets of plans;
 1. Signed and sealed per COMM 61.31;
 2. One set of specifications;
 3. Component and system plans;
 4. Calculations showing code compliance.

Explanatory note: This corrects a code section that was re-numbered and will also allow certain projects that are supervised by a registered individual to be exempted from the plan review and approval requirements of our code.

SECTION 8-41(a) IS HEREBY CREATED TO READ AS FOLLOWS:

(a) The inspector shall issue the requested permit if the owner or contractor demonstrates that all state, county and local submission requirements are satisfied. If a permit card is issued, it shall be posted at the job site in a visible location from the street. Permits are valid for two years. Permit may be extended for one year with the building inspector's approval and payment of permit fees. Projects that are not completed within the additional one year allowed by an extension shall be required to re-apply for permits and shall be charged fees according to the portion of the project not completed.

Explanatory note: This will allow a landowner who has not fully completed the building within the time allowed by an extension some additional time to complete the project, but they will have to pay a fee to get a permit to complete the project.

FOLLOWING ARE AMENDMENTS PROPOSED TO THE WAUSHARA COUNTY CODE CHAPTER 18:

(amended sections are underlined)

~~(deleted sections are stricken)~~

Explanatory notations are in italics

THE FLOODPLAIN STUDY APPENDIX OF SECTION 18 IS HEREBY AMENDED TO READ AS FOLLOWS:

FLOODPLAIN STUDY APPENDIX

Official maps flood profiles, data tables, flood elevations and other information approved subsequent to the adoption of the latest version of this code are listed below:

| Lake | Base Flood Elevation (BFE) |
|---------------------------|----------------------------|
| Auroraville Millpond | 764.70' MSL |
| Clark's Millpond | 804.20' MSL |
| Curtis Lake | 98.21' local datum |
| Lake Kristine | 102.40' local datum |
| Kusel Lake | 95.05' local datum |
| Pine Lake | 97.50' local datum |
| Pine River Millpond | 809.20' MSL |
| Pleasant Lake | 93.83' local datum |
| Porter's Lake | 97.41' local datum |
| Poy Sippi Millpond | 778.20' MSL |
| Lake Poygan | 750.40' MSL |
| Saxeville Millpond | 835.30' MSL |
| <u>Spring Lake</u> | <u>790.72' MSL</u> |
| Wautoma Millpond | 862.30' MSL |
| White River Lower Flowage | 832.40' MSL |
| Wilson Lake | 92.09' local datum |

Benchmark locations and descriptions with same datum base are available from the Waushara County Zoning Office.

The Lake Alpine Dam Hydraulic Shadow Map, Lake Alpine Dam Hydraulic Shadow Floodway Data Table and Lake Alpine Dam Hydraulic Shadow Profile dated December 2006 and approved by the Waushara County Board of Supervisors on April 10, 2007.

Explanatory note: All this section does is add an additional flood elevation for Spring Lake..

**FOLLOWING ARE AMENDMENTS PROPOSED TO THE
WAUSHARA COUNTY CODE CHAPTER 42:**

(amended sections are underlined)

~~(deleted sections are stricken)~~

Explanatory notations are in italics

SECTION 42-8(2)c2 IS HEREBY AMENDED TO READ AS FOLLOWS:

2. In addition to the other provisions in this chapter regarding certified survey map requirements, a signature page shall be attached to any certified survey map for a minor subdivision which contains, at a minimum, an owner's certificate with notarized signature, signature of a representative of the township, signature of a representative of the agency, and where extraterritorial plat reviewal or extraterritorial zoning jurisdiction is applicable, the signature of a representative of the city.

Explanatory note: This clarifies that if either extraterritorial plat reviewal or extraterritorial zoning jurisdictions are applicable, the city will need to sign off on a minor subdivision.

**FOLLOWING ARE AMENDMENTS PROPOSED TO THE
WAUSHARA COUNTY CODE CHAPTER 54:**

(amended sections are underlined)

~~(deleted sections are stricken)~~

Explanatory notations are in italics

SECTION 54-68 IS HEREBY CREATED TO READ AS FOLLOWS:

Sec. 54-68. Amendments.

Code amendments may be made upon petition of any interested party according to the provisions of Comm 83.03(5), Wisconsin Administrative Code.

(1) The proposed amendment shall be referred to the zoning agency for a public hearing and recommendation to the governing body. The amendment and notice of public hearing shall be submitted to the department according to the provisions of Comm 83.03(5), Wisconsin Administrative Code a minimum of 30 calendar days prior to the public hearing.

Explanatory note: This proposed change will bring our code into compliance with Wisconsin Administrative Code, which requires a public hearing for any POWTS code amendments.

**FOLLOWING ARE AMENDMENTS PROPOSED TO THE
WAUSHARA COUNTY CODE CHAPTER 58:**

(amended sections are underlined)

~~(deleted sections are stricken)~~

Explanatory notations are in italics

SECTION 58-9 IS HEREBY AMENDED TO READ AS FOLLOWS:

Kenel means a place where more than two adult dogs are boarded for a fee on a recurrent basis, or a place where more than five adult dogs are kept for any purpose. For the purposes of enforcement, any dog 5 months of age or older is considered an adult dog.

Wind turbine means a wind energy conversion system which converts wind energy into electricity through the use of a wind turbine generator, and includes the turbine, blade, tower, base and pad transformer, if any, provided that such a system only be a wind turbine for purposes of this Code if it both has a total height greater than 170 feet and nameplate capacity of greater than 100 kilowatts. Total height refers to the distance measured from the ground level to the blade extended at its highest point. Wind turbines are permitted in all zones, except all floodplain zones, the O-SW zone, and the O-N zone.

Explanatory note: This first definition of an adult dog used to be in our zoning code, but was removed during the codification process. We need to put it back in to clarify what is an adult dog. This second definition clarifies that a wind turbine is permitted in most zoning districts, providing they meet all the other requirements of that respective district.

SECTION 58-232(3) IS HEREBY AMENDED TO READ AS FOLLOWS:

(3) Any accessory buildings or structures shall not exceed one story or ~~45~~ 18 feet maximum building height in the RS-10, RS-20, and R-M zoning districts.

Explanatory note: The Board of Adjustments has been routinely granting variances for slight height variances. Relaxing this standard slightly will eliminate some of these variances without compromising the integrity of the code or causing problems for neighboring landowners.

SECTION 58-236(b) (18)f IS HEREBY AMENDED TO READ AS FOLLOWS:

- f. Should the unit be occupied at any time during the duration of the use permit, the unit shall be served by appropriate sanitary facilities, ~~as determined by the zoning committee, article II of required by chapter 38 of this Code, and Wis. Admin. Code ch. Comm 83.~~

The following are considered appropriate sanitary facilities:

1. If no running water exists (other than a hand pump located outside of the unit) a non-plumbing sanitation system or device is permitted, including but not limited to a chemical, gas or incinerator toilet or vault privy. Depending upon the type of system selected, a sanitary permit may be required.

2. If running water exists, a conventional septic tank / drainfield or other type of POWTS approved by DCOMM and the Waushara County Utilities Code is permitted. A sanitary permit is required for this type of system or device.

Explanatory note: This simply codifies (and clarifies) what we are currently requiring for sanitary facilities serving travel trailers.

SECTION 58-236(b) (21) IS HEREBY AMENDED TO READ AS FOLLOWS:

(21) *Wind energy facilities and wind turbines.* The following shall be considered as minimum standards in the location and operation of wind energy facilities and wind turbines:

- a. Except in areas which are subjected to low flying aircraft, such as adjacent to irrigated agricultural fields and adjacent to major highways which are used for aeronautical visual reference purposes, wind turbines shall be painted a non-reflective, non-obtrusive color, and shall not be artificially lighted, except to the extent required by the FAA or other applicable authority.
- b. At wind energy facility sites, the design of the buildings and related structure shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the wind energy facility to the natural setting and the existing environment.
- c. Wind turbines shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the wind energy facility.
- d. Electrical controls and control wiring and power lines shall be wireless or below ground, except immediately adjacent to the facility site.
- e. Wind turbines shall be set back from the nearest residence, school, hospital, church or public library a distance no less than the greater of two times their total height or 1,000 feet.
- f. Wind turbines shall be set back from the nearest property line a distance no less than 1.1 times their total height, unless appropriate easements are secured from adjacent property owners.
- g. Wind turbines shall be set back from the nearest public road, above ground public electrical power line or telephone line a distance no less than 1.1 times their total height.
- h. Wind turbines shall not be climbable up to 15 feet above ground level.
- i. All access doors to wind turbine towers and electrical equipment shall be lockable.
- j. The blade tip of any wind turbine, shall, at its lowest point, have ground clearance of no less than 75 feet.
- k. Appropriate warning signage shall be placed on wind turbine towers, electrical equipment, and wind energy facility entrances.
- l. Upon cessation of the operation of the wind energy facility or turbine, the facility or turbine and other related improvements to the property shall be removed. The applicant shall furnish sureties which will enable the county to remove such improvements if the applicant/owner fails to do so. The amount of such sureties shall be determined by the zoning administrator. The form and type of such sureties shall be approved by the corporation counsel. Such fiscal surety shall be for a period not to exceed five years and will be renewed thereafter upon a favorable review of the operation and maintenance of such facility or turbine by the zoning committee and corporation counsel and updated cost estimates furnished by the applicant. All local units of government within the county shall be exempted from having to furnish fiscal sureties.

Explanatory note: This provision will require a financial surety (such as a bond) for the removal of the wind energy facility or turbine similar to what we now require for wireless communications facilities (such as cell towers).

SECTION 58-277 IS HEREBY AMENDED TO READ AS FOLLOWS:

Sec. 58-277. Incorporation of maps.

The location and boundaries of the respective zones are shown on the town zoning maps and accompanying detail maps, and are referred to and referenced as the "Zoning Maps of Waushara County, Wisconsin." "The 1994 Wisconsin Wetland Inventory Maps, Waushara County, Wisconsin," shall be used in accordance with section 58-392 in determining the location of shoreland/wetland zone boundaries. These maps, together with all explanatory matter and regulations thereon, are an integral part of this chapter. In the event of a conflict between boundaries shown on a town map and a zoning detail map, the latter shall govern and prevail. Official copies of the zoning maps, together with a copy of this chapter, shall be kept by the zoning administrator and shall be available for public inspection during official hours. These maps shall be certified by the chair of the county board and attested by the county clerk. Any changes or amendments affecting zoning boundaries or explanatory matter shall be recorded on the applicable maps. All such changes shall be made in accordance with the provisions of Wis. Stats. § 59.69, and as subsequently amended, and with this chapter.

Explanatory note: After patiently waiting 16 years we finally have a digitized version of these 1994 wetland maps, which we can now begin using, instead of the older (and more inaccurate) 1979 wetland maps. Once adopted, these wetland boundaries can also be put on our county web site for use by the public.

EFFECTIVE DATE

Upon passage by the County Board of Supervisors, the amendments will be in full force and effect, as provided for in Section 59.97(5)(e), Wis. Stats.

Ordinance _____

Ayes _____ Nays _____ Abstain _____ () Voice Vote

Approved and adopted this _____ day of _____, 20____

Approved:

Submitted by:

Ruth Zouski,
Corporation Counsel

Mark Kerschner, Chairman
Planning & Zoning Committee

Attest:

Signed by:

John Benz,
Waushara County Clerk

Norman Weiss, Chairman
Waushara Co. Board of Supervisors