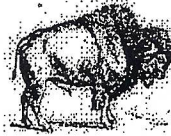


Buffalo County Ordinance



Drafted By:

Paul van Eijl

Presented Month/Year:

March, 2009

Involved Committees:

Zoning

County Department:

Zoning

Fiscal Impact: No

CA Approved: YES

ORDINANCE # 09-03-01

**AN ORDINANCE TO AMEND THE BUFFALO COUNTY CODE OF ORDINANCES
ENTITLED "BUFFALO COUNTY ZONING ORDINANCE"**

The Board of Supervisors of Buffalo County hereby ordain as follows:

WHEREAS, On February 5, 2009 the Buffalo County Zoning Committee considered proposed amendments to a code of ordinances entitled "The Buffalo County Zoning Ordinance" and placed the same on file in the Office of the County Clerk for a period of time greater than two weeks prior to March 5, 2009, and;

WHEREAS, the Buffalo County Zoning Committee held a public hearing on March 5, 2009 for the purpose of gathering testimony and developing a final draft of said amendments to recommend to the Buffalo County Board of Supervisors, and;

WHEREAS, notice of this meeting and the Board's final consideration of adoption on March 10, 2009 was published in the "2009 Buffalo County Official County Newspaper" in accordance with s. 66.0103 Wisconsin Statutes, and;

WHEREAS, it is the recommendation to the Board of Supervisors to adopt said amendments as approved by the Zoning Committee during their March 5, 2009 public hearing.

NOW, THEREFORE BE IT ORDAINED that the Buffalo County Board of Supervisors hereby adopt the following underlined amendments to the code of ordinances entitled "The Buffalo County Zoning Ordinance" which shall be kept permanently on file and open to public inspection in the Office of the County Clerk:

2009 Zoning Ordinance Amendments

ARTICLE IV AGRICULTURAL DISTRICT

Section 41

Conditional Uses

Non-farm mobile homes: Not more than 2 conditional use permits may be granted per ~~40-acre parcel~~ quarter-quarter section for this use except by granting of variance to this requirement by the Board of Adjustment. (7-1-92) Mobile homes may only be permitted for human habitation.

ARTICLE VI. COMMERCIAL (C) DISTRICT

Section 60

Permitted Uses

4. Automobile dealerships up to 20 vehicles.

Section 61

Conditional Uses

1. Automobile dealerships exceeding 20 vehicles

Article XIV

Dimensional Requirements Section 140.

Dimensional Requirements For Respective Use Districts,

Uses Served By Public Sewer Or Uses Not Requiring Sewage Treatment

*Front Yard Property Boundary Setback	40	40	40	40	40	40
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Front Yard setback only applies to structures adjacent to the front lot line, which is not a Class A, B, or C road.

ARTICLE XVIII NON-CONFORMING USES, STRUCTURES, LOTS

With existing lawful use of a structure or premises which is not in conformity with the provisions of this ordinance may be continued subject to the following conditions:

A) NON-CONFORMING USES

- i. No such use shall be expanded or enlarged except in conformity with the provisions of this ordinance except upon granting of a variance by the Board of Adjustment.
- ii. No structural alteration or repair to any such existing structure, as long as such use continues, shall exceed 50 percent of its equalized value except upon granting of a variance by the Board of Adjustment.
- iii. If such use is discontinued for 12 consecutive months, any future use of the structure and premises shall conform to this ordinance. The assessor shall notify the Zoning Administrator in writing of all instances of non-conforming uses which have been discontinued for a period of 12 consecutive months.

B) NON-CONFORMING STRUCTURES

- i. No such structure shall be expanded or enlarged except in conformity with the provisions of this ordinance except upon granting of a variance by the Board of Adjustment.
- ii. No structural alteration or repair to any such existing structure, as long as such use continues, shall exceed 50 percent of its equalized value except upon granting of a variance by the Board of Adjustment.

C) NON-CONFORMING LOTS

- i. Substandard lots, which were recorded in the Register of Deeds and were conforming to the standards of the Zoning Ordinance upon creation, shall be deemed buildable when referring to lot size requirements.
- ii. Such lots shall not be deemed buildable if standards unrelated to lot size change between the date of creation of the lot and the time of permit application.
 1. Standards which may deem a previously created lot unbuildable may include, but are not limited to changes in floodplain or shoreland delineation, changes in use district which do not allow the proposed development or other applicable ordinance changes which may deem the property unbuildable.

ARTICLE XX. ZONING PERMITS

Section 201

Cases Where Zoning Permits Are Not Required

1. For any accessory building costing \$500 \$1000.00 or less, provided such building conforms to all setback, yard and open space requirements of this ordinance. (10-17-1989)

Article XXI

Fees for Work Commenced Prior to Obtaining a Zoning Permit

An after-the-fact fee equal to five times the applicable zoning permit fee shall be charged by the Zoning Administrator if work is started before a permit is applied for and issued. Such after-the-fact fee may be decreased to three times the applicable fee if such fee is paid within 30 days of owner notification of noncompliance. Such after-the-fact fee shall not release the applicant from full compliance with this ordinance nor from prosecution for violation of this ordinance. Such fee shall be waived if the applicable structure cannot meet use and/or dimensional requirements listed elsewhere in this ordinance, is not granted a variance and the owner/agent/lessee voluntarily dismantles or removes the structure within 30 days of notice from the Zoning Department or within 30 days of the board's date of filing Findings and Conclusions. All remediation or penalties issued under this subsection and ordered by the Zoning Department shall be stayed until appeal periods have expired. (4-27-06)

ARTICLE XXIV. ENFORCEMENT AND PENALTIES

Any person, firm, company, or corporation who violates, disobeys, omits, neglects or refuses to comply with or resist the enforcement of any of the provisions of the ordinance shall be subject to a fine of not less than ~~ten (\$10)~~ one hundred (\$100.00) dollars nor more than ~~one hundred (\$100)~~ one thousand (\$1,000.00) dollars, together with the cost of the action, and in default of payment thereof imprisonment in the county jail for a period of not less than one (1) day nor more than six (6) months, or until such fine and costs be paid. Each day of continued violation shall constitute a separate offense. Compliance therewith may be enforced by injunctive order at the suit of the county or the owners of real estate within the district affected.

ARTICLE XXVI. DEFINITIONS

Farm Mobile Home: A family mobile home on any operating farm when the head occupant of the household of such mobile home is employed in connection with the farm operation. Such farm shall be a minimum of 35 contiguous acres.

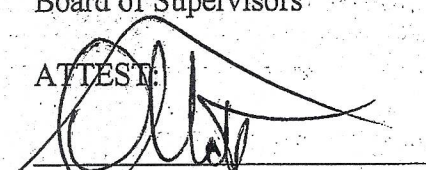
BE IT FURTHER ORDAINED that this ordinance shall take effect after publication of the notice of adoption as required by law.

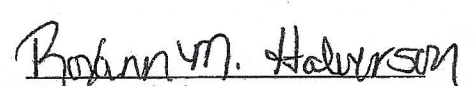
REPEAL OF CONFLICTING ORDINANCES. All other ordinances or parts of ordinances in conflict with this ordinance heretofore enacted by the Buffalo County Board of Supervisors are hereby repealed.

SEVERABILITY. The provisions of this ordinance shall be deemed severable and it is expressly declared that the Buffalo County Board of Supervisors would have passed the other provisions, sections, subsections, paragraphs, clauses, or phrases of this ordinance irrespective of whether or not one or more of such parts may be declared invalid. If any provision or part of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

Adopted/denied by a 8 to 7 vote this 10th day of March, 2009 by the Buffalo County Board of Supervisors

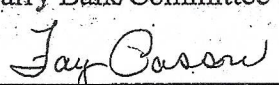
ATTEST:

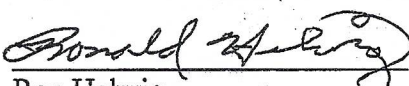

County Board Chairman
Del Twidt


County Clerk
Roxann Halverson

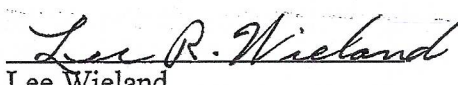
Respectfully submitted this 5th day of March, 2009:
Buffalo County Zoning Committee

EXCUSED
Larry Balk/Committee Chair


Jay Passow/Committee Vice Chair


Ron Helwig


Claire Waters


Lee Wieland