

## **CHAPTER 17**

### **ZONING CODE**

17.01	<a href="#"><u>STATUTORY AUTHORIZATION</u></a>
17.02	<a href="#"><u>INTERPRETATION, PURPOSE, AND APPLICABILITY</u></a>
17.03	<a href="#"><u>DEFINITIONS</u></a>
17.04	<a href="#"><u>GENERAL PROVISIONS</u></a>
17.05	<a href="#"><u>ZONING DISTRICTS</u></a>
17.06	<a href="#"><u>RESIDENTIAL DISTRICT A</u></a>
17.07	<a href="#"><u>RESIDENTIAL DISTRICT B</u></a>
17.08	<a href="#"><u>RESIDENTIAL DISTRICT C</u></a>
17.09	<a href="#"><u>RURAL DISTRICT</u></a>
17.10	<a href="#"><u>EXCLUSIVE AGRICULTURAL DISTRICT</u></a>
17.11	<a href="#"><u>GENERAL AGRICULTURAL DISTRICT</u></a>
17.12	<a href="#"><u>RECREATION AND NATURAL RESOURCE DISTRICT</u></a>
17.13	<a href="#"><u>COMMERCIAL DISTRICT</u></a>
17.14	<a href="#"><u>LIGHT INDUSTRIAL DISTRICT</u></a>
17.15	<a href="#"><u>INDUSTRIAL DISTRICT</u></a>
17.16	<a href="#"><u>MANUFACTURED HOME COMMUNITY DISTRICT</u></a>
17.17	<a href="#"><u>PUBLIC FACILITIES AND INSTITUTIONAL DISTRICT</u></a>
17.18	<a href="#"><u>HIGHWAY SETBACKS</u></a>
17.19	<a href="#"><u>PLANNED UNIT DEVELOPMENT (PUD)</u></a>
17.20	<a href="#"><u>CONDITIONAL USE PROVISIONS</u></a>
17.21	<a href="#"><u>PLANNING COMMITTEE PUBLIC HEARING PROCEDURES</u></a>
17.22	<a href="#"><u>BOARD OF ADJUSTMENT PROVISIONS</u></a>
17.23	<a href="#"><u>ADMINISTRATION AND ENFORCEMENT</u></a>
17.24	<a href="#"><u>ZONING PERMIT PROVISIONS</u></a>
17.25	<a href="#"><u>VIOLATIONS AND PENALTIES</u></a>
17.26	<a href="#"><u>VALIDITY</u></a>
17.27	<a href="#"><u>DEPARTMENT FEES</u></a>
17.28	<a href="#"><u>ORDINANCE TABLES</u></a>

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

**17.02**      **INTERPRETATION, PURPOSE, AND APPLICABILITY.**

- (1)      The provisions of this chapter shall be held to be minimum requirements adopted to promote the public health, safety, and general welfare of the County. As required by Wis. Stats. [§ 66.1001](#), La Crosse County has adopted a Comprehensive Plan to promote planned growth and orderly development. The intent of this chapter is to meet the requirements and aid in the implementation of the La Crosse County Comprehensive Plan.
- (2)      It is not intended by this chapter to repeal, abrogate, annul, impair or interfere with any existing easement, deed restriction, covenant of agreement between parties or with any rules, regulations or permits previously adopted or issued pursuant to laws; provided, however, that where this chapter imposes a greater restriction upon the location and use of buildings or premises, or upon the height of a building, or requires larger open spaces than are required by other rules, regulations, or permits or by easements, covenants or agreements, the provisions of this chapter shall govern.
- (3)      The powers granted by the provisions of this chapter shall be liberally construed in favor of the County exercising such powers. Whenever there is a reference to a state statute, state administrative code section, or any other state or local rule or ordinance, such reference shall include any future amendments to the statute, code section, rule, or ordinance.
- (4)      The County zoning ordinance in effect immediately prior to the enactment of this chapter shall remain in effect in a town for a period of up to 1 year or until this chapter is approved by the town board, whichever period is shorter. If a town board fails to approve this chapter within 1 year of its enactment, neither this chapter nor the County zoning ordinance in effect immediately prior to enactment of this chapter shall be in force in that town.

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

- (1)      Access Easement. An interest in property evidencing a private right of access to real property, defined by a legal description, providing for sufficient all weather vehicular access to adequately protect public welfare and safety.
- (2)      Accessory Building. A building that is subordinate to, and serves, a principal structure or principal use of the land and contributes to the comfort, convenience, necessity, or benefit of the occupants, employees, customers, or visitors of, or to, the principal structure or use served. Accessory buildings are classified based on the nature of the

items stored in a building and how they relate to an associated land use.

- (3) Accessory Dwelling Unit (ADU). A 1 dwelling unit residence on the same lot as, but detached from, an existing, principal dwelling. An ADU is a type of accessory building that is subordinate to the principal dwelling.
- (4) Accessory Structure. A structure that is subordinate to, and serves, a principal structure or principal use of the land and contributes to the comfort, convenience, necessity, or benefit of the occupants, employees, customers, or visitors of, or to, the principal structure or use served. Accessory structures shall be detached from the principal structure. Accessory buildings are a type of accessory structure.
- (5) Accessory Use. A use subordinate to, serving, and customarily incidental to the principal use on the same lot. An accessory use is subordinate in area, extent, intensity, and purpose to the principal structure or use served. Accessory uses include, but are not limited to home occupations, private recreation facilities, and storage. Accessory uses may occur in principal structures or accessory structures unless otherwise specified by this chapter.
- (6) Administrator. The Director of the Department of Zoning, Planning and Land Information, or their designee(s), empowered to enforce the rules and provisions of the La Crosse County Zoning Ordinance.
- (7) Agricultural Building. An accessory building constructed and used solely for agricultural use.
- (8) Agricultural Use. Any of the following activities conducted for the purpose of producing an income or livelihood: crop or forage production, keeping livestock, beekeeping, nursery/sod/Christmas tree production, floriculture, aquaculture, forest management, enrollment of land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program, or any other use that DATCP, by rule, identifies as an agricultural use.
- (9) Agricultural Use, Accessory. A building, structure, improvement, activity, or business operation that is an integral part of, or is incidental to, an agricultural use. Any use as defined in Wis. Stats. [§ 91.01\(1\)](#), except farm residences, but including the following:
  - (a) 1 roadside stand for the sale of farm products produced on the premises.
  - (b) Greenhouses and nurseries, sawmills when located on the premises for less than 30 days.
  - (c) Riding, training or boarding stables, paddocks, and equestrian trails.
  - (d) Mineral extraction incidental to a farming operation.
- (10) Agri-tourism. An educational or recreational activity that takes place on a farm, ranch, grove, or other place where agricultural, horticultural, or silvicultural crops are grown or farm animals or farmed fish are raised, and that allows visitors to tour, explore, observe, learn, participate in, or be entertained by an aspect of agricultural production, harvesting, processing, or husbandry that occurs there. Such uses shall not include conference centers, wedding venues, dining halls, commercial kitchens, short-term rentals, lodging, or any similar facilities.
- (11) Alley. A street or thoroughfare less than 21 feet wide and affording only secondary access to abutting property.

- (12) Animal Unit. Means a unit of measure to determine the total number of single animal types as referenced in [NR 243.03\(5\)](#) and as provided in [NR 243.05](#) of the Wis. Admin. Code, or any amendments thereto.
- (13) Attached Garage. An enclosed accessory use area which is physically and structurally attached to a dwelling.
- (14) Authorized Use. A use expressly allowed by-right by the La Crosse County Zoning Ordinance in a particular zoning district if all standards for the use and development of the use are met. Authorized uses and conditional uses are also referred to as the "allowed uses" within a zoning district.
- (15) Base Farm Tract (BFT). A single parcel, or 2 or more contiguous parcels, in a farmland preservation zoning district (Exclusive Agriculture District and General Agriculture District) which are under common ownership and part of a single farm as of January 30, 2012 [the effective date of the Comprehensive Revision of this Chapter], or as modified under § 17.10(3) and shown on the official BFT Map.
- (16) Basement. A story of a building which is at least 50% below grade.
- (17) Bed and Breakfast. Any place of lodging that satisfies all the following:
- (a) Rents 8 or fewer rooms for use to no more than a total of 20 tourists at one time.
  - (b) Furnishes meals to renters of the place.
  - (c) Is the owner's personal principal or temporary residence.
  - (d) Is occupied by the owner at the time of rental.
- (18) Board. The La Crosse County Board of Adjustment.
- (19) Building. Any structure used, designed, or intended for the protection, shelter, enclosure or support of persons, animals, or property.
- (20) Building/Structure, Height Of. The vertical distance measured from the average finished grade at the building line that faces an adjacent public or private road to the highest point or peak of the roof surface regardless of roof type.
- (21) Cabin. A lodging place building other than a hotel, a motel, or a recreational vehicle in which sleeping accommodations are offered for pay or without pay as a dwelling for short-term or temporary residential use.
- (22) Camping cabin. A building or other structure that is 400 square feet or less in area. A camping cabin includes a yurt, but does not include a tent, recreational vehicle, tourist rooming house, mobile home, or manufactured home. Also referred to as a "primitive cabin".
- (23) Camping Unit. A camping cabin or portable device temporarily used as a dwelling unit, such as a tent or recreational vehicle that can be used as a temporary residential use or short-term residential use.
- (24) Campground. One or more parcels of land where accommodations are provided to tourists or for the short-term residential use or temporary residential use of camping units, camping cabins, recreational vehicles, or other recreational facilities.

- (25) Centerline. The center of a highway as shown on a legal map, plat, survey or plan or as described in a recorded document. Where a legal map, plat, survey, plan or other recorded document does not exist, the traveled centerline of the existing highway shall be used to determine the centerline.
- (26) Club. A building, facility, or site owned and/or operated for social, educational, recreational, or athletic purposes for members and their guests, but not primarily for profit and not primarily to render a service customarily carried on as a business activity.
- (27) Commercial Animal Establishment. An establishment wherein any person is engaged in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs, cats, birds, fish, reptiles, and small rodents. A person shall be engaged in the business under this definition if the business involves the breeding and selling of more than 2 litters of pups or kittens, 2 clutches of birds, or 2 adult dogs or cats in a 12-month period of time which are intended to be kept or sold as pets. Commercial activities may include sale of pet supplies.
- (28) Commercial Building. A building primarily occupied for business uses. A commercial building may be subject to state plan review under Wisconsin State Statutes.
- (29) Commercial Transport Trailer or Container. Trailers or vehicles which are used for the transport of commercial products, goods, or materials such as, but not limited to, railroad cars, shipping containers, or semi-trailers.
- (30) Commercially Related Vehicle. A motor vehicle with a Gross Vehicle Weight Rating (GVWR) of up to 16,000 pounds that is typically used for commercial purposes and/or displays business advertising. (e.g. bread trucks, UPS trucks, Fed Ex trucks).
- (31) Committee. The committee charged with carrying out the policy-making processes for the La Crosse County Zoning, Planning and Land Information Department as defined in Chapter 1 of the La Crosse County Code of Ordinances. Also referred to as the Planning Committee.
- (32) Community Living Arrangement. Any of the following licensed facilities: child welfare agencies under Wis. Stats. [§ 48.60](#), group homes for children under Wis. Stats. [§ 48.02\(7\)](#), community based residential facilities (CBRF) under Wis. Stats. [§ 50.01](#), and adult family homes under Wis. Stats. [§ 50.01](#); but does not include day care centers, nursing homes, general hospitals, special hospitals, halfway houses, prisons, and jails.
- (33) Comprehensive Plan. A guide to the physical, social, and economic development of a local government unit, as defined by Wis. Stats. [§ 66.1001\(1\)](#).
- (34) Conditional Use. A use which requires reasonable but special conditions and limitations specific to the use for the protection of the public welfare and the integrity of the comprehensive plan. Conditional uses require a permit for approval. Authorized uses and conditional uses are also referred to as the "allowed uses" within a zoning district.
- (35) Contiguous. 2 or more pieces of land are contiguous if they adjoin, border, or abut along a common boundary at any point, or if they are separated by no more than 66 linear feet by the following: road right-of-way, railroad right-of-way, publicly owned trails, creeks, rivers, or other linear bodies of waters.
- (36) County Board. The La Crosse County Board of Supervisors.
- (37) DATCP. State of Wisconsin Department of Agriculture, Trade and Consumer Protection.

- (38) Department. The La Crosse County Zoning, Planning and Land Information Department.
- (39) Dwelling. A building or portion of a building designed for and occupied exclusively for residential purposes. Also referred to as a "residence".
- (40) Dwelling, 1-Unit. A building or portion of a building designed for and consisting of 1 dwelling unit. Also referred to as a single-family dwelling.
- (41) Dwelling, 2-Unit. A building or portion of a building designed for and consisting of 2 dwelling units.
- (42) Dwelling, Multiple Unit. A building or portion of a building designed for and consisting of 3 or more dwelling units.
- (43) Dwelling Unit. Any building, or portion of a building, that is used or intended to be used as a home, residence, or sleeping place by 1 person, or by 2 or more persons maintaining a common household, to the exclusion of all others. When a building is divided into separate parts by un-pierced walls extending from the ground up, each part shall be deemed a separate dwelling unit for occupancy purposes.
- (44) Farm. All parcels of land under common ownership with more than 35 acres of contiguous land and primarily devoted to agriculture uses.
- (45) Farmland Preservation Plan. That portion of the county's comprehensive plan adopted consistent with Wis. Stats. [Chapter 91](#) that describes the ways the county will encourage preservation of farmland.
- (46) Farm Employee. A full time equivalent employee of the owner or operator of a farm who earns more than 50 percent of their gross income from the farm.
- (47) Farm Residence. A dwelling that is a temporary residential use or principal residential use on a farm.
- (48) Feedlot. A lot or building, or combination of contiguous lots and buildings, intended for the confined holding of animals and where manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained. Pastures shall not be considered animal feedlots under these parts.
- (49) Floor Area. The sum of a building area, also referred to as a building footprint, and the habitable area of all enclosed floors or stories of the building above grade.
- (50) Foundation Envelope. The area delineated in a Manufactured Community District Plan for the placement of 1 manufactured home and any attachments thereto. Each Manufactured Home Site shall have a delineated foundation envelope.
- (51) Frontage. That portion of a lot abutting a highway or other approved access.
- (52) Highway. All public ways and thoroughfares and bridges on the same. It includes the entire width between the boundary lines of every way open to the use of the public as a matter of right for the purposes of vehicular travel. It includes those roads or driveways in the state, county, or municipal parks, and in state forests which have been opened to the use of the public for the purpose of vehicular travel and roads or driveways upon the grounds of public schools, as defined in Wis. Stats. [§ 115.01\(1\)](#), and institutions under the jurisdiction of the County Board, but it does not include private roads or driveways as defined in sub. Wis. Stats. [§ 340.01\(46\)](#).

- (53) Home Occupation. A permitted occupation or profession conducted by a resident of the premises for gain or support, provided that such occupation is incidental to the use of the premises for residential purposes.
- (54) Household Livestock. Livestock, kept for the use and enjoyment of those living on the premises, but not for commercial purposes and limited to rabbits, honeybees, and the following female fowl: chickens, partridge, pheasant, quail, and ducks.
- (55) Hotel or Motel. A building in which lodging, with or without meals, is offered to tourist guests for compensation and in which there are 5 or more rooms in a single structure.
- (56) Intersection. The point upon which 2 highway centerlines or a highway centerline and the center of a railway right-of-way converge.
- (57) Junk or Salvage Yard. A property, building or structure which is owned, maintained, operated or used for storing, keeping, processing, refurbishing, buying or selling materials such as, but not limited to, unlicensed/inoperable motor vehicles or parts thereof, used appliances or parts thereof, tractors or agricultural equipment or parts thereof, unusable or inoperable recreational vehicles or trailers or parts thereof, demolition or waste materials, metals, lumber, paper, plastics, rags, tires, or other miscellaneous materials commonly included within the terms of junk or salvage. A junk or salvage yard may include, but is not limited to, refuse dumps, garbage dumps, automobile graveyards, scrap metal processors, auto-wrecking yards, recycling facilities, or used auto parts yards.
- (58) Lot. Any parcel of land. "Lot" can also refer to a continuous piece of land defined in a recorded document, such as a certified survey map or subdivision plat.
- (59) Lot Area. The area located within lot boundaries, not including any part of a street, highway, alley, or railroad right-of-way or access easement.
- (60) Lot Lines. The lines bounding a lot or parcel.
- (61) Lot of Record. See Non-Conforming Lot.
- (62) Lot Width. The horizontal distance between the side lot lines. Lot width is measured between the side lot lines at the depth of the exterior face of the principal building nearest to the highway the parcel is accessed from. Lot width is measured from the minimum highway setback line of parcels where no buildings are present.
- (63) Manufactured Home. A structure which is a maximum of 16 feet in width that is certified and labeled as a manufactured home under [42 U.S.C.](#) ss. 5401 to 5406, built after June 15, 1976, that bears a seal indicating it has met construction and safety standards of the United States Department of Housing and Urban Development (HUD) standards. A manufactured home must be used as a permanent, 1-unit residential dwelling.
- (64) Manufactured Home Community. 1 or more parcels of land within a Manufactured Home Community District which has been developed under a single plan approval.
- (65) Manufactured Home Site. The area delineated on a Manufactured Home Community District Plan for placement of 1 manufactured home.
- (66) Mineral Extraction. The removal of rock, slate, gravel, sand, topsoil or other non-metallic natural materials.



- (67) Mobile Home. A vehicle manufactured or assembled before June 15, 1976 which is designed to be towed as a single unit or in sections by a motor vehicle to be used as a dwelling, the construction of which includes the structure, its utilities and all other equipment carrying a manufacturer's warranty.
- (68) Non-Conforming Lot. A legally created lot which had legal dimensions and area prior to the adoption of this ordinance but now fails to conform to the requirements of its zoning district. Also referred to as a lot of record or a substandard lot.
- (69) Non-Conforming Structure. A structure or building which was legal prior to the adoption of this zoning ordinance but now does not meet the size, location or dimensional limits of its zoning district.
- (70) Non-Conforming Use. The use of a building, structure, or premises lawfully established prior to the adoption of this chapter or amendments which does not conform to the provisions of this chapter or any amendments subsequent to the establishment of the use.
- (71) Non-Farm Residence. A 1-unit or 2-unit dwelling other than a farm residence.
- (72) Occupancy. The act of using a building, or part thereof, for its intended purpose allowed by La Crosse County Ordinance.
- (73) Official Zoning District Map. The map on file in the La Crosse County Zoning, Planning and Land Information Office originally adopted in 1953 and as amended by official action of the La Crosse County Board of Supervisors defining the boundaries of the principal zoning districts within unincorporated areas of La Crosse County. The official action of the La Crosse County Board shall govern if there is any conflict between such action and the boundaries as shown on the La Crosse County Geographical Information System (GIS).
- (74) Open Fence. A constructed fence which is 50% or more transparent when viewed at a right angle.
- (75) Ordinary High-Water Mark. See La Crosse County Ordinance Chapter 20 Shoreland Zoning.
- (76) Parcel. An entire piece of land that has a legal description and is owned by a single entity.
- (77) Parking Stall. An area of unobstructed access, that is covered or uncovered, for the parking of a vehicle.
- (78) Planned Unit Development (PUD). A planned development established for a mixed residential or clustered residential development or a mixed residential and low-intensity commercial project. PUDs consist of a group of 2 or more buildings having more than 2 dwelling units each, to be constructed on a site comprising 5 or more acres of land that may not be subdivided into customary lots and streets, or where an existing lot and street layout makes it impractical to apply the requirements of this chapter to the individual building units.
- (79) Pre-existing Residence. An existing residence in a farmland preservation district that was constructed prior to January 1, 2014.
- (80) Prime Farmland. As defined in Wis. Stats. [Chapter 91.01\(25\)](#).



- (81) Protected Farmland. When used in the context of farmland preservation, land (1) located in a farmland preservation zoning district certified under Wis. Stats. [Chapter 91](#); (2) covered by a farmland preservation agreement under Wis. Stats. [Chapter 91](#); (3) covered by an agricultural conservation easement under Wis. Stats. [Chapter 93.73](#); or (4) otherwise legally protected from nonagricultural development, as evidenced by documentation provided by the landowner who claims that the land is legally protected from nonagricultural development.
- (82) POWTS. Private On-site Wastewater Treatment System. As defined by La Crosse County Ordinance [Chapter 12](#).
- (83) Principal Residence. A residence occupied more than 180 days of the year by the same owners or renters. A principal residence includes a residence owned by a trust or an estate of an individual, if the residence is occupied more than 180 days of the year by a person who has an ownership interest as a beneficiary of the trust or estate. A principal residential use occurs at the principal residence on a property.
- (84) Principal Structure. A structure or combination of structures of chief importance or function on a parcel or contiguous parcels. In general, the principal use of the site is carried out in a principal structure. The difference between a principal and accessory structure is determined by comparing the size, placement, similarity of design, use of common building materials and the orientation of the structures on a site.
- (85) Principal Use. The primary use of a property. On properties where multiple uses are consistently or recurrently present, the principal use of a property is often the highest intensity use, most frequent or persistent use, or the use most frequently occupying the largest proportional area of a property for the longest duration of time.
- (86) Professional Office. The home office of a legally-recognized professional providing services, such as an accountant, journalist, land surveyor, professional engineer, attorney, real estate agent, remote salesperson, marketer, graphic designer, or professional working in another similar field, that is a subordinate use within their place of residence. Professional offices provide services but do not keep or sell stock in trade at the site of the office and residence. Professional offices do not have non-resident employees.
- (87) Public Airport. Any airport which complies with the definition of public airport or public use airport contained in Wis. Stats. [Chapter 114](#) or any airport which serves or offers to serve common carriers engaged in air transport.
- (88) Recreational Vehicle. A vehicle intended to be used for temporary recreational occupancy and less than 400 square feet in size. A motorized vehicle or trailer that is equipped and used, or intended to be used, primarily for temporary or recreational human habitation, that has walls of rigid construction.
- (89) Renewable Energy. Electricity, heat, steam, gas, or other energy derived from any of the following:
- (a) A fuel cell that uses, as determined by the Wisconsin Public Service Commission under Wis. Stats. [§ 196.378](#), a renewable fuel.
  - (b) Tidal or wave action.
  - (c) Solar thermal electric or photovoltaic energy.
  - (d) Wind power.
  - (e) Geothermal technology.
  - (f) Biomass.
  - (g) Synthetic gas created by the plasma gasification of waste.
  - (h) Densified fuel pellets made from waste material that does not include garbage,

as defined in Wis. Stats. [§ 289.01\(9\)](#), and that contains no more than 30 percent fixed carbon.

- (90) Remnant field. Cropland, pasture, or fallow field that is not contiguous with any other cropland, pasture, fallow field or related agricultural uses, due to 66 feet or greater separation by slopes of 20% or more, rights-of-way, or perennial bodies of water. Remnant fields are smaller than 3 acres in size.
- (91) Repair, Maintenance, Renovation, Remodeling, Rebuilding. To return to good or sound condition after damage or decay of a structure, or to improve the interior or exterior of a structure when it does not involve a structural alteration, addition, or expansion. This can include, but is not limited to replacing sheetrock, shingles, carpeting, siding, wiring, non-structural interior walls, cabinetry, appliances, and painting, or other similar projects.
- (92) Residence. The use of a structure as a dwelling.
- (93) Restore. To replace, reconstruct, or rebuild a structure or portion of a structure where reconstruction or replacement costs, including material and labor, exceed 50% of the estimated fair market value of the structure.
- (94) Rezoning. See "Zoning Map Amendment".
- (95) Right-of-Way. Land over which an existing or planned public highway or railroad is intended and the boundary of which is shown on a legal map, plat, survey or plan or described in a recorded document. Where a legal map, plat, survey, plan or other recorded document does not exist and a highway has been constructed, 33 feet on either side of the traveled centerline shall be considered the right-of-way of said highway.
- (96) Right-of-Way Line. The line delineating the exterior boundary or boundaries of a highway.
- (97) Rural Accessory Building. A building which was constructed under previous versions of this Code as an agricultural building, but due to unique circumstances is required to meet the standards for an accessory building provided in § 17.28(3) of this chapter. Rural accessory buildings are considered non-conforming and may be used in association with residential or agricultural use of the property.
- (98) Setback, Highway. The minimum horizontal distance between the right-of-way line or the centerline of a highway and the nearest point of a structure and up to 12 inches of roof overhang or any projection thereof, excluding uncovered steps, ADA compatible structures for accessibility.
- (99) Setback Line. A line established which is parallel to a right-of-way line, centerline of a highway, a body of water, or other line for the purpose of defining limits, outside of which buildings, structures, or uses must be constructed, maintained, or confined.
- (100) Short-Term Rental. A building, other than a hotel or motel, in which sleeping accommodations are offered for pay to tourists for short-term residential use.
- (101) Short-Term Residential Use. The occupancy of a permitted structure or building for a period of time not to exceed 30 consecutive days and not to exceed 180 days during a calendar year.
- (102) Solid Fence. A constructed fence which is less than 50% transparent when viewed at a right angle.

- (103) Story. That portion of a building included between the surface of a floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it. A floor having 50% or more of its height above grade shall be deemed a story for the purposes of height regulation.
- (104) Street. All property dedicated or intended for public or private street purposes, or subject to public easements therefore, and 21 feet or more in width.
- (105) Structure. Anything constructed or erected where the use of which customarily requires a location on the ground.
- (106) Subdivision. A division of a lot, parcel, or tract of land by the owner thereof or their agent.
- (107) Subdivision Plat. Any subdivision recorded following the approval of a final plat, subject to the provisions of La Crosse County Ordinance [Chapter 18](#), by the County Planning Committee.
- (108) Substantial Evidence. Facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion. See Wis. Stats. [§ 59.69\(5e\)\(a\)2](#).
- (109) Town Board. The Board of Supervisors elected to represent a specific town.
- (110) Trailer. A non-self-propelled vehicle which is towed and used for the transport of materials or goods relating to a residential use.
- (111) Temporary Residential Use. The occupancy of a permitted structure or building for a period of time not less than 30 days, and not to exceed 180 days during a calendar year.
- (112) Tourist. A person who travels to a location away from their principal residence for a short period of time, not to exceed 30 consecutive days, for lodging, vacation, pleasure, recreation, culture, business, employment.
- (113) Tourist Rooming House. See § 17.03(100) Short-Term Rental.
- (114) Unnecessary Hardship. Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height, or density unnecessarily burdensome or unreasonable as a result of the literal application of ordinance standards.
- (115) Utility Infrastructure. Includes, but is not limited to, public and private elements of utility systems used to access, store, supply, or transmit, electricity, water, sanitary sewer, storm sewer, stormwater management, cable, internet, and telecommunications services. This does not include municipal sewage treatment facilities, solid waste, and electric energy generation facilities and power plants.
- (116) Variance. An authorization by the Board of Adjustment for the construction or maintenance of a building or structure in a manner which is inconsistent with or contrary to the dimensional standards contained in this chapter due to a finding of the presence of unnecessary hardship at the property.
- (117) Vehicle Trip. The event of a vehicle entering or leaving a location. Each time a vehicle enters or leaves a location is a separate trip.

- (118) Violation. The failure of a property owner's building, structure, development, or land use, other than an existing non-conforming use or structure, to be fully compliant with the provisions of the La Crosse County Ordinance.
- (119) Vision Clearance. The area providing unobstructed vision at traffic intersections within which structures, temporary structures, crops, or landscape features shall not encroach in order to provide for the safe and efficient flow of traffic.
- (120) Yard. An open space, on the same lot as a building, which is left unoccupied and unobstructed from the ground upward.
- (121) Yard, Front. A yard extending the full width of the lot or zoning district, whichever is nearest, between the front lot line and the nearest part of the principal structure, excluding uncovered steps.
- (122) Yard, Rear. A yard extending the full width of the lot or zoning district, whichever is nearest, being the minimum horizontal distance between the rear lot line and the nearest part of a principal structure, excluding uncovered steps.
- (123) Yard, Side. A yard extending from the front yard to the rear yard, being the minimum horizontal distance between a building or structure and the side lot line or zoning district boundary, whichever is nearest to the building or structure.
- (124) Zoning District. A classification that establishes uniform standards for the use and development of land and the structures on land.
- (125) Zoning District Overlay. A type of zoning district that is superimposed over a zoning district, or portions thereof, and which imposes additional requirements of the land in the underlying zoning district(s). Examples of overlay districts include areas subject to La Crosse County Ordinance [Ch. 16 Floodplain Zoning](#) and areas subject to La Crosse County Ordinance [Ch. 20 Shoreland Zoning](#).
- (126) Zoning Map Amendment. Changing the zoning district designation of a particular parcel to another zoning district included in this chapter in accordance with Wis. Stats. [§ 59.69\(9\)](#) and the requirements of the La Crosse County Ordinance. Also referred to as a "rezone" or "rezoning".
- (127) Zoning Permit. A permit issued by zoning staff for a specified parcel of land prior to the issuance of a building permit to ensure that the proposed use and/or structure is consistent with the zoning requirements of the zoning district in which it is to be located.

**17.04 GENERAL PROVISIONS.** These provisions apply in all zoning districts unless otherwise specified in this chapter.

- (1) The use and height of buildings hereafter erected, converted, enlarged, or structurally altered, and the use of any land shall be in compliance with the provisions established herein for the district in which such land or building is located. Any use not listed as an authorized use in a district is prohibited in that district unless it is incidental or accessory to an authorized use, and any use authorized in a district shall be construed as a prohibited use in any other district, unless as otherwise expressly provided, in the La Crosse County Code of Ordinances.
- (2) Every building hereafter erected, converted, enlarged, or structurally altered shall be located on a lot and in no case shall there be more than 1 principal structure per lot,

unless otherwise authorized.

- (3) Buildings shall not intersect or cross the lot lines of lots within a subdivision plat.
- (4) No structure shall cross multiple city, village, town, or county boundaries.
- (5) Buildings(s), Fixtures(s), and/or Improvement(s) (BFI) boundaries established for improvements on leased lands, in accordance with [2023 Wisconsin Act 12](#), are not considered parcels under this chapter. The zoning district standards for the underlying parcel, owned by the lessor, where BFI boundaries are established shall apply to all uses and structures within BFI boundaries.
- (6) Nothing herein contained shall require any change in the plans, construction, size or designated use of any building or structure or part thereof for which a permit has been issued before the effective date of this chapter, and the construction of which shall have been started within 6 months from the date of said permit.
- (7) Agricultural uses shall not be allowed within approved subdivision plats except household livestock as regulated by this chapter.
- (8) Home occupations are subject to the following conditions:
  - (a) No significant amount of stock in trade is kept or sold.
  - (b) No mechanical equipment is used other than what is permissible for purely domestic purposes.
  - (c) One unlighted name plate may be exhibited not exceeding 1 square foot in area
  - (d) No persons other than those residing on the premises shall be employed by the home occupation.
  - (e) No on-street parking associated with the operation of the home occupation.
  - (f) The home occupation is an accessory use to the primary use of a residential dwelling on the same parcel.
  - (g) Hours of operation shall be limited to between 7 AM and 7 PM.
  - (h) Stock in trade shall be stored in an enclosed building.
- (9) Short-term rentals are subject to the following standards:
  - (a) Advertising Unpermitted Short-Term Rentals. No advertisement or public representation, including internet postings, regarding the property's availability for use as a short-term rental shall be allowed until all required county, state, and local permits have been obtained and all associated conditions are met. Advertising the availability of a site unpermitted for short-term rental shall be considered a violation of this ordinance.
  - (b) Parking Provisions. See § 17.04(18).
  - (c) Camping Units. Camping units which are not located in a campground are prohibited from use as short-term rentals.
  - (d) Permitting Requirements. All short-term rentals must obtain a Zoning Permit for

short-term rentals (hereinafter referred to as Short-Term Rental Permit) from the La Crosse County Zoning, Planning, and Land Information Department.

(e) Short-Term Rental Permit applications must include the following:

1. Property owner and applicant name(s), phone number(s), email address(es), and mailing address(es).
2. Address of the proposed short-term rental.
3. Local property management contact's mailing address, email address, and phone number. The property management contact must be located within 30 miles of the short-term rental. The property management contact must be available at all times and able to respond appropriately to all correspondence, complaints, violations, and emergencies related to the short-term rental.
4. The owner's contact information and property management's contact information and notice of application for a Short-Term Rental Permit must be provided by the applicant or property manager to all properties within 300 feet of any property line of any proposed short-term rental prior to permit approval. Documentation of notice to nearby residents must be provided to the Department.
5. Application fee furnished by the applicant at the time of submittal.
6. All existing non-compliance with the La Crosse County Code of Ordinance Chapters 16, 17, and 20 must be completely resolved and corrected before a Short-Term Rental Zoning Permit can be issued by the County.
7. Zoning permits for short-term rentals are non-transferable. Permits will terminate immediately following any change of ownership of a permitted short-term rental unit or property.

(f) Conditions of Short-Term Rental Permit Approval. Violation of any of the following conditions may result in revocation of Short-Term Rental Permits:

1. Short-term rental and occupancy of short-term rentals by any tourist, or group of tourists, shall not exceed a term of 30 consecutive days.
2. Any violation of local, county, or state laws or regulations and their relation to the short-term rental property, its owner(s), tenant(s), occupant(s) or visitor(s).
3. Prior to operation, and throughout operation, the applicant must obtain and maintain required state licensing and La Crosse County Health Department permits.
4. Prior to operation, the applicant shall contact the Town to inform them of Short-Term Rental Zoning Permit approval.
5. Any advertisement or public representation regarding the property, including internet postings, of a unit permitted for short-term rental shall include the state license number, La Crosse County zoning permit number, and the La Crosse County Health Department permit number.
  - a. Failure by the licensee to make payment of delinquent fees, taxes, special

charges, forfeitures, or other debt owed to the County.

6. Reapplication for Short-Term Rental Permit. Reapplication for a Short-Term Rental Permit for properties where applications were previously denied, or where permits were previously revoked, may be submitted for review 1 year following the date of said application denial or permit revocation.

- (10) No person shall build, use, anchor, keep or maintain any houseboat for residential or business purposes landward of the ordinary high-water mark.
- (11) The temporary placement of a mobile or manufactured home for temporary residential use may be authorized by a Zoning Permit, subject to the approval of the Town Board, after issuance of a Zoning Permit for a permanent dwelling on the same parcel. In no case shall a mobile or manufactured home be authorized to be located on the parcel for more than 180 days.
- (12) In all residential districts or recorded residential subdivision plats, the storage of all motor driven vehicles with a Gross Vehicle Weight Rating (GVWR) over 16,000 pounds is prohibited, with the exception of recreational vehicles.
- (13) In all residential districts or recorded residential subdivision plats, the wheels of any recreational vehicle, trailer or other similar transportation device shall not be removed, and the vehicle shall not be temporarily or permanently fixed to the ground or attached to something having a temporary or permanent location on the ground by any person in any manner, unless otherwise authorized.
- (14) In Residential District A, Residential District B, Residential District C, or a recorded residential subdivision plat, the storage of semi-tractors or semi-trailers is prohibited, and the storage, placement, or use of commercial transport trailers or containers is prohibited, unless otherwise authorized.
- (15) Commercial transport trailers or containers cannot be used as accessory buildings or structures except as otherwise specified within the applicable zoning district. Commercial transport trailers cannot be rented for use as mini-warehouses or self-storage.
- (16) Mobile or manufactured homes which have been permitted by a Zoning Permit in the Manufactured Home Community District and existed prior to the adoption or amendments of this Code can be replaced after the issuance of a Zoning Permit and are not subject to the provisions of § 17.04(4).
- (17) Approved Access. An access to a property must be approved by the applicable Town Board. Easement which are intended to serve more than 1 lot must be approved by the Committee and the applicable Town Board, using the relevant standards established under Wis. Stats. [§ 82.18](#) or any amendments thereto.
- (18) Parking Provisions. In all districts and in connection with every use, there shall be provided at the time any building is erected or enlarged, or a Zoning Permit is issued for a change in use, off-street parking stalls on the parcel or on contiguous parcels for all vehicles in accordance with the following:
  - (a) Adequate access to a highway or other approved access shall be provided for each parking stall.
  - (b) Size of each parking stall shall not be less than 180 square feet, excluding the space required for ingress and egress.



- (c) All off-street parking areas shall be an all-weather surface area which is properly drained.
- (d) Parking areas for more than 5 vehicles shall have parking stalls clearly marked.
- (e) Parking areas for more than 5 vehicles shall have curbs and barriers installed to prevent the parking of vehicles over any lot or property boundary line.
- (f) The minimum number of parking stalls shall follow these provisions unless otherwise approved. In the case of buildings, structures, or uses which are not specified in this provision, the standards required of the most similar buildings, structures, or uses shall apply. A combination of any use shall provide the total of the number of stalls required for each individual use. The required minimum number of parking stalls are as follows:
  - 1. 1-unit, 2-unit, or multiple unit dwellings for principal, temporary, or short-term residential use shall provide 2 parking stalls for every dwelling unit.
  - 2. Manufactured Home Communities shall provide 2 parking stalls for every dwelling unit.
  - 3. Hotels, motels, and bed and breakfast establishments shall provide 1 parking stall for each guest room plus 1 parking stall for every 3 employees.
  - 4. Hospitals, clubs, lodges, dormitories, lodging, and boarding houses shall provide 1 parking stall for each bed plus 1 parking stall for every 3 employees.
  - 5. Sanitariums, institutions, rest homes, or nursing homes shall provide 1 parking stall for every 5 beds plus 1 parking stall for every 3 employees.
  - 6. Medical or dental clinics shall provide 2 parking stalls for each licensed professional.
  - 7. Faith based buildings or structures, theatres, auditoriums, community centers, vocational schools, wedding venues, commercial event spaces, and places of public assembly shall provide 1 parking stall for every 5 occupants based on maximum occupancy.
  - 8. Colleges, secondary schools, and elementary schools shall provide 1 parking stall for every 2 employees.
  - 9. Restaurants, bars, tasting rooms, and places of entertainment shall provide 1 parking stall for every 150 square feet of floor area.
  - 10. Manufacturing and processing plants, laboratories, and warehouses shall provide 1 parking stall for every 2 employees.
  - 11. Financial institutions, businesses, government agencies, and commercial offices shall provide 1 parking stall for every 300 square feet of floor area.
  - 12. Funeral homes shall provide 1 parking stall for every 4 occupants based on maximum occupancy.
  - 13. Bowling alleys shall provide 2 parking stalls for every alley.

14. Automobile, light truck, watercraft, or motorcycle service businesses and repair shops shall provide 1 parking stall per service bay and 1 parking stall for every 2 employees.

15. Short-term rentals shall provide 1 off-street parking space for every 4 occupants based upon maximum dwelling unit occupancy. Not less than 2 off-street parking space shall be provided.

(g) Where no street curbs are present, on-street parking of vehicles related to the use of a short-term rental is prohibited.

(19) Non-Conforming Uses and Structures.

(a) The existing lawful use of a building, structure, or premises at the effective date of this chapter, or any amendment thereto, may be continued as a legal non-conformity. Such uses and structures that do not conform with the provisions of this chapter for the district in which it is located shall not be expanded or increased. Only that portion of land in non-conforming use at the time of the adoption of this chapter may continue as a non-conforming use.

(b) Once a non-conforming use has been changed to conform with the County Ordinance, it cannot revert to a previous non-conforming use.

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

(d) When a non-conforming building or structure, or a building or structure containing a non-conforming use, is damaged by fire, explosion, or force majeure, to the extent of more than 50% of its estimated fair market value, it shall not be restored unless the building or structure is restored in conformity with the current standards of the zoning district in which it is located. Any non-conforming structure, damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation, on or after March 2, 2006, may be restored to the size, location and use that it had immediately before the damage occurred without cost limitation. The size of the structure may be larger than it was immediately before the damage or destruction if necessary to comply with applicable state or federal requirements.

(e) The structural alterations, or additions to any non-conforming building or structure or any building or structure containing any non-conforming use shall not, during its life, exceed 50% of the estimated fair market value of the building or structure unless the structure is proposed to be modified to conform with the current standards of the zoning district in which it is located.

(f) The repair, maintenance, renovation, or remodeling of any part of a non-conforming structure where non-conformity is due to non-compliance with development standards prescribing setback, height, lot coverage, or side yard shall not be limited based upon cost or require a variance unless required by La Crosse County Ordinance [Chapter 16](#). Such repair, maintenance, renovation, or remodeling shall not expand the intensity of any non-conforming use nor expand a non-conforming structure's non-compliance with La Crosse County Ordinance.

(20) Dimensional Requirement Exceptions. The standards contained herein relating to the

height of buildings and the size of yards and other open spaces shall be subject to the following exceptions:

- (a) Faith based buildings or structures, schools, hospitals, sanatoriums and other public and quasi-public buildings and may be erected to a height not exceeding 60 feet nor 5 stories, provided the front, side rear yards and highway setbacks required in the zoning district in which such building is to be located are each increased at least 1 foot for each foot of additional building height above the height limit otherwise established for the zoning district in which such building is to be located.
  - (b) Chimneys, cooling towers, elevator bulkheads, fire towers, public monuments, stacks, silos, windmills, scenery lofts, tanks, water towers, ornamental towers, spires, any structures allowed under Chapter 28 of the La Crosse County Code of Ordinances, masts or aerials, telephone, telegraph and power transmission poles and lines, and necessary mechanical appurtenances shall be exempted from the height regulations of this chapter. Structures exempted under this section are subject to increased front, side, rear yards, and highway setbacks equal to the height of the proposed structure except as provided for in sections 17.18(5) and 17.22.
  - (c) A lot of record may be occupied by a 1-unit dwelling, except where residential is not an authorized use.
  - (d) The ordinary projections of sills, overhangs, belt courses, cornices and ornamental features shall not project more than 12 inches into any required yard. Open or enclosed fire escapes and fire towers may project into a required yard not more than 5 feet, provided such projections do not obstruct light and ventilation.
  - (e) Agricultural buildings on a farm shall be exempt from the height, area, and quantity limitations in § 17.28(3).
  - (f) Buildings associated with commercial or industrial use in the Commercial District, Light Industrial District, and Industrial District shall not be subject to the area and quantity limitations in § 17.28(3).
  - (g) Subdivisions associated with PUDs may require different setbacks than what is listed in this chapter. The setback lines established by such plats or plans will be enforced even if such setbacks are more, or less, restrictive than this chapter.
- (21) Junk or Salvage Yards. Any person accumulating materials considered junk or salvage is considered to be in the junk or salvage business and therefore subject to the provisions of this chapter. Any property with an accumulation of materials determined to be junk or salvage will be considered a junk or salvage yard under this chapter unless such accumulation is authorized by § 17.14 Industrial District. All junk or salvage yards must meet the following provisions:
- (a) Be surrounded by a solid fence not less than 6 feet in height.
  - (b) Provide a suitable office building.
  - (c) Fulfill all Wisconsin licensing requirements.
  - (d) The following are exceptions to these regulations:

1. An automobile sales establishment storing unlicensed vehicles intended for resale shall not be considered a junk or salvage yard under this chapter.
  2. An automobile service facility storing unlicensed and/or inoperable vehicles for a period not to exceed 6 months per vehicle shall not be considered a junk or salvage yard under this chapter.
  3. Vehicles which are eligible to be registered and licensed on a quarterly basis may be stored in an open area, provided that such storage does not exceed more than a 9 month period.
  4. In an agricultural zoning district, the accumulation of agricultural vehicles, trailers, tractors, machinery and/or parts thereof, typically used for agricultural purposes will not be considered a junk or salvage yard.
  5. One unlicensed/inoperable motor vehicle may be allowed to be stored outside on a parcel. Vehicles being openly stored under this exemption must be properly screened from ordinary public view and the storage of such vehicles cannot constitute a health or safety hazard. Screening shall consist of privacy fencing, shrubs, trees, buildings, or other suitable and appropriate means. An approved Conditional Use Permit may allow a person to store more than 1 unlicensed/inoperable vehicle on a parcel.
- (22) Abandoned Vehicles. This ordinance is adopted pursuant to the authorization contained in Wis. Stats. [§ 342.40](#). Abandoned motor vehicles are hereby subject to Chapter 9 of the La Crosse County Code of Ordinances, Public Peace and Good Order, and the regulations therein.
- (23) Attached Garages. A garage is considered attached if the attachment is accessible from all connecting structures; completely enclosed by a roof, walls, and floor; and is compliant with applicable regulations of the Wisconsin Uniform Dwelling Code. Openings are allowed for windows, doors, skylights, and similar features.
- (24) Ordinance Exemptions. Borrow Sites and Material Disposal Sites for transportation projects, subject and according to Wis. Stats [§ 85.193](#) are exempted from the standards of this ordinance.
- (25) Utility infrastructure is an authorized use in all districts, unless otherwise specified by County Ordinance, state statutes, or other applicable regulations.
- (26) Renewable energy generation serving the parcel it is located on or parcels under common ownership is authorized in all districts.
- (27) Renewable energy generation and related energy storage systems serving off-site properties which are not under common ownership are authorized only in specified zoning districts and are subject to the following standards:
- (a) Financial Assurance. The owner, other than a unit of government, of ground mounted solar energy or wind energy generation systems shall provide to La Crosse County a bond or an alternate financial assurance, prior to the issuance of a Zoning Permit.
    1. Alternate financial assurances may include, but are not limited to certificates of deposits, irrevocable letters of credit, irrevocable trusts, established escrow accounts, demonstration of financial responsibility by meeting net worth requirements, or government securities.

2. Value of the financial assurance shall be based upon a written estimate of a qualified remover of said types of structures to guarantee that the energy system structures will be removed following two consecutive years of discontinued use. La Crosse County will be named as obligee in the financial assurance and must approve the bonding company.
  3. The County may require an increase in the financial assurance amount after five (5) year intervals to reflect increases in the Consumer Price Index. The provider shall supply any increased financial assurance within a reasonable time, not to exceed sixty (60) days after the County's request.
  4. A permittee with several sites within La Crosse County may submit a master bond to cover all said sites. A master bond or letter of credit may, at the Committee's discretion, be in an amount sufficient to secure removal from the site if the master bond or letter of credit provides for replenishing any amount used as the master bond or letter of credit covers any other site in the County.
- (b) Ground mounted solar energy systems and related energy storage systems require a zoning permit and are subject to district setback and height standards for accessory structures. Ground mounted solar energy systems are not subject to accessory building area standards in § 17.28(3).
1. Ground mounted solar energy systems that occupy more than 20,000 square feet of area shall maintain a financial assurance with the County. Such systems shall be either recommissioned for energy generation or removed from the site by the property owner if the use of such system has been discontinued for more than two consecutive years.
- (28) Roof mounted solar energy systems require a zoning permit. Roof mounted solar energy systems are not included in the estimation of building height.
- (29) Accessory structures that do not include dwelling units are authorized in all districts, in accordance with § 17.28(3), unless otherwise specified by this chapter.

**17.05 ZONING DISTRICTS.** For the purpose of this chapter, the County is hereby divided into 12 zoning districts which are identified in sections 17.06-17.17 of this chapter.

- (1) The boundaries of the aforesaid districts are hereby established as shown on the Official Zoning District Map of La Crosse County. This map is made a part of this chapter by reference and all notations and references shown on this map are as much a part of this chapter as though specifically described herein. It is understood that amendments made appropriately to the Official Zoning District Map of La Crosse County pursuant to Wis. Stats. [§ 59.69](#), or any amendments thereto, after the effective date of this chapter are also part of this chapter by reference.
- (2) The district boundaries as depicted on the Official Zoning District Map of La Crosse County are either highways, roads, streets, alleys, parcels, or section, quarter section or quarter-quarter section lines, unless otherwise shown. Where the designation on the Official Zoning District Map of La Crosse County indicates that the various districts are approximately bounded by highway, road, street or alley lines, parcels, or section, quarter section, or quarter-quarter section lines, such lines shall be construed to be the district boundary lines.

- (3) Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks, lots, or parcels, the district boundaries shall be construed to be lots, or parcels. Where the designations of the Official Zoning District Map of La Crosse County are approximately bounded by lot lines, such lot line shall be construed to be determined by use of the scale shown on such map.

## **17.06 Residential District A.**

- (1) Purpose. Residential District A is established to provide low density residential uses and other compatible low intensity uses.
- (2) Authorized Uses.
- (a) 1-unit dwellings as principal or temporary residences.
  - (b) Professional offices.
  - (c) Nursery schools, day nurseries, daycare centers, or childcare centers for 8 or less children.
  - (d) One commercially related vehicle.
  - (e) Community Living Arrangements for 8 or less residents.
  - (f) Uses customarily incidental to any of the above uses when located on the same lot and not involving the conduct of any business.
  - (g) Condominium plats for principal residential 1-unit dwellings.
  - (h) Public parks, private parks, and playgrounds.
  - (i) Short-Term Rentals. See § 17.04(9).
  - (j) Household Livestock is authorized provided the following provisions are met:
    - 1. Any structure with a principal use of housing livestock or structures not fully enclosed shall maintain a minimum 20 foot setback from all property boundaries. Fully enclosed structures where the housing of household livestock is incidental to the structure's principal use shall be subject to setbacks as listed in § 17.28.
    - 2. All fence enclosures shall be situated on the owner's lot, except where a greater setback is required by this or other ordinances.
    - 3. All enclosures shall be cleaned, maintained, and kept in sanitary condition so that odors are confined to the owner's lot.
    - 4. 5 household livestock animals are authorized on lots up to 0.5 acres and 1 additional animal is authorized for each full 0.1 acre lot area greater than 0.5 acres, up to a maximum of 15 animals. 1 beehive is counted as 5 animals.
    - 5. It is the owner's responsibility to comply with Wis. Admin. Code [Ch. ATCP 17](#) regarding livestock premises registration.

6. This authorization to keep household livestock does not preempt any restrictive covenants administered by another authority that apply to a residential subdivision plat.

(j) Homeschooling of residents of the property.

(k) Residential accessory buildings, subject to § 17.28(3).

1. New accessory buildings shall not be constructed and used for storage prior to the construction of an associated principal dwelling in a platted subdivision.

(l) Other uses of similar character and intensity to uses in § 17.06(2). Such uses shall satisfy the district purpose in § 17.06(1).

(3) Conditional Uses. Subject to § 17.20.

(a) Golf courses, except miniature golf courses and driving ranges.

(b) Funeral homes.

(c) Home occupations. See § 17.04(8).

(d) Clinics, medical, and dental offices.

(e) Nursery schools, day nurseries, daycare centers, or childcare centers for more than 8 children.

(f) Private clubs, fraternities, sororities, and lodges.

(g) Utility buildings, exchanges, sub-stations, and relay structures with no service garages or storage yards.

(h) Truck gardening, nurseries, and greenhouses for the propagation of plants only.

(i) New agricultural buildings, provided that agricultural buildings in which livestock are kept shall be at least 100 feet from dwellings.

(j) One accessory dwelling unit (ADU) on the same parcel, subject to § 17.28.

1. ADUs shall not involve the conduct of a home occupation, business, trade, or industry, including, without limitation, such things as employee parking or the storage of equipment that is not associated with residential use.
2. A deed restriction shall be placed on the property stating that:
  - a. The ADU shall not be subdivided from the parcel the principal residence is located on.
  - b. The ADU shall not be sold separately from the principal dwelling.
  - c. The owner of the parcel shall occupy the principal dwelling or the ADU as a principal residence.
3. The height and habitable floor area of an ADU shall not exceed the height and habitable floor area of the principal structure on the parcel.



4. Manufactured homes, mobile homes, and camping units shall not be used as ADUs. ADUs shall have a permanent location on the ground.
5. ADUs must be located entirely within 150' of the principal dwelling on the same parcel.
6. A lot served by a POWTS shall have a minimum lot area of 25,000 square feet.

(k) Community Living Arrangements for more than 8 residents.

(l) Bed and Breakfast.

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

(a) Height. There shall be a maximum height of 35 feet.

(b) Setback. Highway setback lines as provided in § 17.18 or as established on a recorded subdivision plat or right-of-way plat prior to January 30, 2012.

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

(d) Rear yard. There shall be a rear yard having a minimum depth of 20 feet.

(e) Lot area. There shall be a minimum lot area per dwelling as follows:

1. A lot served by a public sanitary sewer shall have a minimum lot area of 6,000 square feet for a 1-unit dwelling.
2. A lot served by a POWTS shall have a minimum lot area of 20,000 square feet for a 1-unit dwelling.

(f) Lot width. There shall be a minimum lot width as follows:

1. A lot served by a public sanitary sewer shall have a minimum lot width of 60 feet.
2. A lot served by a POWTS shall have a minimum lot width of 80 feet.

(g) Parking provisions. See § 17.04(18).

#### **17.07 Residential District B.** In Residential District B.

(1) Purpose. Residential District B is established to provide an area for a variety of low-density housing types.

(2) Authorized Uses.

(a) Any use authorized in Residential District A. See § 17.06(2).

(b) 2-unit dwellings as principal or temporary residences.

(c) A Condominium Plat containing 1 or more 2-unit dwellings which are to be used as principal or temporary residences.

(3) Conditional Uses. Subject to § 17.20.

(a) As regulated in Residential District A. See § 17.06(3).

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

(a) Height. There shall be a maximum height of 35 feet.

(b) Setback. Highway setback lines as provided in § 17.18 or as established on a recorded subdivision plat or right-of-way plat.

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

1. Side yard setbacks may be waived to allow zero-lot line setbacks for interior, shared walls of 2-unit and multiple unit dwellings located on a parcel boundary. Exterior walls must adhere to setback standards in 17.05(2)(d)3. and shall not be waived.

a. Following construction of a building with a zero-lot line, an as-built plan prepared by a professional land surveyor or engineer that affirms the improvements were constructed according to approved plans and all other requirements must be submitted to the Department.

(d) Rear yard. There shall be a rear yard having a minimum depth of 20 feet.

(e) Lot area. There shall be a minimum lot area per dwelling as follows:

1. A lot served by a public sanitary sewer shall have a minimum lot area of 6,000 square feet for a 1-unit or 2-unit dwelling.

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

(f) Lot width. There shall be a minimum lot width follows:

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

2. A lot served by a POWTS shall have a minimum lot width of 80 feet.

(g) Parking provisions. See § 17.04(18).

## **17.08 Residential District C.** In Residential District C.

(1) Purpose. Residential District C is established to provide an area for medium density residential uses. Such uses are preferably served by public water and sewer facilities.

(2) Authorized Uses.

- (a) Any use authorized in Residential District B under § 17.07(2) except for Household Livestock.
  - (b) Multiple unit dwelling for principal or temporary residential uses.
  - (c) A Condominium Plat containing 1 or more multiple unit dwellings for principal or temporary residential uses.
  - (d) Nursing homes and senior assisted living.
- (3) Conditional Uses. Subject to § 17.20.
- (a) As regulated in Residential District A. See § 17.06(3).
  - (b) Planned Unit Development. See § 17.19.
- (4) Dimensional Standards. The following dimensional standards shall apply to the principal structure:
- (a) Height. There shall be a maximum height of 35 feet for structures containing 5 or fewer dwelling units. There shall be a maximum height of 50 feet for structures containing more than 5 dwelling units.
  - (b) Setback. Highway setback lines as provided in § 17.18 or as established on a subdivision plat or right-of-way plat recorded prior to January 30, 2012.
  - (c) Side yard. There shall be a side yard on each side of the structure. The sum of the widths of the required side yard shall not be less than 8 feet in width. A lot served by a POWTS shall have a minimum side yard setback of 10 feet.
  - (d) Rear yard. There shall be a rear yard having a minimum depth of 16 feet.
  - (e) Lot area. There shall be a minimum lot area per dwelling as follows:
    - 1. A lot served by a public sanitary sewer shall have a minimum lot area of 6,000 square feet for a 1-unit or 2-unit dwelling. A multiple unit dwelling shall have a minimum lot area of 2,000 square feet per dwelling unit.
    - 2. A lot served by a POWTS shall have a minimum lot area of 20,000 square feet for a 1-unit dwelling and 5000 square feet for each additional dwelling unit.
  - (f) Lot width. There shall be a minimum lot width as follows:
    - 1. A lot served by a public sanitary sewer shall have a minimum lot width of 60 feet.
    - 2. A lot served by a POWTS shall have a minimum lot width of 80 feet.
  - (g) Parking provisions. See § 17.04(18).

## **17.09 Rural District.**

- (1) Purpose. The Rural District is primarily a residential district established to provide for

large-lot residential use and low to moderate intensity agricultural use.

(2) Authorized Uses.

(a) Residential.

1. Any use authorized in Residential District B. See § 17.07(2).
2. Conservation and cluster residential subdivisions.

(b) Agricultural. Less than 500 animal units.

1. Farm. See § 17.03(44).
2. Livestock.
3. One roadside stand for the sale of farm products produced on the premises.
4. Beekeeping.
5. Dairy farming.
6. Egg production.
7. Floriculture.
8. Fish farming.
9. Forest and game management.
10. Grazing.
11. Orchards.
12. Plant greenhouse and nurseries.
13. Raising of crops.
14. Sod farming.
15. Riding, training or boarding stables, paddocks, and equestrian trails.
16. Mineral extractions incidental to a farming operation.

(3) Conditional Uses. Subject to § 17.20.

(a) As regulated in Residential District A. See § 17.06(3).

(b) Multiple unit dwelling.

(c) A Condominium Plat containing 1 or more multiple unit dwellings for principal or temporary residential uses.

(d) Contractor's storage.

(e) Commercial animal establishments.

(f) Accessory aircraft hangars. Accessory aircraft hangars shall be exempted from the requirements of § 17.28, subject to the following conditions:

1. Hangars shall only be located on parcels with an existing principal dwelling. Only one hangar may be placed on a parcel.
2. Hangars shall only be located on parcels abutting an existing, paved air

strip/runway. The runway shall be a minimum of 50 feet in width and 3,000 feet in length.

3. Hangar doors and the ingress and egress for aircrafts shall face a registered runway.
4. The maximum building area for a hangar is 5,000 square feet.
5. The minimum side yard setback for hangars is 10 feet.
6. Hangars shall not exceed 25 feet in height.
7. Hangars shall be located a minimum of 125 feet from the center line of a runway.
8. All taxi strips from hangar to runway shall not exceed 20 feet in width.
9. An area measuring 125 feet in depth, along the entire parcel boundary abutting a runway shall be left unobstructed. Structures, landscaping, or vegetation shall not be located in this area.
10. The local fire department must be notified if aircraft fuel is stored anywhere on the parcel.
11. Hangars shall only be used for storage of airplanes and other items owned by the owner of the parcel.

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

- (a) Height. There shall be a maximum height of 35 feet.
- (b) Setback. Highway setback lines as provided in § 17.18 or as established on a recorded subdivision plat or right-of-way plat.
- (c) Side yard. There shall be a side yard on each side of the structure. The sum of the widths of the required side yard shall not be less than 20 feet and no single side yard shall be less than 8 feet in width.
- (d) Rear yard. There shall be a rear yard having a minimum depth of 25 feet.
- (e) Lot area. There shall be a minimum lot area of 20,000 square feet for a 1-unit dwelling and 5,000 square feet for each additional dwelling unit.
  1. Lot width. There shall be a minimum lot width as follows:
  2. A lot served by a public sanitary sewer shall have a minimum lot width of 80 feet.
  3. A lot served by a POWTS shall have a minimum lot width of 100 feet.
- (f) Parking provisions. See § 17.04(18).

**17.10 Exclusive Agricultural District.**

- (1) Purpose. The Exclusive Agricultural District is a farmland preservation district. The Purpose of the Exclusive Agricultural District is to preserve agricultural land for food and fiber production; protect productive farmers by preventing conflicts between incompatible uses; maintain a viable agricultural base to support agricultural processing and service industries; reduce costs of providing services to scattered non-farm uses; promulgate orderly urban growth; implement the provisions of the County Farmland Preservation Plan when adopted and periodically revised; and comply with the provisions of the Farmland Preservation Law to permit eligible landowners to receive tax credits under [Subchapter IX](#) of Wis. Stats. Chapter 71.
- (2) Application. This district is generally intended to apply to lands which include all classes of soils in the County that are in productive agricultural use including, but not limited to, land demonstrated to be productive for forestry, dairy, livestock raising and grazing; lands historically farmed which are integral parts of farm operations; lands for the production of specialty crops; and lands that are potentially productive if given improvements such as irrigation or drainage.
- (3) Base Farm Tract (BFT) Boundary Modification. The owner of a parcel, currently within a farmland preservation zoning district may request that the Department create, combine, or modify the boundaries of a BFT to include contiguous parcels under common ownership which are not presently in the same BFT as part of an application for a conditional use permit or administrative conditional use permit for a farm residence or a 3% rezoning. Previously deed restricted acres within a BFT shall not be included in any BFT boundary modifications.
- (4) New residential uses shall not do any of the following:
  - (a) Convert prime farmland from agricultural use or convert land previously used as cropland, other than a woodlot, from agricultural use if on the farm there is a reasonable alternative location for a residence.
  - (b) Significantly impair or limit the current or future agricultural use of other protected farmland.
- (5) Authorized Uses.
  - (a) Residential.
    1. Pre-Existing Residences. Pre-existing residences located in areas subject to zoning under this chapter may be continued in residential use and shall not be subject to any limitations imposed or authorized under § 17.04(4).
      - a. If use of a residence is discontinued for a period of 12 consecutive months, it cannot be replaced or re-occupied.
      - b. Pre-existing residences may be rebuilt and replaced. The location of pre-existing residences that are rebuilt or replaced must meet the requirements of § 17.10(4).
      - c. Existing farm residences at the time of adoption of this chapter are counted against the number of farm residences allowed in a BFT.
      - d. Accessory buildings associated with a pre-existing residential use are authorized, subject to § 17.28(3).
    3. Parking or storage of 1 semi-tractor and/or semi-trailer. Semi- tractors

must be licensed and operable. Semi- trailers must be roadworthy.

4. Upon establishment of a farm residence dwelling, additional uses are authorized as listed in § 17.06(2) and that also meet the definition of an accessory use under Wis. Stats. [§ 91.01\(1\)](#).
5. One camping cabin per parcel with a farm residence. Camping cabins do not count towards the maximum of 5 residences allowed in a BFT. Camping cabins shall meet the following standards:
  - a. Driveways to access camping cabins shall not be constructed with impervious materials.
  - b. Camping cabins shall not be served by electrical, well, POWTS, or other utility services.
  - c. Camping cabins are subject to § 17.28(3) setback standards for accessory buildings.

(b) Agricultural

1. Agricultural uses except for poultry operations involving more than 10,000 birds and feedlots holding more than 500 animal units.
2. Agricultural accessory uses, except for those that would otherwise require a conditional use permit.
3. Agri-tourism operating less than 10 days per calendar year in aggregate, including incidental preparation and sale of beverages and food.
4. Agricultural buildings meeting the standards of §17.28(3).
5. Agricultural buildings, subject to § 17.04(20)(e).
6. Renewable energy generation serving onsite and offsite properties.

(6) Conditional Uses. Subject to § 17.20.

(a) Residential. New residences allowed as conditional uses and administrative conditional uses in the farmland preservation districts must be farm residences located on a farm, as defined by § 17.03(47).

1. Conditional Use Permit. Conditional use permits may be approved in accordance with the provisions of § 17.20 and § 17.21. The following residential uses may be approved by a conditional use permit:
  - a. New 1-unit dwellings as farm residences, subject to the conditions of § 17.10(8).
  - b. New 2-unit dwellings as farm residences, subject to the conditions of § 17.10(8)
  - c. Non-agricultural accessory buildings, subject to the dimensional standards of § 17.28(3).
  - d. Manufactured homes to be used as farm residences only, subject to the



conditions of § 17.10(8).

- e. Any recreational vehicle, trailer, or other similar transportation device, if the wheels have been removed or if otherwise temporarily fixed to the ground or attached to something having a temporary location on the ground.
  - f. Community Living Arrangements for more than 8 residents to be used as farm residences only. meeting Wis. Stats. [§ 60.63\(5\)](#), subject to the conditions of § 17.10(8).
  - g. Bed and Breakfasts.
  - h. Cabins for short-term or temporary residential use, for no pay, by only the landowner, subject to the conditions of § 17.10(8).
  - i. Home occupations, including nursery schools, day nurseries, daycare centers, or childcare centers for more than 8 children, and professional offices other than those defined under § 17.03(47) provided the occupation meets the requirements of Wis. Stats. [§ 91.01\(1\)](#). See § 17.04(8).
2. Administrative Conditional Use Permit (A-CUP) for a New Farm Residence. If there is a lack of reasonable alternative locations for a new farm residence on a parcel in a BFT, due to an inability to comply with § 17.10(4), an applicant may be granted an A-CUP for a new farm residence and be exempted from § 17.10(4). A-CUPs are not subject to the requirements of § 17.20 and § 17.21 and may be approved by the Department. A property may be eligible for an A-CUP, subject to the following siting standards:
- a. The Department may find a lack of reasonable alternative locations for a new residence that meets the standards of § 17.10(4) due to the significant presence of any of the following factors on a parcel where a new farm residence is proposed:
    - i. Sites have slopes greater than 20%.
    - ii. Sites in floodplains or that would require driveways in floodplains.
    - iii. Sites in wetlands or that would require driveways in wetlands.
    - iv. Sites that require access that cannot meet La Crosse County Ordinance [Chapter 8](#) standards for driveways accessing County roads.
    - v. Sites mostly comprised of cropped fields where there is insufficient wooded or uncropped open space that a reasonably sized dwelling could reasonably be built upon due to its geographic characteristics.
  - b. If a farm is found to have no reasonable alternative location a residence under § 17.10(4), an A-CUP can be issued for a house that would remove land from agriculture use if the house is proposed in a location meeting any 1 of the following conditions:

- i. The proposed residence and non-agricultural accessory buildings are entirely located within 150 feet of a field edge, and the driveway is located within 100 feet of a field edge. A field edge is the BFT border, a right of way boundary, or a tree line. Eligible tree lines shall be established prior to (DATE OF ADOPTION) 2025.
    - ii. The proposed residence and non-agricultural accessory buildings are entirely located outside of cropland and the driveway is located entirely within 200 feet of a public road right of way.
    - iii. The proposed residence, non-agricultural accessory buildings, and driveway are entirely located on a remnant field that is not contiguous with other cropped fields and is less than 3 acres.
    - iv. The proposed residence and non-agricultural accessory buildings are located within 100 feet of an existing agricultural driveway that was established prior to (DATE OF ADOPTION), 2025. The established agricultural driveway shall serve as the driveway to the proposed residence and non-agricultural buildings.
  - j. Department approval of an A-CUP is subject to the conditions of § 17.10(8). The following uses may be approved by an A-CUP:
    - i. New 1-unit dwellings as farm residences.
    - ii. New 2-unit dwellings as farm residences.
    - iii. Manufactured homes to be used as farm residences only.
- (d) Agricultural. The following agricultural uses may be allowed as conditional uses in the farmland preservation districts:
- 1. Fur Farms when located not less than 400 feet from any residential building other than that of the owner of the premises, their agent or their employee, and not less than 200 feet from the right-of-way line of any federal, state, county trunk highway or town road.
  - 2. Feedlots when more than 500 animal units. See § 17.28(8).
  - 3. Poultry operations when more than 10,000 birds.
  - 4. Sawmills when located on the premises for more than 30 days.
  - 5. Dams and flowages.
  - 6. Agri-tourism greater than 10 days per calendar year in aggregate, including incidental preparation and sale of beverages and food.
  - 7. Agriculturally related business uses that meet the requirements of Wis. Stats. [§ 91.01\(3\)](#).
  - 8. Agricultural accessory uses that meet the requirements of Wis. Stats. [§ 91.01\(1\)](#).
  - 9. Agricultural Buildings on Parcels Smaller than 35 Acres. New agricultural buildings, or additions, on parcels larger than 10.01 acres and smaller than 35 acres may be exempted from § 17.28(3) if such buildings meet the following

standards:

- a. The sum of all accessory buildings shall be less than 10,890 square feet on parcels larger than 10.01 acres and smaller than 25 acres.
  - b. The sum of all accessory buildings on parcels larger than 25 acres and smaller than 35 acres shall be less than 21,780 square feet.
  - c. Agricultural buildings constructed after (**DATE OF ADOPTION**), 2025 that exceed the dimensional standards of § 17.28(3) shall have side yard and rear yard setbacks of 25 feet.
  - d. Agricultural buildings in which livestock are kept shall be at least 100 feet from any dwellings on neighboring parcels that are present at the time of construction.
  - e. Agricultural buildings shall only contain items related to the agricultural use of the property.
10. Commercial transport trailers or containers to be placed and used solely for agricultural storage. Such trailers or containers are subject to the following standards:
- a. The wheels of any recreational vehicle, trailer or other similar transportation device shall not be removed or otherwise temporarily or permanently fixed to the ground or attached to something having a temporary or permanent location on the ground.
  - b. Commercial transport trailers or containers shall not be stacked on each other or any other structure.

(e) Other. The following uses may be allowed as conditional uses in the farmland preservation districts:

1. Government, religious, or nonprofit community uses that qualify under Wis. Stats. [§ 91.46\(5\)](#).
2. Cemeteries and related faith-based buildings or structures found by the Committee and County Board to meet the requirements of Wis. Stats. [§ 91.46\(5\)](#).
3. Commercial animal establishments meeting the requirements of Wis. Stats. [§ 91.01\(1\)\(d\)](#).
4. Livestock veterinary services and hospitals.
5. Commercial mineral extraction generating less than 200 vehicle trips per day found by the Committee and County Board to meet the requirements of Wis. Stats. [§ 91.46\(6\)](#).
6. Events, commercial event spaces, entertainment venues, and wedding venues.
  - a. The appearance of permanent structures shall be consistent with the agricultural intent of the district.

- b. There must be continued agricultural use of the property, and the use of the property for weddings and events shall remain subordinate to the principal agricultural use of the property.
  - c. The use of the property for weddings and events shall not reduce or impair the current or future agricultural use of the property.
  - d. Parking requirements. See § 17.04(18).
7. Special event camping. See La Crosse County Ordinance [§ 11.42\(2\)\(b\)](#).
- a. Special event camping shall not exceed 10 days per calendar year in aggregate.
8. Brewpubs and breweries producing less than 20,000 barrels (620,000 gallons) of fermented malt beverages annually. Distilleries and wineries.
- a. A portion of the ingredients used to produce beverages and liquors shall be grown and harvested on the site to satisfy the agricultural purpose of the district.
9. Private aircraft landing fields, runways, basins, and hangars.
- a. The maximum building area for a hangar is subject to §17.28(3).
  - b. The minimum side yard setback for hangars is 10 feet.
  - c. Hangars shall not exceed 25 feet in height.

(7) Dimensional Standards.

(a) The following dimensional standards shall apply to the principal residential structure:

- 1. Height. There shall be a maximum height of 35 feet.
- 2. Setback. Highway setback lines as provided in § 17.18 or as established on a recorded subdivision plat or right-of-way plat.
- 3. Side yard. There shall be a side yard on each side of the structure. The sum of the widths of the required side yard shall not be less than 20 feet and no single side yard shall be less than 8 feet in width.
- 4. Rear yard. There shall be a rear yard having a minimum depth of 25 feet.
- 5. Lot area. There shall be a minimum lot area of 20,000 square feet for each 1-unit dwelling and 25,000 for each 2-unit dwelling.
- 6. Lot width. There shall be a minimum lot width of 100 feet.

(b) Accessory Buildings.

- 1. Residential accessory buildings shall meet the dimensional standards as provided in § 17.28(3). Accessory buildings which are not exclusively used for agriculture-related purposes or have not been granted a rural accessory building waiver are considered residential accessory buildings.

2. Accessory buildings associated with residential use shall meet the dimensional standards as provided in § 17.28(3) unless this requirement is waived for an existing rural accessory building by the Committee.
3. Upon granting of a rural accessory building waiver by the Committee, all accessory buildings are subject to the standards in §17.28(3). The square footage and number of buildings, including the rural accessory building on the parcel, shall be included in future determinations by the Department as provided in § 17.28(3)).

(c) Parking provisions. See § 17.04(18).

(8) Conditions for New Farm Residences. New farm residences must meet the following conditions:

- (a) A minimum average density 35 acres per residential unit in a BFT shall be maintained. A Conditional Use Permit or A-CUP may be granted to allow 1 new farm residence for every 35 acres of land in a BFT.
- (b) New farm residences shall only be established in a BFT. A maximum of 5 farm residences are allowed in a BFT.
- (c) 2-unit dwellings are allowed but count as 2 farm residences.
- (d) The approval of a Conditional Use Permit to establish a residence shall be subject to recording of deed restrictions that shall apply to the residence and to the balance of 35 acres or 1/5 of the BFT, whichever is greater. The deed restrictions shall prohibit any additional residences, subdivision of land or non-agricultural development on the remainder of the 35 acres identified in the legal description.
- (e) If any portion of the BFT has been previously rezoned to the Rural District following a 3% rezoning, farm residences cannot be allowed by a Conditional Use Permit or A-CUP in that BFT.
- (f) Residences satisfying the provisions of § 17.10(6)(a)1. or § 17.10(6)(a)2. can be used as principal or temporary residences.

(9) 3 % Rezoning to Rural District. The owner of a BFT may be allowed to file a zoning petition to rezone to the Rural District up to 3% of a BFT for farm and/or non-farm residences.

- (a) Said petition shall designate 1 contiguous area for rezoning which includes all driveways and necessary utility infrastructure serving the residence(s).
- (b) A zoning petition to rezone to the Rural District shall not be allowed on a BFT which has previously been issued a Conditional Use Permit or Administrative Conditional Use Permit for residential use on a BFT. New residences cannot be allowed in a BFT if any portion of the BFT has been previously rezoned to the Rural District for residential use by a 3% rezoning.
- (c) The approval of a 3% rezoning shall be subject to recording of deed restrictions that shall apply to the balance of the BFT. The deed restrictions shall prohibit any additional residences, subdivision of land or non-agricultural development on the remainder of the BFT.

- (d) A 3% rezoning petition for residential development must meet the requirements of 17.10(4).
- (e) Following a rezoning or 3% rezoning, land within a BFT that was rezoned shall be extracted from the BFT.

(10) Standards for Rezoning of Farmland Preservation Areas.

- (a) DATCP shall be notified of all rezoning out of the farmland preservation district by March 1 of each year.
- (b) Decisions on zoning petitions for areas within a farmland preservation district shall be based on the following findings:
  - 1. The land is better suited for a use not allowed in the farmland preservation zoning district.
  - 2. The rezoning is consistent with any applicable comprehensive plan.
  - 3. The rezoning is substantially consistent with the county certified farmland preservation plan.
  - 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. Adequate public facilities to serve the development are present or will be provided.
  - 6. Provision of these facilities will not be an unreasonable burden to local government.
  - 7. Development will not cause unreasonable air and water pollution, soil erosion or adverse effects on rare or irreplaceable natural areas.
  - 8. The need of the proposed development in an agricultural area
  - 9. The availability of alternate locations.
  - 10. The productivity of the agricultural land involved.

(11) Conditions which apply to conditional use feedlots.

- (a) Pursuant to Wis. Stats. [§ 93.90](#), the County of La Crosse hereby adopts and incorporates the provisions of Wis. Stats. [§ 93.90](#) and Wisconsin Administrative Code, [ATCP 51](#).
- (b) Expansion. A Conditional Use Permit is required for the expansion of an existing or previously approved livestock facility if the number of animal units kept at the expanded livestock facility will exceed all the following:
  - 1. 500 animal units.
  - 2. A number that is 20% higher than the number kept on May 1, 2006. This 20% requirement shall not apply to expansions that occurred prior to May 1, 2006.

(12) Conditions which apply to waste storage and runoff management facilities.

1. A Conditional Use Permit application, which contains plan modifications to facilities which must meet waste storage and run off management requirements pursuant to Wisconsin Administrative Code, [ATCP 51](#), shall contain plan modifications certified by a professional engineer or agricultural engineering practitioner in accordance with Wisconsin Administrative Code, [ATCP 51](#), or a person with the appropriate engineering job approval according to Natural Resources Conservation Service (NRCS) standards meeting the requirements of Wisconsin Administrative Code, [ATCP 51.18](#) and [51.20](#).
2. The applicant shall submit as-built plans of constructed facilities, which shall be prepared by a professional engineer or agricultural engineering practitioner or a person with appropriate engineering job approval according to NRCS standards as required for plan modifications by this subsection.

#### **17.11 General Agricultural District.**

- (1) Purpose. The General Agricultural District is a farmland preservation district that allows agricultural uses of lesser intensity than those allowed in the Exclusive Agricultural District. The purpose of the General Agricultural District is to provide for a buffer between the Exclusive Agricultural District and areas suitable for eventual urban development.
- (2) Application. See § 17.10(2).
- (3) BFT Boundary Modification. See § 17.10(3).
- (4) New residential uses shall not do any of the following:
  - (a) Convert prime farmland from agricultural use or convert land previously used as cropland, other than a woodlot, from agricultural use if on the farm there is a reasonable alternative location for a residence.
  - (b) Significantly impair or limit the current or future agricultural use of other protected farmland.
- (4) Authorized Uses.
  - (a) Residential. Any use authorized in the Exclusive Agricultural District. See § 17.10(5)(a).
  - (b) Agricultural. Any use authorized in the Exclusive Agricultural District. See § 17.10(5)(b).
- (5) Conditional Uses. Subject to § 17.20.
  - (a) As regulated in the Exclusive Agricultural District, except feedlots for more than 1,000 animal units. Subject to 17.10(6).
- (6) Conditions for New Farm Residences. Subject to § 17.10(8).
- (7) 3% Rezoning to Rural District. Subject to § 17.10(9).



- (8) Dimensional Standards. As regulated in the Exclusive Agricultural District. Subject to § 17.10(7).
- (9) Standards for Rezoning. As regulated in the Exclusive Agricultural District. Subject to § 17.10(10).

**17.12 Recreation and Natural Resource District.**

- (1) Purpose. The Recreation and Natural Resource District provides a location for outdoor recreation, camping, and natural resource conservation-oriented uses. The district also supports limited commercial activities related to extraction of raw materials and natural resources.

- (2) Authorized Uses.

(a) Natural Resource Uses.

- 1. Forest preserves, forestry, and the production of forest product.
- 2. The harvesting of any wild crops such as marsh hay, ferns, moss, berries, nuts, or seeds.
- 3. Plant greenhouses and nurseries.
- 4. Grazing.
- 5. Fur and animal farms.
- 6. Agri-tourism under 10 days per calendar year in aggregate, including incidental preparation and sale of beverages and food.
- 7. Mines, quarries, and gravel pits.
- 8. Processing of natural resources.
- 9. Dams, flowages and hydroelectric power and flood control dams, dikes or, other structures.
- 10. Aircraft landing fields, basins, and hangars.
- 11. Fire control structures.
- 12. Other uses of similar character and intensity to uses in § 17.12(2)(a). Such uses shall satisfy the district purpose in § 17.12(1).

(b) Recreational Uses.

- 1. Public parks, private parks, and playgrounds.
- 2. Publicly accessible trails.
- 3. Community gardens.
- 4. Campgrounds. Campgrounds shall:

- a. Be screened from adjacent properties and roadways. Screening may or may not include fencing, topography, or vegetation.
  - b. Have 5 or more designated campsites.
  - c. Meet La Crosse County Ordinance [Chapter 11](#) requirements.
- 5. Camping cabins. Camping cabins shall not be used as principal residences.
  - 6. Boat liveries, docks, and bait shops.
  - 7. Golf courses & driving ranges.
  - 8. Special event camping. See La Crosse County Ordinance [§ 11.42\(2\)\(b\)](#).
  - 9. Accessory buildings associated with recreational use, subject to § 17.28(3).
  - 10. Other uses of similar character and intensity to uses in § 17.12(2)(b). Such uses shall satisfy the district purpose in § 17.12(1).

(c) Residential Uses.

- 1. Existing residences located in areas subject to zoning under this chapter may be continued in principal residential use and shall not be subject to any limitations imposed or authorized under § 17.04(20)(4). Such residences may be structurally altered and repaired, replaced, or rebuilt if destroyed but are subject to setback, height and other dimensional requirements. Existing accessory buildings associated with residential use are authorized.

(1) Conditional Uses. Subject to § 17.20.

- (a) One 1-unit dwelling for a watchman, caretaker or supervisor employed on the premises and used as a principal or temporary residence.
- (b) Riding, shooting, and hunting clubs.
- (c) Off road vehicle clubs.
- (d) Farmers markets.
- (e) Events, commercial event spaces, entertainment venues, and wedding venues.
  - 1. The use of the property for weddings and events shall not reduce or impair recreational use of the property.
  - 2. Parking requirements. See § 17.04(18).
- (f) Any use in § 17.12(2) generating more than 200 vehicle trips per day.

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

- (a) Height. The maximum height for the principal residential structure shall be 35 feet.

- (b) Setback. Highway setback lines as provided in § 17.18 or as established on a recorded subdivision plat or right-of-way plat.
- (c) Side yard. There shall be a side yard on each side of the structure as follows:
  - 1. The sum of the widths of the required side yard for the principal residential structure shall not be less than 20 feet and no single side yard shall be less than 8 feet in width.
  - 2. There shall be a minimum side yard on both sides for all other structures of 25 feet.
- (d) Rear yard. There shall be a rear yard having a minimum depth of 25 feet.
- (e) Lot area. There shall be a minimum lot area as follows:
  - 1. One 1-unit dwelling for a watchman, caretaker or supervisor employed on the premises shall have a minimum lot area of 20,000 square feet.
  - 2. Campgrounds shall be a minimum of 5 acres in size and shall provide a minimum lot area of 1,000 square feet per camping unit.
  - 3. Cabins require a minimum lot area of 20,000 square feet per cabin and an additional 5,000 square feet for each additional cabin on a parcel.
- (f) Lot width. There shall be a minimum lot width for the principal residential structure of 80 feet.
- (g) Parking provisions. See § 17.04(18).

### **17.13 Commercial District.**

- (1) Purpose. The Commercial District is established to provide an area for a variety of businesses with the flexibility to allow a mix of residential use that's supportive of retail, office, and service-oriented uses.
- (2) When a property with commercial zoning is being used for both commercial and residential uses, the height, side yard, lot area and lot width shall be regulated by the principal use of the property.
- (3) Authorized Uses.
  - (a) Residential. Any use authorized in Residential District C. See § 17.08(2).
  - (b) Commercial.
    - 1. Retail businesses.
    - 2. Wholesale businesses.
    - 3. Offices.
    - 4. Service industry businesses, including but not limited to, restaurants, bars, and places of entertainment.

5. Professional services, including but not limited to, legal services, financial services, and banks.
6. Veterinary clinics.
7. Warehouses under 100,000 square feet and not exceeding 2 stories in height.
8. Commercial animal establishments.
9. Bed and Breakfast.
10. Short-Term Rentals. See § 17.04(9).
11. Hospitals, clinics, medical, and dental offices.
12. Brewpubs and breweries producing less than 20,000 barrels (620,000 gallons) of fermented malt beverages annually. Distilleries and wineries.
13. Events, commercial event spaces, entertainment venues, and wedding venues.
14. Gas stations, fuel centers, and car washes.
15. Vehicle maintenance and repair.
16. Accessory buildings associated with residential use, subject to § 17.28(3).
17. Accessory buildings associated with a commercial use.
18. Other uses clearly incidental to the conduct of any of the above uses on the premises.
19. Other uses of similar character and intensity to uses in § 17.13(3)(b). Such uses shall satisfy the district purpose in § 17.13(1).

(4) Conditional Uses. Subject to § 17.20.

- (a) Light manufacturing and assembly of small personal consumer-oriented products.
- (b) Distribution businesses.
- (c) Warehouses over 100,000 square feet.
- (d) Truck terminals and freight houses
- (e) Commercial transport trailers or containers to be placed and used for business related storage.
  1. Commercial transport trailers or containers shall not be located in a front yard.
  2. Commercial transport trailers or containers shall not be stacked on each other or any other structure.

- (f) One detached accessory dwelling unit (ADU) on the same parcel or lot subject to § 17.28(3). The lot area must be a minimum of 25,000 square feet if served by POWTS.
1. Manufactured homes and mobile homes shall not be used as ADUs. ADUs shall have a permanent location on the ground.
- (g) Hotels and motels.
1. Hotels and motels must be served by public sanitary sewer.
- (h) Special event camping. See La Crosse County Ordinance [§ 11.42\(2\)\(b\)](#).
- (i) Planned Unit Development. See § 17.19.
- (5) Dimensional Standards, Commercial. The following dimensional standards shall apply to structures which do not include mixed residential and commercial uses:
- (a) Residential. As regulated in Residential District C. See § 17.08(4).
- (b) Non-residential. For non-residential structures the following shall apply:
1. Height. There shall be a maximum height of 45 feet.
  2. Setback. Highway setback lines as provided in § 17.18 or as established on a recorded subdivision plat or right-of-way plat.
  3. Side yard. There shall be a minimum side yard on both sides of the structure of 20 feet.
  4. Rear yard. There shall be a rear yard having a minimum depth of 25 feet.
- (6) Dimensional Standards, Mixed-Use Commercial. The following dimensional standards shall apply to structures which include mixed residential and commercial uses:
- (a) Height. A maximum height of 45 feet.
- (b) Setback. Highway setback lines as provided in § 17.18 or as established on a recorded subdivision plat or right-of-way plat.
- (c) Side yard. There shall be a minimum side yard setback of 10 feet.
1. Zero-lot line side yard. Minimum side yard setbacks may be waived to allow zero-lot line setbacks for interior, shared walls of mixed-use commercial principal structures located on a parcel boundary with public water and sewer service.
    - a. A minimum exterior wall side yard setback of 10 feet is required.
    - b. Submit an as-built plan prepared by a professional land surveyor or engineer that affirms the improvements were constructed according to approved plans and all other requirements.
- (d) Rear yard. There shall be a rear yard setback with a minimum depth of 10 feet.
- (e) Parking. The number of required parking stalls shall be the sum of the following:

1. Residential. A minimum of 1 off-street parking stall must be provided for each dwelling in a mixed-use commercial structure.
2. Non-residential. Subject to § 17.04(18).

#### **17.14 Light Industrial District.**

- (2) Purpose. The Light Industrial district may provide a transitional area between Commercial District and the more intensive Industrial District. Authorized uses and/or approved conditional uses shall not produce significant odors, noise, vibration, glare, or heat of such nature or quantity as to be obnoxious to surrounding properties or contribute to unhealthful conditions outside the premises.
- (3) Authorized Uses.
  - (a) Any use as authorized in the Commercial District except residential uses and Planned Unit Development. See § 17.13(3).
  - (b) Light manufacturing, processing, and assembly of small personal consumer-oriented materials and products.
  - (c) Distribution businesses.
  - (d) Warehouses.
  - (e) Truck terminals and freight houses.
  - (f) Self-storage businesses.
  - (g) Landscaping and lawncare businesses.
  - (h) Outdoor contractor storage yards for heavy-duty vehicles, equipment, and building materials.
  - (i) Brewpubs and breweries producing over 20,000 barrels (620,000 gallons) of fermented malt beverages annually. Distilleries and wineries.
  - (j) Data centers, data hosting, and similar data storage or processing.
  - (k) Other uses clearly incidental to the conduct of any of the above uses on the premises.
  - (l) Other uses of similar character and intensity to uses in § 17.14(3). Such uses shall satisfy the district purpose in § 17.14(1).
- (4) Conditional Uses. Subject to § 17.20.
  - (a) Commercial transport trailers or containers to be placed and used for business related storage.
  - (b) Chemical or industrial research and development labs.
- (5) Dimensional Standards. As regulated by § 17.13(5), Dimensional Standards, Commercial.

#### **17.15 Industrial District.**

- (1) Purpose. The Industrial District is established to provide areas for industrial uses that are likely to produce noise, odor, vibration, glare, or other potentially adverse effects on nearby low intensity uses and properties.
- (2) Authorized Uses.
  - (a) Any use authorized in the Light Industrial District. See § 17.14(2).
  - (b) Heavy manufacturing, processing, and assembly of large materials and products.
  - (c) Commercial transport trailers or containers to be placed and used for business related storage.
  - (d) Electric generating facilities and power plants producing energy derived from non-renewable energy resources.
  - (e) Renewable energy generation serving onsite or offsite properties.
  - (f) Other uses clearly incidental to the conduct of any of the above uses on the premises.
  - (g) Other uses of similar character and intensity to uses in § 17.15(2). Such uses shall satisfy the district purpose in § 17.15(1).
- (3) Conditional Uses. Subject to § 17.20.
  - (a) Abattoirs and slaughterhouses.
  - (b) Acid manufacturing.
  - (c) Cement, lime, gypsum, or plaster of paris manufacturing.
  - (d) Distillation of Bones.
  - (e) Explosives manufacturing or storage.
  - (f) Fat rendering and meat byproduct processing.
  - (g) Fertilizer manufacturing.
  - (h) Garbage, rubbish, offal, or dead animal reduction or dumping.
  - (i) Garbage, trash, or recycling transfer stations or facilities.
  - (j) Glue manufacturing.
  - (k) Junk or salvage yards. See § 17.04(22).
  - (l) Petroleum refining.
  - (m) Smelting of tin, copper, zinc, or iron ores.
  - (n) Stockyards and livestock feedlots, subject to the conditions provided by § 17.10(9).

- (o) Asphalt or concrete plants.
  - (p) Mines, quarries, and gravel pits.
  - (q) Sawmills and lumberyards.
  - (r) Papermills.
  - (s) Any use authorized by 17.15(2) generating more than 200 vehicle trips per day.
- (4) Dimensional Standards. The following dimensional standards shall apply to structures:
- (a) Height. There shall be a maximum height of 60 feet.
  - (b) Setback. Highway setback lines as provided in § 17.18 or as established on a recorded subdivision plat or right-of-way plat.
  - (c) Side yard. There shall be a minimum side yard on both sides of the structure of 20 feet.
  - (d) Rear yard. There shall be a rear yard having a minimum depth of 25 feet.
  - (e) Residential setback. Structures associated with an industrial use require a minimum setback of 50 feet from existing residences.
  - (f) Residential safety and groundwater protection setback. Structures associated with the following intense industrial uses established after (DATE) shall be located a minimum of 400 feet away from all pre-existing dwellings and associated water supply wells located on neighboring parcels and 100 feet from parcel boundaries:
    - 1. Acid manufacturing.
    - 2. Explosives manufacturing or storage.
    - 3. Munitions manufacturing.
    - 4. Pesticide and fertilizer manufacturing.
    - 5. Petroleum refining and petrochemical manufacturing.
    - 6. Industrial chemical manufacturing.

#### **17.16 Manufactured Home Community District.**

- (1) Purpose. The Manufactured Home Community District is established to provide areas for manufactured home communities and safe, healthful conditions for residents of manufactured home communities.
- (2) Manufactured Home Community Plan. All newly created Manufactured Home Communities and expansions of existing communities after adoption of this chapter must meet the following permit requirements and standards. After submission and approval of a Manufactured Community Plan, the Department shall issue a permit. A Manufactured Community Plan must address the following:



- (a) Delineates all utility infrastructure such as, but not limited to, stormwater, sanitary, electrical, cable, telephone, and water.
- (b) Delineates locations of all proposed utility buildings and other structures incidental to the park operation such as, but not limited to, well houses, laundry facilities, community shelters, sanitary facilities, and storage buildings.
- (c) Delineates and defines all roadways within the community.
- (d) Delineates the foundation envelope for each Manufactured Home Site.
- (e) Delineates all Manufactured Home Site boundaries by corner markers or other adequate monumentation methods.
- (f) Delineates all private roadways and/or highway rights-of-way and identifies the appropriate setbacks.
- (g) Delineates all parking areas.
- (h) Delineates all property topography with a minimum of 5 foot contours.
- (i) Delineates all shoreland district boundaries, navigable waters, drainage patterns, and floodplain.
- (j) Delineates a Manufactured Home Site boundary for a manufactured home greater than 20 feet in width to be twice the area limit minimum as outlined as provided in § 17.16(5)(e). All other dimensional standards in § 17.16(5) shall apply.

(3) Authorized Uses.

- (a) Manufactured homes as defined in Wis. Stats. [§ 101.91\(2\)](#) for short-term rental, principal residential use, or temporary residential use.
- (b) Mobile homes for short-term rental, principal residential use, or temporary residential use.
- (c) Occasional sales of privately owned manufactured or mobile homes.
- (d) Professional offices.
- (e) Nursery schools, day nurseries, daycare centers, and childcare centers for less than 8 children.
- (f) Additions to a principal dwelling in compliance with the provisions of this code and written approval from the park manager.
- (g) One detached accessory building per Manufactured Home Site with a maximum size of 144 square feet and written approval from the park manager.
- (h) Utility buildings and accessory buildings incidental to the Manufactured Home Community operations.
- (i) Park office.
- (j) Storage units for manufactured home community residents.

- (4) Conditional Uses. Subject to § 17.20.
- (a) Storage units for persons other than Manufactured Home Community residents.
  - (b) Home occupations.
  - (c) Nursery schools, day nurseries, daycare centers, or childcare centers for more than 8 children.
- (5) Dimensional Standards. The following dimensional standards shall apply:
- (a) Height.
    - 1. All manufactured homes and accessory building shall have a maximum height of 15 feet.
    - 2. All other buildings and structures, including the park office, incidental to the Manufactured Home Community operations shall have a maximum height of 35 feet.
  - (b) Setback. All buildings, structures, manufactured homes and additions thereto must meet the applicable Highway setback lines as provided in § 17.18.
    - 1. Perimeter Setback. All buildings, structures, manufactured homes and additions thereto must meet a minimum 25 foot setback from the boundary of the Manufactured Home Community.
    - 2. Roadway. All buildings, structures, manufactured homes and additions thereto must meet a minimum 20 foot setback from any roadway within the Manufactured Home Community.
  - (c) Side yard.
    - 1. All manufactured homes and additions thereto must meet a minimum combined side yard of 20 feet with a minimum of 8 feet on 1 side from the boundary of the Manufactured Home Site as shown on a Manufactured Home Community Plan.
    - 2. All accessory buildings must meet a minimum side yard of 3 feet from the boundary of the Manufactured Home Site.
  - (d) Rear yard.
    - 1. All manufactured homes and additions thereto must meet a minimum 10 foot rear yard from the boundary of the Manufactured Home Site.
    - 2. All accessory buildings must meet a minimum rear yard of 3 feet from the boundary of the Manufactured Home Site.
  - (e) Lot area. All Manufactured Home Communities must be a minimum of 5 acres in size. All Manufactured Home Sites must provide a minimum of 5,000 square feet per dwelling unit.
  - (f) Lot width. All manufactured home sites must be a minimum of 40 feet wide along the frontage of any roadway or site access.

(g) General Provisions.

1. Manufactured home sales other than resale of existing homes within the park are prohibited.
2. Manufactured Home Communities must provide at least 5% of the Manufactured Home Community area to be used and dedicated for public recreational uses.
3. All Manufactured Home Communities must provide an on-site park office.

**17.17 Public Facilities and Institutional District.**

- (1) Purpose. These areas are intended to allow for public service infrastructure, utility infrastructure, non-profit facilities, and publicly and semi-publicly accessible facilities.
- (2) Authorized Uses.
  - (a) Faith-based buildings or structures.
  - (b) One 1-unit dwelling is allowed as an accessory use on the same parcel, or an adjacent parcel, but is subject to the dimensional requirements of 17.05(1). Said dwelling unit shall be owned by the same owner as the faith-based building or structure and be used as a principal residence.
  - (c) Schools.
  - (d) Libraries.
  - (e) Colleges and dormitories.
  - (f) Nursing homes and senior assisted living.
  - (g) Municipal buildings, structures, and parking facilities.
  - (h) Recreational and community centers.
  - (i) Cemeteries.
  - (j) Public airports.
  - (k) Utility infrastructure.
  - (l) Publicly owned museums.
  - (m) Public parks, private parks, and playgrounds.
  - (n) Publicly accessible trails.
  - (o) Community gardens.
  - (p) Sports fields and facilities which are publicly owned or associated with public or private schools.
  - (q) Public safety buildings.

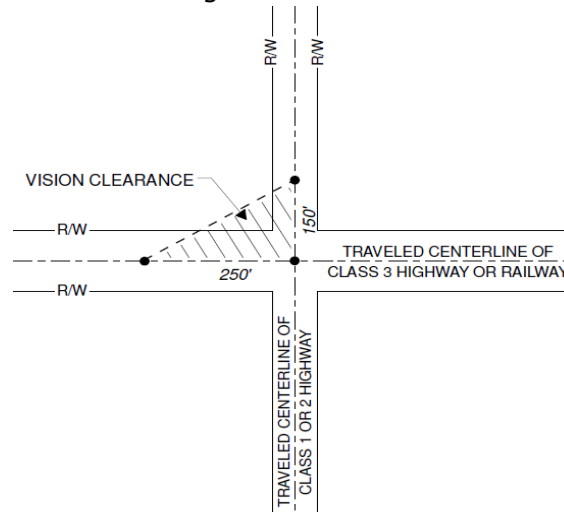
- (r) Public maintenance facilities, including maintenance sheds, storage of municipal maintenance equipment, etc.
  - (s) Renewable energy generation serving onsite or offsite properties.
  - (t) Other uses of similar character and intensity to uses in § 17.17(2). Such uses shall satisfy the district purpose in § 17.17(1).
- (3) Conditional Uses. Subject to § 17.20.
- (a) Sewage treatment facilities.
  - (b) Municipal solid waste facilities.
  - (c) Landfills and garbage, trash, or recycling transfer stations or facilities.
    - 1. Private or commercial facilities established after (DATE OF ADOPTION) shall be located a minimum of 200 feet away from pre-existing dwellings and associated water sources.
  - (d) Correctional facilities, jails, and prisons.
  - (e) Private aircraft landing fields, runways, basins, and hangars.
  - (f) Private or commercial storage of more than 15 cubic yards of salt or deicing materials.
    - 1. Facilities established after (DATE OF ADOPTION) shall be located a minimum of 400 feet away from drinking water sources.
  - (g) Electric generating facilities and power plants producing energy derived from non-renewable energy resources.
  - (h) Other uses of similar character and intensity to uses in § 17.17(3). Such uses shall satisfy the district purpose in § 17.17(1).
- (4) Dimensional Standards. The following dimensional standards shall apply to buildings and structures:
- (a) Height. There shall be a maximum height of 60 feet.
  - (b) Setback. Highway setback lines as provided in § 17.18 or as established on a recorded subdivision plat or right-of-way plat.
  - (c) Side yard. There shall be a minimum side yard on both sides of the structure of 25 feet.
  - (d) Rear yard. There shall be a rear yard having a minimum depth of 25 feet.

## **17.18 HIGHWAY SETBACKS**

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

- (a) Setback lines are hereby established along all public highways, at the intersections of highways with highways and highways with railways as hereafter provided.
  - (b) Where a highway is located on a city or village boundary, this section is not intended to be effective on the side within the city or village.
  - (c) Where a highway is located along the boundary with another county, this section is not intended to be effective on the side within the adjacent county.
- (2) Classes of Highways.
  - (a) Class 1 Highway. Town Roads or other public roads not identified as a Class 2 or 3 Highway.
  - (b) Class 2 Highway. County Roads.
  - (c) Class 3 Highway. State or Federal Roads.
- (3) Setback Distances.
  - (a) Whenever a highway is improved to a classification requiring a greater setback distance than what is required by this chapter prior to such improvement, the setback distance of the latter classification shall be applicable.
  - (b) Recorded subdivision plats or right-of-way plans may require a different setback than what is listed in this chapter. The setback lines established by such plat or plan will be enforced even if such setback is less restrictive than this chapter.
  - (c) In cases where the provisions of this section may be interpreted to provide for different setback distances, the greater setback distance shall be enforced.
  - (d) The minimum setback distances for the respective highway classes shall be as follows:
    - 1. Class 1 Highway. 60 feet from the centerline but not less than 25 feet from the nearer highway right-of-way line.
    - 2. Class 2 and 3 Highway. 80 feet from the centerline but not less than 50 feet from the nearer highway right-of-way line.
    - 3. Parcels which do not abut a Class 1, 2, or 3 Highway shall have a 25 foot front yard setback measured from the lot line abutting the primary access of the parcel.
- (4) Vision Clearance. There shall be an area of vision clearance at all highway and railway intersections. The vision clearance shall be an area calculated by connecting the endpoints of line segments which begin at the vertex of an intersection thence along the traveled centerlines away from the vertex for a measured minimum distance of:
  - (a) 100 feet along the traveled centerline of a Class 1 Highway.
  - (b) 150 feet along the traveled centerline of a Class 2 Highway.
  - (c) 250 feet along the traveled centerline of a Class 3 Highway and the centerline of a railway.

(d) Typical Vision Clearance Diagram.



- (5) Structures Allowed Within Highway Setbacks. The following may be placed between the setback lines but shall not be placed within the highway right-of-way.
- (a) Open fences.
  - (b) Parking lots.
  - (c) Utility transmission lines & power poles.
  - (d) Utility structures not exceeding 64 square feet in size and 5 feet in height. Provided however that such structure is not placed within the vision clearance area.
  - (e) Underground structures provided that they are not capable of being used as foundations for future prohibited structures.
  - (f) The planting of shrubs, trees or other ornamental vegetation and the planting and harvesting of field crops, provided however that such planting does not occur within the vision clearance area.
  - (g) Other landscaping or ornamental features which do not exceed 16 square feet in area and 6 feet in height.
  - (h) Retaining walls that do not obstruct vision.
  - (i) Structures for public use such as bus shelters, salt boxes, drinking fountains, etc.
  - (j) Ramps for ADA accessibility to residential uses. Ramp railings shall be 50% or more transparent when viewed at a right angle.
  - (k) Signs, subject to the requirements of [Chapter 33](#).
- (6) Structures Prohibited within Highway Setbacks.
- (a) No new building or structure or part thereof shall be placed within the setback, except as otherwise provided in this chapter. Buildings or structures existing between the established setback lines on the adoption date of this chapter shall be considered non-conforming and therefore subject to § 17.04(19) of this chapter.

- (b) Solid fences.

## **17.19 Planned Unit Development (PUD).**

- (1) Purpose. A planned unit development is a conditional use that accommodates planned projects that may develop in phases over a relatively long period of time. Such areas involve more than one structure and use. PUDs may allow for the development or redevelopment of land with a mix of uses and densities in accordance with an approved development plan. Elements contained within an approved development plan shall prevail over any conflicting regulations in this chapter. This section establishes standards for developments that serve one or more of the following purposes:
  - (a) To allow flexibility in design to encourage innovative development proposals.
  - (b) To encourage developments that are conveniently, efficiently, and economically served by existing local utilities and services.
  - (c) To encourage the conservation of natural features and protection from natural hazards by clustering development at sustainable densities.
  - (d) To establish or support traditional mixed-use town centers.
- (2) Geographic location. PUDs must only be assigned to areas zoned as Residential District C or Commercial District. PUDs shall only be created following approval of a conditional use to assign a PUD to an area larger than 5 acres. PUDs are most desirable in areas to be served by public water and sewer infrastructure.
- (3) Uses. Uses allowed in a PUD may include a mix of residential, institutional, civic, retail, service, and low intensity commercial uses as described in an associated approved development plan. Uses which are authorized or conditional uses in the zoning district assigned to a parcel are preferred uses in a PUD development plan for an area. Uses which are not included in the approved development plan are prohibited in the associated PUD.
- (4) Development Plan. A development plan proposed by an applicant contains specific development standards for a PUD. Development plans will be reviewed by the Zoning Department and the Surveyor Department prior to town board and Committee consideration.
  - (a) Development plan requirements in an approved PUD may differ from La Crosse County Ordinance Chapter 17 and [Chapter 18](#) standards, but they shall not differ from, or contradict, the state statutes or provisions of other relevant chapters of the La Crosse County Ordinance.
  - (b) The highway setback standards in a development plan shall adhere to the highway setback standards in § 17.18. Minimum highway setbacks Class 1 highways which are less than those required by this chapter may be approved by the town.
  - (c) Development Plan. Development plans must include, but not be limited to including, the following:
    - 1. Development goals, project vision, and how the proposal supports the vision of the comprehensive plan.
    - 2. Concept plan. A visual representation of the character of the PUD.

3. Authorized Uses.
4. Conditional Uses and required conditions and approval by the Committee.
5. Traffic analysis.
6. Estimated number of residential units and commercial units.
7. Proposed dimensional standards, including, but not limited to, height, area, frontage, and setback requirements. Design standards for structures and proposed densities.
8. Street design standards. Public streets in a PUD must meet the minimum standards provided in La Crosse County Subdivision Ordinance [§ 18.72](#). Parcels and lots abutting Class 2 or Class 3 highways shall be subject to the requirements of La Crosse County Ordinance [Chapter 8](#), Public Works.
9. Accessory structure and accessory building standards, including, but not limited to, height, area, quantity, and setback requirements.
10. Stormwater management facilities, established in accordance with La Crosse County Ordinance [Chapter 29](#).
11. Evidence the water and wastewater infrastructure required by the development can satisfy the standards of La Crosse County Ordinance [Chapter 12](#), Sanitation Code.
12. Development phasing and estimated timeline.

(d) Development plans may include, but not be limited to including, the following if applicable:

1. Parking design standards.
2. Signage design standards.
3. Landscaping and vegetation standards.
4. Pedestrian sidewalks and public spaces.
5. Required documents for approval, including developer and homeowner's association responsibilities.

(5) Concept Plan. PUD development plans require a concept plan component. Concept plans must include the following:

(a) A map in duplicate, drawn to a minimum scale of 1 inch to 100 feet showing:

1. Anticipated lot, rights-of way, and street layout.
2. The location and use of potential parcels or structures.
3. The location of landscaping and stormwater management features.
4. The location of public and private utility infrastructure.



5. The location of public spaces.
  6. Off-street parking areas.
  7. Approximate phases in which the development will be built, if any.
  8. Any additional information deemed necessary to ensure compliance with ordinances and statutes.
- (b) An approved concept plan may be presented in the form of a preliminary plat for a proposed subdivision within a PUD. The preliminary plat must satisfy the provisions of 17.19(5)(a) and La Crosse County Subdivision Ordinance [§ 18.31, § 18.32, and § 18.40 – 18.46](#). Setback minimums may be included on the preliminary plat. Setbacks must be consistent with an associated PUD development plan.
- (c) Any land division represented on a concept plan is subject to the applicable land division review and approval authority of a town. Any deviations from requirements of a town subdivision ordinance must be approved by the town.
- (6) Amendments. Amendments to an approved development plan. Amendments to associated plans shall be reviewed as follows:
- (a) Minor amendments that meet the intent of the original development plan may be reviewed and approved by the Administrator. Minor amendments may include, but are not limited to:
1. Changes of less than 365 days to PUD development timelines.
  2. Changes in the order of development phases that do not require changes to any planned transportation or utility infrastructure.
  3. Changes that would increase public areas, landscaping, and public recreation amenities.
  4. Changes required to make infrastructure available that is vital to public health and safety.
- (b) Changes to the development plan that are deemed significant changes shall require a major development plan amendment. Major amendments to an approved development plan shall require a conditional use permit review process in accordance with § 17.20 and § 17.21. Major changes may include, but are not limited to:
1. Proposed areas for different land use types not shown on the original development plan.
  2. Proposed changes to the transportation facilities such as new or relocated connections to existing roads, new internal streets, or realignment of streets.
  3. A 15-percent or greater reduction of open space, public areas, sidewalks, pathways, or trails.
- (c) Changes that would result in a land division or alter a previously approved land division require approval of a new concept plan. Proposed changes to transportation facilities such as new or relocated connections to existing roads, new internal

streets, or realignment of streets, other than to accommodate final engineering design, require approval of a new concept plan.

(d) Property owners with development plan or concept plan that has been denied an amendment may:

1. Continue to implement the approved version of the plan for the property.
2. Pursue approval of a revised plan amendment that is substantially different than the previously denied plan amendment.
3. Petition to rezone the property to a zoning district in accordance with § 17.21.

(7) Planned Unit Development Termination. When a PUD is terminated, the use standards and dimensional standards of the underlying zoning district(s) assigned to the subject properties shall apply.

(a) A PUD may be terminated by the property owner, or a designee of the owner, by:

1. Rezoning subject properties to another zoning district in which a PUD is not an allowed use.
2. Adoption of a new PUD development plan to replace an approved PUD.
3. Termination by the Committee. The Committee may revoke approval of a PUD if a property owner has not satisfied the conditions of approval of a conditional use permit for a PUD.

(b) Non-conformities. Any structures, uses, and lots established in conformance with the standards of a PUD that has been terminated shall be considered non-conforming if such structures, uses, and lots do not meet the zoning district standards assigned to the parcel.

(8) Conditional Use Denial. Planned Unit Developments may be denied by the Committee if the proposed development cannot satisfy standards for approval or fails to provide all the information required for Development Plan and Concept Plan review. The Committee may request any changes to development plans and concept plans deemed necessary to provide adequate public services, attain the vision of the comprehensive plan, and support the public health, safety, and general welfare.

## **17.20 CONDITIONAL USE PROVISIONS.**

(1) Purpose. Certain uses identified as conditional uses by this chapter are of such a special nature, or are dependent upon actual contemporary circumstances, making the predetermination of permissibility impractical. Such uses requiring adherence to specific standards, regulations, or conditions which would enable a determination of permissibility in each individual situation, may be permitted as conditional uses, subject to such requirements as specified by this chapter and any reasonable, discretionary conditions as may be deemed necessary.

(2) Procedure. Conditional use requests require a County Planning Committee public hearing held in accordance with § 17.21 of this chapter.

(a) The Planning Committee may consider Department recommendations, town recommendations, public feedback, correspondence, or any other information deemed necessary to assist in determining whether ordinance standards can be met

by an applicant and whether unique requirements of an applicant should be requested as conditions of approval.

- (b) In accordance with Wis. Stats. [§ 59.69\(2\)\(bm\)](#), a county may not impose on a permit applicant any requirements that are expressly preempted by federal or state law.
- (c) In accordance with Wis. Stats. [§ 59.69\(5e\)\(b\)1.](#), If an applicant for a conditional use permit is able to meet or agrees to meet all required conditions, the Committee shall grant the conditional use permit.
- (d) Any condition imposed by the Committee must be reasonable, related to the purpose of the ordinance, and be based on substantial evidence.
- (e) Final determinations regarding conditional use applications shall be made by the Committee. The Committee's decision to approve or deny a conditional use permit must be supported by substantial evidence. The Committee shall provide facts and findings to support its determinations regarding conditional use permit requests.

(3) Standards for Review of Conditional Uses. Conditional uses require a conditional use permit. Approval of a conditional use shall be consistent with the general purpose of this ordinance and shall be based upon substantial evidence presented at a public hearing by the applicant and consideration of standards for review. In addition to standards required within zoning districts, conditional uses shall satisfy all the following standards:

- (a) The proposed use is supported by a general public need or does not adversely affect the general public interest.
- (b) The proposed use will not contribute to, or cause, unreasonable increases in noise, smoke, traffic, heavy vehicle traffic, odors, impacts on water and sewer systems, or impacts on public waters.
- (c) The use will not contribute to, or cause, unreasonable, negative impacts on the provision of public services.
- (d) The use will not contribute to, or cause, unreasonable, negative impacts on neighboring properties, such as reduced property values, reduced public health and safety, and other similar factors.
- (e) The applicant can demonstrate, by substantial evidence, that all conditions required relating to the conditional use are, or shall be, satisfied.

(4) Conditions Which May Be Required for Conditional Use Permits.

- (a) Increased setback distances.
- (b) Liquid waste and solid waste disposal.
- (c) Landscaping and lighting.
- (d) Fencing and screening.
- (e) Infrastructure to support traffic safety.
- (f) Operational controls, such as the frequency and time of operation.

- (g) Air, water, and soil pollution controls.
  - (h) Other requirements deemed necessary by the Committee to support the purpose of the zoning district.
- (5) The permit holder shall comply with the conditions set forth in the permit and any deviation from those conditions shall constitute a violation of this section.
  - (6) The permit holder wishing to extend or alter the terms of such permit must apply for such extension or alteration through the procedure of application for conditional use permits detailed herein.
  - (7) Conditional use status shall terminate when, after public hearing the Committee determines any of the following:
    - (a) The conditional use has not continued in conformity with the conditions of the permit.
    - (b) The conditional use has been discontinued for a period of 12 consecutive months or 18 cumulative months in a 3 year period. A business of a seasonal nature shall not be deemed discontinued during periods in which it is normally inactive.
    - (c) If a new conditional use permit application is approved and a condition of said permit indicates termination of a previously issued conditional use permit.
    - (d) Upon request of the Conditional Use Permit holder and property owner(s) of land that is subject to the Conditional Use Permit.
  - (8) Upon termination of a conditional use, the owner of the premises shall be required to bring all such land and buildings into conformity with the zoning district standards of the district in which such former conditional use is located and all other provisions of this chapter within 90 days from such determination.
  - (9) Unless otherwise established in approved conditions, all conditional use permits shall terminate if the conditional use has not commenced within 12 months after approval.
  - (10) Conditional use permit status shall terminate upon a change in ownership unless a condition of a conditional use permit indicates that the permit is transferrable upon a change in ownership of the whole parcel or part of the parcel.
    - (a) Conditional use permits issued prior to January 30, 2012 are deemed transferrable unless otherwise noted by a permit condition.
    - (b) Conditional use permits and administrative conditional use permits for farm residences are transferrable.
  - (11) All conditional use permits generating an increase in traffic by more than 200 vehicle trips per day may require the following conditions:
    - (a) Traffic impact analysis.
    - (b) Reimbursement to the appropriate local unit of government for the improvement of any public facility or infrastructure to minimize any negative traffic impact.

**17.21 PLANNING COMMITTEE PUBLIC HEARING PROCEDURES.** Ordinance text amendments and zoning map amendments, conditional use permits, and special

exception permits are subject to the following procedures:

- (1) Applications for text or map amendments, conditional use permits, and special exception permits shall be made in accordance with the procedures provided in Wis. Stats. [§ 59.69\(5\)\(e\)1.](#) and Wis. Stats. [§ 59.69\(5e\).](#) In addition to the procedures provided for public hearings by Wis. Stats. [§ 59.69\(5\)\(e\)2.](#), the County shall notify adjoining property owners in writing of the date and place of a public hearing of the requested zoning amendment. Adjoining owners are all owners of property adjacent to a parcel proposed for rezoning, regardless of whether the entire parcel or a portion of the property is proposed to be rezoned.
- (2) If activities or uses relating to a text or map amendment, conditional use permit, or special exception permit have commenced prior to application for said amendment, conditional use permit or special exception permit, the application shall be considered after-the-fact.
- (3) Petitions and proposals shall be made on application forms furnished by the Department and shall include the following:
  - (a) A map in duplicate, drawn to a minimum scale of 1 inch to 100 feet showing:
    1. The parcel boundaries and its legal description.
    2. The legal description of the area affected.
    3. The location of all structures, existing and proposed on the property, all roads, wells, sanitary sewers, stormwater drainage and any other pertinent information.
    4. The ordinary high-water mark of any navigable waters within 300 feet of parcel boundaries.
  - (b) Application fee. See § 17.27. Any costs incurred by the Department in obtaining legal, planning, engineering and/or other technical and professional assistance in connection with the review of a text or map amendment, conditional use permit or special exception permit and preparation of conditions to be imposed on such uses shall be charged to the applicant. If required by the Department, a fee covering such costs shall accompany the application fee.
  - (c) An impact statement summarizing the impacts of the proposed application to the property and its surrounding properties.
  - (d) Any additional information deemed necessary to ensure compliance with this chapter.
- (4) Review of completeness. Upon submittal of an application, the Department will review the application to determine if the application is complete. If the application is not complete, then the applicant shall be instructed as to the reasons for the incompleteness of the application and informed of the most expedient review schedule and public hearing timeline.
- (5) Upon a Department determination that an application is complete, a public hearing shall be scheduled and held at a regular meeting of the Committee.
- (6) The Committee will consider relevant application materials, staff reports, ordinance standards, public comments, and any other information pertinent to an applicant's

request prior to adjudicating on an application at a public hearing.

(a) Standards for Review of Rezoning. The following standards, as well as any other factors relevant to a proposal, may be considered by the Committee:

1. Additional property of the proposed zoning classification is supported by a public need or does not adversely affect the public interest.
2. Uses allowed by the proposed zoning classification are unlikely to impair the use, enjoyment, or economic value of neighboring properties due to noise, lighting, dust, odor, smoke, or vibrations.
3. Uses allowed by the proposed zoning classification are unlikely to endanger the public health or safety if located in the area.
4. Uses allowed by the proposed zoning classification are unlikely to cause unreasonable, adverse impacts on air quality, ground water, surface water, or natural vegetation if located in the area.
5. Uses allowed by the proposed zoning classification are unlikely to cause an unreasonable, adverse impacts on culturally or historically significant features if located in the area.
6. Uses allowed by the proposed zoning classification are unlikely to impair the normal development of neighboring properties if located in the area.
7. The proposed zoning classification is unlikely to cause undesirable land use patterns, including but not limited to small, isolated zoning districts and neighboring incompatible uses.
8. The proposed zoning classification is consistent with the county comprehensive plan and future land use map, other relevant county plans, and the comprehensive plan of the affected town.

- (7) If the Committee determines that an application is not complete and postpones the public hearing, the applicant shall be required to pay an additional application fee.
- (8) After an application for a text or map amendment or conditional use permit has been heard and denied, no other petition or application affecting the same property, or portion thereof, proposing the same change may be filed and heard for a period of 1 year from the date of said denial.
- (9) Once a public hearing is held to consider a text or map amendment or conditional use permit, the amendment or application cannot be withdrawn or deferred to a later hearing date unless a majority vote of the Committee approves such withdrawal or deferral at said public hearing.

## **17.22 BOARD OF ADJUSTMENT PROVISIONS**

- (1) Establishment.
  - (a) The Board of Adjustment shall consist of 3 members appointed by the Chairperson of the County Board with the approval of the County Board for terms of 3 years, beginning July 1. The incumbent members shall continue to serve until their terms

expire. Members of the Board and alternate members to the Board shall all reside within the county and outside the limits of any incorporated cities and villages within the county, provided however that no 2 members shall be from the same town. 1 member of the Board may be a member of the County Board. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. The Board shall choose its own Chair.

- (b) The County Board Chairperson shall appoint 2 alternate members to the Board who are subject to the approval of the County Board. Annually, the Chairperson of the County Board shall designate 1 of the alternate members as the first alternate and the other as the second alternate. The first alternate shall act, with full power, only when a member of the Board refuses to vote because of a conflict of interest or when a member is absent. The second alternate shall act only when the first alternate refuses to vote because of a conflict of interest or is absent, or if more than 1 member of the Board refuses to vote because of a conflict of interest or are absent.

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

- (a) To hear and decide appeals where it is alleged that there is an error in any determination made by the Administrator.
- (b) To wholly or in part, affirm, reverse, or modify any determination of the Administrator if the Board confirms an error in said determination. To that end, the Board shall have all the powers of the Administrator.
- (c) To authorize upon appeal in specific cases, such variance to the terms of this chapter ordinance, as will not be contrary to the public interest, where, owing to special conditions peculiar to a specific lot or tract of land, a literal enforcement will result in an unnecessary hardship, and so that the spirit of this chapter shall be observed and substantial justice done. In every case where a variance from these standards has been granted by the Board, the minutes of the Board shall affirmatively show that an unnecessary hardship exists, and the records of the Board shall clearly demonstrate in what particular and specific respects an unnecessary hardship is created.
- (d) To grant special exceptions and variances for renewable energy resource systems. If the Board denies an application for a special exception or variances for such a system, the Board shall provide a written statement of the reasons for denying the application.
- (e) To call on any other county department or official for assistance in the performance of its duties, and it shall be the duty of each other department and official to render such assistance as may be reasonably required.

(3) Rules and Procedures. The Board shall adopt rules for the conduct of business of the Board. The Board may adopt further rules as necessary to carry into effect the regulations of the County Board.

- (a) An appeal to the Board may be taken by any aggrieved person, or by any officer, department, board, or bureau of the municipality affected by any decision of the Administrator. Such appeal shall be taken within 30 days, as provided by the rules of the Board, by filing with the Administrator and with the Board, a notice of appeal in writing, specifying the grounds thereof. The Administrator shall then transmit to the Board all the papers constituting the records upon which the action appealed from was taken. The Chairperson shall fix a date for hearing the appeal and cause notice thereof to all parties in interest as provided by the rules of the Board.

- (b) Meetings shall be held at the call of the Chair and at such times as the Board may determine. The Chair or, in the absence of the Chair, the acting chairperson may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member on each question, or, if absent or failing to vote, indicating such fact. All records of the Board shall be immediately filed with the office of the Board and shall be a public record.
- (c) Any person appealing to the Board from the determination of the Administrator shall pay an application fee. If the appeal is made for a variance after construction has commenced, the variance shall be considered after-the-fact.
- (d) The final disposition of an appeal to the Board of Adjustment shall be in the form of a written resolution, letter, or order signed by the chairman and secretary of the Board. Such resolution shall state the specific facts and findings which are the basis of the Board's determination and shall either affirm, reverse, vary or modify the order, requirement, decision, or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or prosecution, or grant approval of the application.
- (e) No appeal or application which has been denied shall again be considered unless the applicant can show a material change in circumstances, as determined by the Administrator.
- (f) The concurring vote of a majority of members of the Board shall be necessary to reverse or modify any action appealed from or to decide in favor of the applicant on any matter which allow a variation from the requirements of this chapter.
- (g) A town may require that applicants appear at a public meeting, such as the town planning commission or town board, to review variance requests before the request is brought for a Board of Adjustment public hearing. Town board or town planning commissions may provide recommendations of approval or denial to the Board of Adjustment following review.

(4) Standards for Approval of Variances.

- (a) To grant a variance from the standards of the ordinance, the Board of Adjustment must determine that the literal application of the ordinance creates an unnecessary hardship due to the unique characteristics of the property. If any of the standards below are not met, unnecessary hardship is not present, and a variance must not be granted.
  - 1. The claim of unnecessary hardship is not due to self-imposed conditions which resulted from a preceding action of the owner or prior owners of the property.
  - 2. Due to special conditions peculiar to the specific property, there are no reasonable alternative locations for the proposed structure that would meet the standards of the ordinance.
  - 3. Compliance with ordinance standards would prevent the owner from using the property in a manner authorized by its zoning district, leaving the property owner unable to conduct any reasonable use of the property as regulated by this chapter.
  - 4. Granting the variance would not impair the appropriate use and development of a neighboring property.



5. Granting the variance would not be contrary to the public interest and the purpose of the zoning district assigned to the property.
- (b) The burden is on the applicant to demonstrate, through substantial evidence, that an unnecessary hardship is present. The applicant must demonstrate that the proposal will not violate § 17.22(4)(a) standards for approval, and that without the approval of a variance the applicant is prevented from conducting any reasonable, allowed use of the property.
- (c) No action of the Board shall have the effect of permitting in any district uses prohibited in that district. Requests for variances to allow uses which are not authorized in a zoning district are prohibited.
- (d) Landowners qualifying for a variance are to be granted only the minimum relief necessary to overcome the unique conditions contributing to an unnecessary hardship.
- (e) In granting a variance, the Board may not impose conditions which are more restrictive than any of the specific standards in the ordinance. Where the ordinance does not clearly define a particular standard for a proposed structure, the Board may impose any reasonable permit conditions to support the purpose of this ordinance.
- (f) Structures granted a variance from the dimensional standards of the ordinance shall be considered conforming structures. If the dimensions of a structure or parcel are altered by an action of a previous or current property owner in a way that increases a structure's inconsistency with the standards of the ordinance following approval of a variance for such structure, the structure shall be considered non-conforming.
- (g) In exercising any of the foregoing powers, the Board may, in appropriate cases require discretionary, reasonable conditions which are not contrary to the general purpose and intent of this chapter.
- (5) Approved variances that have not commenced relevant activities necessary to exercise variance approval within 24 months of approval shall automatically terminate unless otherwise specified by the Board.
- (6) Approved variances which are in violation of required conditions of approval may be modified or terminated by the Board.
- (7) Compensation. Members of the Board may be compensated with a stipend for each Board of Adjustment meeting attended. Board members may submit reimbursement requests for vehicle mileage accrued for up to 1 in-person site inspection performed at the site of each public hearing item included on an upcoming board meeting agenda. Board members shall be reimbursed and/or compensated at a rate that is pre-determined in an annual budget.

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

- (1) Keep records of all violations to the terms of this chapter and report such violations to the respective property owner for resolution.
- (2) Issue citations for forfeitures for violations of this chapter when necessary.

- (3) Post stop work orders for any activity that has commenced prior to the issuance of a required Zoning Permit.
- (4) Keep records of all existing non-conforming structures or buildings as established by this chapter. Such record shall be kept current and shall show any such buildings or structures that are removed if damaged to the extent that their reconstruction will be contrary to this chapter. These records are to include:
  - (a) The distance of said structure or building from the centerline and/or property line.
  - (b) The size of said structure or building.
  - (c) The type of construction and use.
  - (d) The location and quarter section of said structure or building.
  - (e) Names and addresses of the owners and/or occupant(s) and the date on which the record is made.
- (5) Issue Zoning Permits. The Administrator shall issue Zoning Permits in accordance with zoning district standards.
- (6) Inform and advise town boards and committees, the County Planning Committee, the Board of Adjustment, and the County Board of Supervisors on matters related to the administration and enforcement of this chapter.

#### **17.24**

**ZONING PERMIT PROVISIONS.** The Administrator shall issue Zoning Permits prior to construction activities such as, but not limited to, the construction or erection of any new building or structure, the change in use of any existing building or structure, or the structural alteration or addition to any existing building or structure.

- (1) Normal Maintenance of Structures. Normal maintenance is not considered a structural alteration or addition, unless otherwise regulated by [Chapter 16](#) Floodplain Zoning. Normal maintenance of structures includes, but is not limited to:
  - (a) Painting or paneling.
  - (b) Decorating.
  - (c) Replacement of doors and windows of the same size and location as existing doors and windows.
  - (d) Replacement of shingles, drywall, HVAC, appliances, carpeting, cabinetry, siding, and other nonstructural components.
  - (e) Maintenance, repair, or replacement of existing electrical, wastewater, sewage treatment, or water supply systems or connections to public utilities.
- (2) Zoning Permit Applications shall be made on forms provided by the Department and all applications shall include:
  - (a) A map in duplicate, drawn to scale showing:
    1. The location, shape and dimensions of the parcel or lot to be built on.

2. The location and dimensions of all existing and proposed construction.
  3. The dimensions necessary to determine the exact location of the proposed building or structure on the parcel or lot.
  4. The location of all existing or proposed POWTS and private wells.
- (b) The proposed use of any existing or proposed buildings or structures.
  - (c) The height of all existing and proposed buildings or structures.
  - (d) The estimated cost of any new construction activity.
  - (e) Any other information deemed necessary to ensure compliance with this chapter.
  - (f) Application fee. See § 17.27.
- (3) Signed applications that are made under oath and any willfully false statement in the application shall subject the person making the application to the penalties of this chapter, in addition to other penalties for false swearing.
  - (4) A Zoning Placard shall be posted on the premises and be visible from the highway at all times until such construction has been completed.
  - (5) Zoning Permit Issuance. If the Administrator finds that the proposed Zoning Permit Application will not be in violation of this or any other ordinance, the Administrator shall issue a Zoning Permit. If the Administrator finds that the proposed Zoning Permit Application is not in compliance with the provisions of this chapter, the Administrator will deny such application and inform the applicant of the reasons for denial.
    - (a) The Administrator shall retain one copy of the permit and any pertinent application materials and return an approved permit to the applicant.
    - (b) No permit shall be issued if a violation of La Crosse County Ordinance is present on the parcel where the permit activity is proposed.
    - (c) A Zoning Permit shall not be issued without prior issuance of other applicable permits, such as but not limited to: Sanitary Permit, Well Permit, Erosion Control Permit, Stormwater Permit, Driveway Permit or Conditional Use Permit.
    - (d) A Zoning Permit is not required for agricultural buildings constructed on a farm. The Administrator shall provide forms, which the property owner shall submit to the Department, certifying that an existing or proposed structure will be used solely for agricultural purposes.
    - (e) A Zoning Permit is not required for accessory buildings 100 square feet or less. All lots and accessory buildings shall meet the requirements as specified in § 17.28(3).
    - (f) A separate Zoning Permit is required for each unit within a Condominium Plat where the units are not connected to one another.
    - (g) A separate Zoning Permit is required for each building within a Planned Unit Development (PUD).
    - (h) If activity has commenced prior to the issuance of a Zoning Permit, any Zoning

Permit issued for said activity will be considered an after-the-fact permit.

- (i) Zoning Permits issued after the effective date of this ordinance shall expire 24 months from the date of issuance.

## **17.25 VIOLATIONS AND PENALTIES.**

- (1) Any person, firm or corporation who violates, disobeys, neglects, omits, or refuses to comply with or who resists the enforcement of any provisions of this chapter, shall, upon conviction or order for removal by a court, cease any use and/or remove any structure or part thereof which violates the terms of this chapter within 30 days of such conviction or order. Upon failing to do so, the county may remove or request the appropriate Town to remove such structure or part thereof which violates the terms of this chapter, and the cost of such removal shall become a lien or special assessment upon the property.
- (2) Any person, firm or corporation who violates, disobeys, neglects, omits or refuses to comply with or who resists the enforcement of any provisions of this chapter may also be required, upon conviction, to forfeit not less than \$100, nor more than \$500 for each offense, together with the costs of prosecution. Failure to pay said forfeiture may result in imprisonment in the county jail until such forfeiture and costs are paid, but not to exceed 30 days.
- (3) Each day that a violation exists or continues may be considered a separate offense.

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

## **17.27 DEPARTMENT FEES.** The fees under this chapter shall be determined by the County Board.

## **17.28 ORDINANCE TABLES.**

- (1) Accessory Buildings. Accessory buildings shall comply with the following requirements and the table in § 17.28(3). These standards may not apply in certain situations where the lot is within a Shoreland Zoning District. See [Chapter 20](#) of the La Crosse County Code of Ordinances for Shoreland Zoning.
  - (a) Area shall be measured from the outermost walls or supports of buildings.
  - (b) Setbacks shall be measured from the outermost walls or supports. Setbacks shall be measured from the edge of a roof overhang if present. See § 17.04(20)(d).
  - (c) Structures with overhangs greater than 1 foot, such as lean-tos, shall be included in the estimation of building square footage.
- (2) Accessory Structures. The height and setbacks of accessory structures shall comply with § 17.28(3) unless otherwise authorized.
  - (a) Fences are accessory structures that are exempt from the setback requirements in § 17.28(3).
    - 1. Fences shall not exceed 8 feet in height.

- (b) Accessory buildings greater than 35 feet in height and constructed prior to (**DATE OF ADOPTION**) shall not be considered non-conforming buildings. Such buildings shall be considered non-conforming if they fail to meet other use and dimensional standards of this chapter.

(3) Accessory Building Table.

LOT SIZE	0 - 7,500 S.F.	7,501 S.F. - 1 AC.	1.01 - 3 AC.	3.01 - 5 AC.	5.01 - 10 AC.	10.01+ AC.
MAXIMUM HEIGHT	17'	17'	25'*	25'*	25'*	35'*
MAXIMUM BUILDING AREA S.F.	576	768	1,200	1,500	3,200	5,000
MINIMUM FRONT YARD	See 17.06 Highway Setback Lines.					
MINIMUM SIDE YARD	3'	3'	3'	5'	5'	10'
MINIMUM REAR YARD	3'	3'	3'	5'	5'	10'
MAXIMUM ADU HEIGHT	17'*	17'*	25'*	25'*	25'*	25'*
MINIMUM ADU SIDE YARD	8'	8'	10'	10'	10'	10'
MINIMUM ADU REAR YARD	8'	8'	10'	10'	10'	10'
MAXIMUM ADU AREA S.F.	576	768	1,200	1,500	1,500	1,500
MAXIMUM NUMBER OF ACCESSORY BUILDINGS	1	2	3	3	3	3
* : And not to exceed the height of the principal structure						

- (4) Original date of adoption of farmland preservation zoning by towns. These dates shall be used when determining if a residence is defined as pre-existing under 17.03(79) and 17.05(5)(c)1.a.

Town	Original Date of Adoption
Bangor	August 19, 1982
Barre	November 11, 1980
Burns	July 21, 1983
Campbell	Did Not Adopt
Farmington	November 12, 1980
Greenfield	November 12, 1980
Hamilton	November 18, 1982

Holland	September 19, 1985
Medary	Did Not Adopt
Onalaska	November 19, 1980
Shelby	November 17, 1980
Washington	November 12, 1980

(5) Dates of towns adoption of 1/30/12 Comprehensive Revision of this Code.

Town	Original Date of Adoption
Banger	December 18, 2012
Barre	November 30, 2012
Burns	Did Not Adopt
Campbell	Did Not Adopt
Farmington	September 7, 2012
Greenfield	December 21, 2012
Hamilton	December 12, 2012
Holland	May 18, 2012
Medary	November 16, 2012
Onalaska	January 10, 2013
Shelby	September 27, 2012
Washington	June 15, 2012

LA CROSSE COUNTY 1/25