CHAPTER 2

ZONING DISTRICTS AND ZONING MAP; USE REGULATIONS

2.01 Zoning districts. For the purpose of this Ordinance, the unincorporated areas of Trempealeau County are divided into the following zoning districts (with their symbols):

Agricultural Districts:
   - Exclusive Agriculture (EA)
   - Exclusive Agriculture – 2 (EA-2)
   - Primary Agriculture (PA)

Residential Districts:
   - Rural Residential (RR)
   - Residential - 8 (R-8)
   - Residential - 20 (R-20)

Commercial District
   - Commercial (C)

Industrial District
   - Industrial (IND)

Specialty Districts
   - Environmental Significance (ES)
   - Institutional (INST)
   - Planned Residential Development (PRD)

Transitional District
   - Transitional Agriculture (TA)

2.02 Zoning maps.

   (1) Zoning districts shall be bounded and defined as shown on zoning maps prepared by each town, and approved of by the County Board of Supervisors. The zoning maps shall be entitled, Zoning Maps of Trempealeau County, on file in the Trempealeau County Zoning Office.

   (2) Interpretation of Zoning District Boundaries. The following rules shall be used to determine the precise location of zoning district boundaries shown on the Zoning Maps of Trempealeau County:

   (a) Boundaries shown as following or approximately following the limits of any municipal corporation shall be construed as following such limits.
(b) Boundaries shown as following or approximately following highways shall be construed as following the centerlines of such highways; in the event of a change in the location of such highways, the zoning district boundary shall be construed as moving with the centerline.

(c) Boundaries shown as following or approximately following platted lot lines or other property lines as shown on the Trempealeau County Real Property Listing Tax Maps shall be construed as following such lines.

(d) Boundaries shown as following or approximately following the centerlines of streams, rivers, or other water courses shall be construed as following the centerline of such water courses; in the event of a natural change in the location of such water courses, the zoning district boundary shall be construed as moving with the centerline.

(e) Boundaries shown as separated from, and parallel or approximately parallel to, any of the features listed in paragraphs (a) through (d), shall be construed to be parallel to such features and at such distances therefrom as are shown on the Zoning Maps of Trempealeau County. In the event such boundaries are not parallel or approximately parallel to any of the features listed in paragraphs (a) through (d) the interpretation of district boundaries by the Zoning Administrator shall be conclusive.

2.03 Purpose and intent of zoning districts. The following specifies the purpose and intent of each of the zoning districts established by this Ordinance.

(1) Exclusive Agriculture (EA). This district preserves class I, II and III soils and additional irrigated farmland from scattered residential developments that would threaten the future of agriculture in Trempealeau County. The district is also established to preserve woodlands, wetlands, natural areas and the rural atmosphere of the County. The district is not intended to accommodate future nonagricultural growth. This district is intended to implement the Trempealeau County Farmland Preservation Plan. Further, it is intended to meet the provisions of the Wisconsin Farmland Preservation Program, Ch. 91, Wis. Stats., and thereby establish eligibility for tax credits to farm owners as provided in s. 71.59, Wis. Stats. It is intended that this district apply to lands included in productive farm operations and which have historically exhibited beneficial crop yields, or are capable of such yields; have demonstrated productivity for dairying, livestock raising, and grazing; have been used for production of specialty crops such as tree and plant materials, fruits, and vegetables; or have been integral parts of such farm operations.

(2) Exclusive Agriculture -2 (EA -2). This district preserves class I, II and III soils and additional irrigated farmland from scattered residential developments that would threaten the future of agriculture in Trempealeau County. The district is
also established to preserve woodlands, wetlands, natural areas and the rural atmosphere of the County. Properties in this district are ineligible for receipt of farmland preservation tax credits.

(3) **Primary Agriculture (PA).** This district is established to maintain, preserve, and enhance prime agricultural lands historically utilized for crop production but which are not included within the Exclusive Agriculture district. This district is also intended to provide farmland owners with additional management options by allowing limited residential development, but with residential density limits set so as to maintain the rural characteristics of the district.

(4) **Rural Residential (RR).** This district is established to provide locations for low density residential developments which are consistent with a generally rural environment and allows for nonresidential uses which require relatively large land areas, and/or are compatible with surrounding rural land.

(5) **Residential - 8 (R-8).** This district is established to provide for residential development in predominantly rural areas served by on-site absorption sanitary systems and private, shared or community wells. The district is intended to protect quality, large lot residential development from incompatible uses.

(6) **Residential - 20 (R-20).** This district is established to provide for the densest residential development in the unincorporated areas of the county. The district is intended to be used where residential development is encouraged on lots served by on-site absorption sanitary systems and private, shared or community wells where such a density of development is compatible with surrounding uses. These locations should primarily be located near existing developed areas or on soils not suitable for agricultural operations.

(7) **Commercial (C).** This district is established to provide for retail shopping, office and service uses to be developed either as a unit or in individual parcels to serve the needs of nearby residential neighborhoods as well as the entire County. The purpose of the district is to provide sufficient space in appropriate locations for certain commercial and other non-residential uses while affording protection to surrounding properties from excessive noise, traffic, drainage, or other nuisance factors.

(8) **Industrial (IND).** The purpose of the district is to accommodate a heavy volume of traffic, the potential need for rail access to parcels and the presence of noise and other factors which could pose a nuisance in other districts. The intensity and use of land as permitted in this district is intended to facilitate the total range of industrial uses. The district is also designed to accommodate warehouse and limited commercial uses.
(9) **Environmental Significance (ES).** The district identifies areas of environmental significance, including but not limited to wetlands, floodplains, lakes, streams and archeological/natural features. Development of these areas is discouraged but not prohibited unless federal, state or local ordinances that prohibit development regulate the areas.

(10) **Institutional (INST).** This district provides locations for institutional uses such as schools, churches and government buildings.

(11) **Transitional Agriculture (TA).** Properties categorized as transitional agriculture properties are recognized in their present state as agricultural properties. However, the adopted land use plan recognizes that in the future these properties may be suitable for development as detailed in the land use plan. Therefore, the properties are categorized as transitional agriculture properties. This district is established to provide existing agricultural properties the ability to continue their present agricultural uses.

### 2.04 Types of uses.

(1) **Principal uses.** These uses are sorted and assigned to specific zoning districts. (See s. 2.05). Such uses shall be established only if they are located in the zoning district to which they are assigned. These uses are further divided into the following categories:

   (a) **Permitted uses.** These uses are permitted by right, provided all requirements of the Ordinance are met.

   (b) **Uses permitted as conditional uses.** These uses are not permitted by right. Rather, their allowance is subject to the discretionary judgment of the Zoning Committee, as described in s. 10.04.

(2) **Accessory uses.** (See s. 2.07)

(3) **Temporary uses.** (See s. 2.08) These uses are sorted and assigned to specific zoning districts. Such uses shall be established only if they are located in the zoning district to which they are assigned. These uses are further divided into the following categories:

   (a) **Permitted uses.** These uses are permitted by right, provided all requirements of the Ordinance are met.

   (b) **Uses permitted as conditional uses.** These uses are not permitted by right. Rather, their allowance is subject to the discretionary judgment of the Zoning Committee, as described in s. 10.04.
(4) Uses not listed. (See s. 2.09)

2.05 Table of uses. Land uses in Trempealeau County shall be allowed as shown in the Table of Uses.

(1) Table of uses.
2.06 Principal uses.

(1) The principal uses allowed in each zoning district shall be as shown in s. 2.05(1).
2.07 **Accessory uses.** Accessory uses are permitted in all zoning districts without issuance of a land use permit. For accessory uses involving structures or buildings, such structures or buildings shall be subject to the requirements of s. 3.11, and such structures shall require a land use permit.

(1) Accessory uses which have particular use requirements listed in Chapter 4 shall comply with such requirements and shall comply with parking requirements listed in Chapter 7.

(2) Limitations on specific accessory uses.

(a) Commercial uses accessory to industrial uses shall be indoor, and limited to 15% of the building area devoted to the principal use.

(b) Industrial uses accessory to commercial uses shall be indoor, and limited to 15% of the building area devoted to the principal use and shall not create nuisances of noise, odor, glare, dust, heat, vibration or other condition which adversely affects surrounding businesses or properties.

(c) Incidental renting of agricultural buildings for indoor storage of boats, trailers, recreational vehicles, cars, and non-agricultural equipment shall be allowed provided that:
   1. Such building used for storage was originally constructed for agricultural purposes and was constructed at least 3 years prior to its use as incidental indoor storage.
   2. No signs shall be permitted which advertise or direct the public to such storage.
   3. Outside storage shall not be allowed.
   4. The agricultural building is located on the same parcel as an occupied dwelling.
   5. Storage structures must comply with applicable state building codes.

2.08 **Temporary uses.**

(1) Temporary uses which have particular use requirements listed in Chapter 4 shall comply with such requirements.

2.09 **Uses not listed.**

(1) Determination of use classification by the Zoning Administrator. The Zoning Administrator shall determine if a proposed use can be classified as one of the principal uses already listed for any of the zoning districts. If a proposed use can be so classified, then the use shall be regulated as specified by this Ordinance.
(2) Unclassified uses. A proposed use that cannot be classified as one of the principal uses or conditional uses shall be considered an unclassified use and shall be regulated as follows:

(a) The Zoning Administrator shall determine if the proposed unclassified use is similar to other uses listed for the zoning district applicable to the site of the proposed unclassified use. If so, the application for the proposed unclassified use shall be processed as specified by this Ordinance.

(b) If the Zoning Administrator determines otherwise, then the application for the proposed unclassified use shall be denied and the applicant shall be so notified in writing.

(c) The Zoning Administrator shall refer unclassified uses to the Zoning Committee if the Zoning Administrator is uncertain how to classify any uses not listed.

(3) After making a determination regarding an unclassified use, the Zoning Administrator shall recommend an amendment to this Ordinance adding the previously unclassified use to the table of principal uses upon consideration of the appropriate zoning district.