

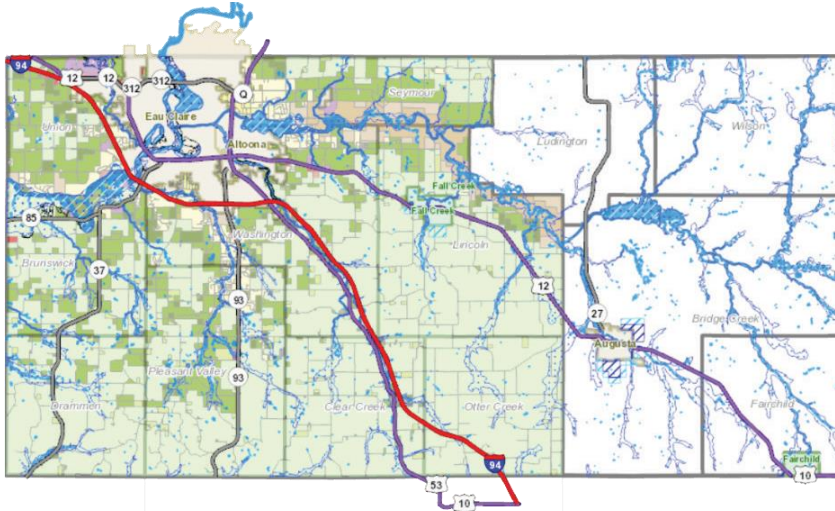
# Eau Claire County Title 18 Zoning and Subdivision Ordinance Comprehensive Revision

County Board Report  
June 2023



# Project Purposes

- Consistency with state law, case law, best practice
- Address needs identified by users (residents, staff, committees)
- Make code easier to understand and use



Zoning Ordinance – 9 towns  
Brunswick, Clear Creek, Drammen,  
Lincoln, Otter Creek, Pleasant Valley,  
Seymour, Union, Washington

Subdivision Ordinance – all 13 towns

# Process and Schedule

- Kickoff Meetings - December 2018
- Town Meetings, Public Meeting - Spring 2019
- Staff Working Meetings - May – October 2019
- Draft Review (Committees, Towns, Public) - October – December 2019
- Agency and Legal Review - January 2020 – March 2023
- P&D Committee Review - May 9, May 23, 2023
- County Board Introduction, Adoption - June 20, July 18, 2023
- Town Adoptions - until July 2024

# Summary of Changes

# Non-Policy Changes

- Put similar material all in one place
- Use tables and graphics (e.g. use table)
- Replace paragraphs with lists
- Remove/update expired content

# Non-Policy Changes (examples)

Existing Section 18.50.30	Rewritten
<p><b>A. Removal.</b> It is the express policy of Eau Claire County and this ordinance that mobile service support structures be removed once they are no longer in use and not a functional part of providing mobile service and that it is the mobile service support structure owner’s responsibility to remove such mobile service support structures and restore the site to its original condition or a condition approved by the Eau Claire County Planning and Development Department. This restoration shall include removal of any subsurface structure or foundation, including concrete, used to support the mobile service support structure down to three feet below the surface. After a mobile service support structure is no longer being used for mobile service that is in operation, the mobile service support structure owner shall have one hundred eighty (180) days to effect removal and restoration unless weather prohibits such efforts. Permittee shall record a document with the Eau Claire County Register of Deeds showing the existence of any subsurface structure remaining below grade. Such recording shall accurately set forth the location and describe the remaining structure.</p>	<p><b>A. Removal.</b> Within 180 days after the use of a mobile service support structure ceases, the structure’s owner must:</p> <ol style="list-style-type: none"> <li>1. Remove the structure and all subsurface structure or foundation materials to a depth of at least 3 feet below the ground surface,</li> <li>2. Restore the site to its original condition, or the condition required by the structure’s land use permit, and</li> <li>3. Record a document with the Eau Claire County Register of Deeds identifying and describing all subsurface materials remaining below the ground surface, if any.</li> </ol>
<ul style="list-style-type: none"> <li>- 181 words</li> <li>- No white space</li> <li>- Passive voice</li> </ul>	<ul style="list-style-type: none"> <li>- 86 words</li> <li>- White space</li> <li>- Active voice</li> </ul>

# Non-Policy Changes (examples)

18.01.030 Relation to the land use plan. It is the policy of the county that the enactment, amendment and administration of this subtitle shall be accomplished with due consideration of the purposes and goals of the County Land Use Plan adopted on January 16, 1979, as amended from time to time, and other land use plans adopted by the county, such as a farmland preservation plan. The board recognizes that the Land Use Plan and its amendments is a guide for the future development of the county and is the basis for the enactment of this subtitle. (Ord. 126-16 Sec.3(part), 1982).

## **18.05 Consistency with Comprehensive Plan**

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- A. It is the policy of the county that the enactment, amendment, and administration of this title shall be accomplished with due consideration of the purposes and goals of the Eau Claire County Comprehensive Plan adopted on April 20, 2010, as amended from time to time, and other land use plans adopted by the county, such as a farmland preservation plan.
- B. The board recognizes that the comprehensive plan and its amendments is a guide for the future development of the county and is the basis for the enactment of this title.

# Non-Policy Changes

**18.09.010 Permitted principal uses.** The following principal uses are permitted in the R-1-M district:

- A. Single-family housing;
- B. Parks and playgrounds. (Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

**18.09.015 Permitted principal structures.** The following principal structures are permitted in the R-1-M district:

- A. Single-family dwellings;
- B. Park and playground related structures. (Ord. 138-68, Sec. 17, 1994; Ord. 129-74 Sec.18, 1986; Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

**18.09.020 Permitted accessory uses.** The following accessory uses are permitted in the R-1-M district:

- A. Private storage of motor vehicles;
- B. Home occupations, as defined in Chapter 18.23;
- C. Private recreational uses, including but not limited to swimming, tennis, horticulture and playground activities.
- D. Beekeeping subject to Chapter 8.25. (Ord. 160-005, Sec. 4, 2016; Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

**18.09.025 Permitted accessory structures.** The following accessory structures are permitted in the R-1-M district:

- A. Private garages;
- B. Private recreational structures as allowed in Chapter 18.30;
- C. Noncommercial greenhouses, storage sheds and play-houses. (Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

**18.09.030 Conditional uses.** The following conditional uses may be allowed in the R-1-M district, and are subject to the provisions of Chapter 18.21:

- A. Planned unit developments;
- B. Two-family housing;
- C. Governmental and religious uses;
- D. Public recreational uses, including golfing, swimming and archery;
- E. Public and private schools;
- F. Cemeteries;
- G. Hospitals and nursing home related uses;
- H. Nursery schools and day care centers.

(Ord. 138-68, Sec. 18, 1994; Ord. 135-92, Sec.14, 1992; Ord. 134-36 sec 6, 1990; Ord. 126-69 Sec.10(part), 1983; Ord. 126-16 Sec.3(part), 1982).

RESIDENTIAL																		
	A-P	A-1	A-2	A-3	A-R	AC-R	RH	R-L	R-1	R-2	R-3	C-1	C-2	C-3	I-L	I-1	F-1	F-2
<i>Residences:</i>																		
Caretaker Residence*													A	A	A	A		
Dwelling, Accessory*			A	A		A	A	A	A									A
Dwelling, Multiple-Family											P	C	C					
Dwelling, Single-Family*			P	P	P	P	P	P	P	P	C	P		C				P
Dwelling, Two-Family			C		P	C	C	C	C	P	C		C					
Farm Residences, up to 2 Dwelling Units	P	P																
Farm Residences, more than 2 Dwelling Units	P	C																
Modular Home*			P	P	P	P	P	P	P	P	C	P		C				P
Manufactured Home Community												C						
Manufactured Home	P	P	P	P	P	P					C					P		P
Tiny House*			P	P	P	P	P	P	P	P								
<i>Group Living:</i>																		
Community-Based Residential Facility									P	P	P							
Community Living Arrangement (8 or fewer persons)			P	P	P	P	P	P	P	P	P							
Community Living Arrangement (9-15 persons)									C	C	P							
Community Living Arrangement (> 15 persons)									C	C	C							
Continuing Care Retirement Community											P	P	C					
Residential Care Apartment Complex											P	C	C					
Residential Care Facility										C	P	P	P	P				
Rooming & Boarding House											P	P	P					
Single-family, two-family and multifamily housing without public water and sewer service.											C							



# Non-Policy Changes

Figure 18.19.030-1 RH Typical Dimensional Standards

## RH: RURAL HOMES ZONING DISTRICT using Typical Design

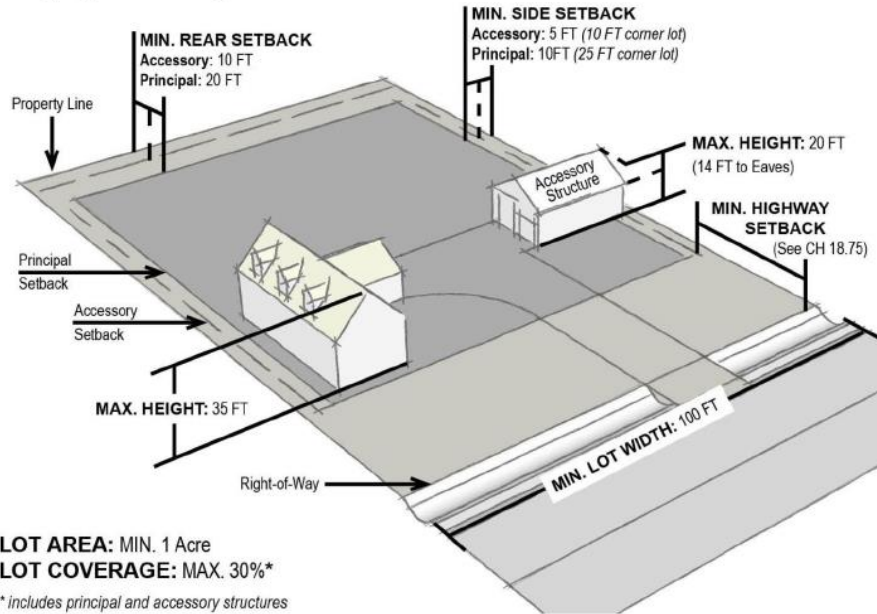
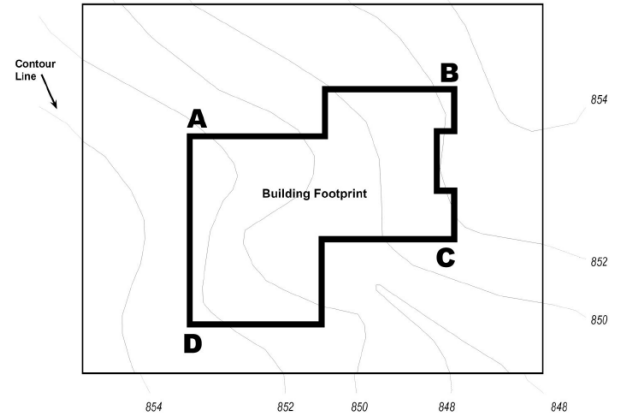


Figure 18.72.020-2 Average Grade Measurement

$$\text{AVG. GRADE} = (A + B + C + D) / 4$$



# Policy Change – General Themes

- Eliminating inconsistencies wherever state law has changed
- Increased flexibility for County staff to approve things not clearly addressed in the ordinance
- Replacing vague, subjective standards with language that is more easily interpreted and enforced
- Additions to implement ideas in the towns' and county's comprehensive plans
- Changes to address public comments and requests during this process

# Policy Changes – Introduction Section

- The Introduction now clarifies that this is a “parcel based” code, and that zoning districts follow parcel boundaries and each parcel may have only one district.

# Policy Changes – Zoning Districts

- The A-P District had included a Transfer of Development Rights option. This is deleted.
- The Agricultural-Conservation Residential (AC-R) District is added to enable scattered rural housing on marginal farmland while providing more explicit protections for surrounding ag activities.
  - Minimum lot size 1.5 acres, minimum width 150', minimum side setback 50'
  - Up to 3 parcels and a total of 5 acres may be rezoned to AC-R per quarter-quarter section
- The Light Industrial (I-L) District is created to provide more flexibility for the siting of uses such as light manufacturing or assembly that can be compatible with nearby residential or commercial use. The unused “Sewered Industrial” (I-2) district is removed. (18.27)

# Policy Changes – Zoning Districts (cont.)

- The Planned Unit Development (PUD) District replaces the current Planned Unit Development chapter, treating this customized zoning tool as a district rather than as a conditional use, and providing a more specific process for how the rules will be established each time it is used. (18.31, 18.107)
- A Use Table is added to make it easier to determine where and how any particular uses is permitted in the county. Most of the policy changes involve the addition of uses not previously described in the ordinance. (18.32)
- Non-commercial alternative energy systems are separated into solar and wind energy (permitted in all districts) and biofuels and methane digesters (permitted only in the A-P and Industrial districts). (18.32)
- Lot coverage standards are added for the residential, commercial and industrial districts, primarily to prevent excessive lot coverage (and excessive stormwater runoff) on small lots. (Each zoning district)

# Policy Changes – Use Regulations

- Larger accessory structures allowed by right in the residential districts, increased from 1,200 SF now to a sliding scale of 1,600 SF for lots under 1 acre to 2,400 SF for lots over 5 acres. (18.41.010)
- Accessory Dwelling Units are now allowed to be rented, may be used year-round, and the maximum size is increased to the lesser of either 1,200 square feet or the area of the principal dwelling unit. (18.47.010)
- “Short-Term Rentals” (e.g. Air BnB) are listed as a permitted use in all districts. The ordinance requires a Land Use Permit and also references other applicable regulation by the State and County. (18.52)

# Policy Changes – Use Regulations (cont.)

- The raising of poultry or bees is identified as a permitted accessory use in the residential districts, subject to the requirements of Title 8. (18.41.050)
- Limits on the use of camping units on undeveloped property are revised from 90 cumulative days to 90 consecutive days. (18.43)
- Wind energy regulations are simplified and solar energy regulations added to require a conditional use permit and identify limits on conditions established in state statutes. (18.55, 18.56)

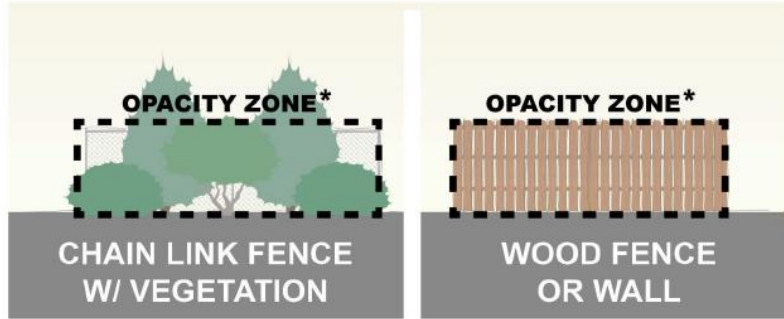
# Policy Changes – Development Standards

- Road setbacks are reduced to match Highway Department requirements (18.71.030)
- The landscaping and tree preservation standards are consolidated and expanded, applicable to the commercial and industrial districts (C-1, C-2, C-3, I-L, and I-H), multiple-family residential uses in the R-3 district, and off-street parking areas with 6+ spaces. Standards address minimum plant size at the time of planting, minimum planting amounts, and requirements for installation and maintenance. (18.74)
- Sign ordinance changes include elimination of any rules related to the content of the sign, roof signs are not allowed, greater flexibility with monument signs (18.78)

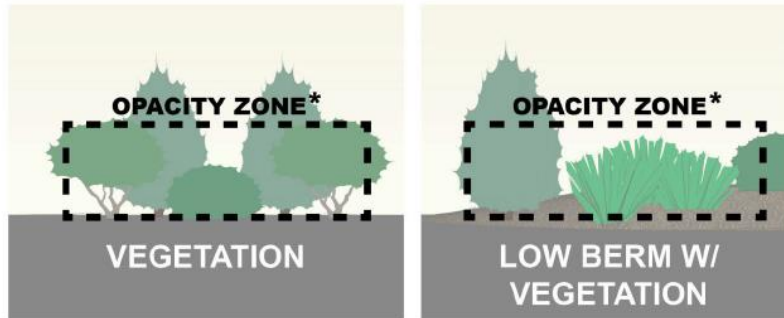


# Policy Changes – Development Standards

Figure 18.73.050-1 Screening Opacity Requirements



\* At least 80% opacity is required (measured the length of screening between 0-6 feet above grade).



# Policy Changes – Subdivision Regulations

- Design standards for new roads are still provided, but the Town must now approve their use with each project to ensure that the County is not regulating the design of town infrastructure. (18.86.020)
- A conservation subdivision ordinance is provided (18.87).

# Policy Changes – Procedures

- A Certificate of Compliance is formalized, to certify that a building or premises and the proposed use conforms to the provisions of Title 18. (18.104)
- The rezoning process is clarified to include a town board recommendation. (18.106.010)

# Policy Changes – Nonconformities and Vested Rights

- Nonconforming structures can be repaired/restored more readily, per state law. (18.134)
- Nonconforming uses are regulated in greater detail, establishing triggers for bringing fences & screening, landscaping, and parking and loading spaces into compliance with the ordinance. (18.135)

# Policy Changes – Enforcement

- The time requirements for enforcement notification and action are loosened to reflect actual practices

# Policy Changes – Definitions and Rules of Interpretation

- It is clarified that a “lot of record” may include multiple tax parcels, provided none of those parcels were created by plat or certified survey map. (Definitions)
- A definition is added for “Lot, Buildable” that requires frontage on a public street. (Definitions)

# Policy Changes – Floodplain Overlay

- Updated to use the DNR model ordinance

# Sections with No Substantive Changes

- Submittal Requirements
- Agencies
- Legal Provisions
- Airport Overlay
- Groundwater Overlay
- Shoreland Overlay
  
- The ZONING MAP