

Notice of Public Hearing
Douglas County Planning & Zoning Committee

A Public Hearing will be held by the Douglas County Planning & Zoning Committee at **10:00 a.m.** on **Wednesday, June 8, 2016** in the Government Center Board Room, Second Floor, 1316 North 14th Street, Superior, Wisconsin to hear the following:

a) Ordinance:

Repeal and re-create Ordinance 8.4 Shoreland Zoning Ordinance. Ordinance available on the county's website at www.douglascountywi.org/documentcenter/view/3650

b) Conditional-Use Permits:

- 1) **Russel & Terry Cafilisch**, Forest Lake, MN – accessory building (1st structure in F-1: Forestry zoning district) – Pt NW1/4-SE1/4, Section 16, T44N-R11W; (GO-012-00923-00; 13093S Flat Lake Road), Town of Gordon.
- 2) **Kevin & Joni Hogie**, Chisago City, MN - accessory building (1st structure in F-1: Forestry zoning district) – S1/2-SW1/4, Section 4, T43N-R15W; (DA-010-00484-00; 14788S Swedish Hwy), Town of Dairyland.
- 3) **Tyler & Serena Richardson**, Menomonie, WI - accessory building (1st structure in F-1: Forestry zoning district) – W1/2-NE1/4-SW1/4, Section 18, T43N-R10W; (WA-032-00156-01; 12116E Crooked Lake Road), Town of Wascott.
- 4) **Edward Valek**, Bulverde, TX - accessory building (1st structure in F-1: Forestry zoning district) – SE1/4-NE1/4, Section 2, T43N-R11W; (WA-032-00331-00; Wemisssem Road), Town of Wascott.
- 5) **Robert Downs Jr**, Superior, WI – change use of a seasonal dwelling to a year-round dwelling; Pt Gov't Lot 2, Section 21, T43N-R12W; (WA-032-01218-00; 15955S Downs Road), Town of Wascott.
- 6) **Andrew Stensland**, Superior, WI - change use of a seasonal dwelling to a year-round dwelling; Pt Gov't Lot 6, Section 23, T43N-R13W; (WA-032-01792-00; 15836S South Mail Road), Town of Wascott.
- 7) **Penny Barrett**, Solon Springs, WI – hobby farm (up to 50 chickens); Pt NE1/4-NW1/4 & Pt NW1/4-NE1/4, Section 35, T46N-R12W; (BE-004-00921-00; 9261S Old 11 Road), Town of Bennett.
- 8) **Douglas County (owner) / Town of Dairyland (operator)** – non-metallic mine; Entire Section 20, T43N-R14W; (DA-010-00296-00), Town of Dairyland.

Mary Lou Bergman, Chair

Steve Rannenber, Planning & Zoning Administrator

If you have any comments on these items, let the Planning & Zoning Office know in writing prior to the meeting, or appear at the Public Hearing. Planning & Zoning Office, 1313 Belknap St., Rm. 206, Superior, WI 54880 (715-395-1380). Action may be taken on any item listed on the public hearing. In accordance with WI Statutes 59.69 (5)(a), attachments to public hearing notice and maps of subject properties are available for review in the Planning & Zoning Office, or at www.douglascountywi.org. The County of Douglas complies with the Americans with Disabilities Act of 1990. If you are in need of accommodation to participate in the public meeting process, please contact the Douglas County Clerk's Office at (715) 395-1341 by 4:00 p.m. on the day prior to the scheduled meeting. Douglas County will attempt to accommodate any request depending on the amount of notice we receive. TDD (715) 395-7521.

ST May 20 & 27, 2016

**PLANNING & ZONING COMMITTEE
PUBLIC HEARING AND REGULAR MEETING
Douglas County Board of Supervisors
Wednesday, May 11, 2016, 9:00 a.m., Government Center Board Room
1316 North 14th Street, Superior, Wisconsin**

Meeting called to order by Chair Mary Lou Bergman.

ROLL CALL: Present – Mary Lou Bergman, Patricia Ryan, Nick Baker, John Robinson, Robert Mock. Others present – Steve Rannenberg, Sue Radzak, Randy Jones, Zach DeVoe, Jon Fiskness, Brad Theien, Shelley Nelson, Mike Wenholz, Patrick Hahn, Gordon Wallgren, Ryan Avila, Dan Corbin, Jackie Mikrot, Sheila Keup, Gary Swanson, Nathan Johnstad, Kaci Lundgren (Committee Clerk).

APPROVAL OF MINUTES: Motion by Ryan, second Mock, to approve the minutes from the April 5, 2016, meeting. Motion carried.

DEPARTMENT REPORTS:

Planning and Zoning/Board of Adjustment: Reports distributed; working through reclassification process for personnel.

Rural Housing: Updated income guidelines for grant qualification; quarterly report distributed.

Land Conservation: Nemadji Watershed project and Brule River project.

Surveyor: Vacant position; contracting with Bill Anderson for assistance. Mitch Swenson, Survey Technician, fulfilling duties established prior to vacancy; reorganization of office to occur.

Land Records: Early fall release of new plat book anticipated. Pictometry flight for City of Superior completed on May 2. Statewide parcel initiative received feedback with 3 minor issues; final to be submitted in December.

Real Property Lister: Completing work rolls from assessors and getting books to towns; processing deeds, and handling additional workload due to office restructure.

Retained Fees Account – Register of Deeds: 16% of documents submitted electronically in April.

INFORMATIONAL ITEMS:

Capital Projects Update: The approval to fund the acquisition of Pictometry and LiDar data will be recommended to the County Board by the Administration Committee. Hydroconditioning, critical to meeting FEMA standards, was inadvertently left out in the process request; in search of funding from other sources. All of these components will be helpful to other departments and citizens.

Draft Revision – 8.4 Douglas County Shoreland Ordinance: Towns are not required to support changes in order for Zoning to approve; revision to be on next agenda for approval.

Reorganization of Surveyor, Land Records and Real Property Lister Departments: Intent is for current Real Property Lister to become department supervisor; currently in reclassification process, awaiting approval.

Concentrated Animal Feeding Operations (CAFO): Sample ordinance from Bayfield County included with agenda. Moratorium suggested until ordinance is adopted; referred to next meeting.

Break from 9:57 a.m. to 10:03 a.m.

PUBLIC HEARING:

Appeal of Subdivision Ordinance:

1) **Nathan Johnstad, South Range, WI – create a lot less than the minimum width required and exceeding the 3:1 length to width ratio – Pt. SE1/4-NW1/4, Section 3, T47N-R13W; (PA-024-00052-00; Way Road/County Road K), Town of Parkland.**

Applicant present; correspondence received from Town of Parkland with no objections.

ACTION: Motion by Ryan, second Baker, to approve application, as presented. Motion carried.

Conditional-Use Permits:

1) **Tri Lakes Summit Park LLC, South Range, WI – from the April 5, 2016 hearing - Commercial Campground (up to 36 sites) - NE1/4-NE1/4- NE1/4, Section 14, T46N-R14W; (SU-028-00626-00; 8007S Lindelof Dr.), Town of Summit.**

Applicant present; correspondence received from Town of Summit as approved with the condition of only 15 units allowed.

ACTION: Motion by Baker, second Mock, to approve application, with conditions as noted by town. Motion carried.

2) **Patricia Osborne, Gordon, WI – change use of dwelling from seasonal to year-round – Lot 54, Eau Claire Acres, Section 33, T44N-R10W; (GO-012-02304-00; 14239S Eau Claire Acres Circle), Town of Gordon.**

Applicant not present; correspondence received from Town of Gordon with no objections.

ACTION: Motion by Ryan, second Baker, to approve application, as presented. Motion carried.

3) **David Hillila, Superior, WI – change use of garage to year-round dwelling – Lots 49-51, Wildwood Addition to Amnicon Lake, Section 12, T46N-R14W; (SU-028-01647-00; 7874S Brill Road), Town of Summit.**

Applicant not present; correspondence received from Town of Summit with no objections.

ACTION: Motion by Baker, second Robinson, to approve application, as presented. Motion carried.

4) Richard Tahtinen, Duluth, MN – first structure in the F-1: Forestry zoning district (accessory building) – Pt. SW1/4-NE1/4 & NW1/4-SE1/4, Lot 4, CSM #576, Vol 4, Pgs 115-116, Section 12, T43N-R11W; (WA-032-00453-04; 11890E North Alexander Lake Road), Town of Wascott.

Applicant not present; correspondence not yet received from Town of Wascott, but attendee indicated they had approved the application.

ACTION: Motion by Baker, second Ryan, to approve application, as presented. Motion carried.

5) Gary Swanson, Solon Springs, WI – year-round dwelling – Pt Gov't Lot 2, Lot 3, CSM #194, Vol 1, Pg 217, Section 27, T45N-R11W; (SO-026-00592-03; Twin Lakes Road), Town of Solon Springs.

Applicant present; correspondence not yet received from Town of Solon Springs.

ACTION: Motion by Mock, second Ryan, to approve application, pending town approval. Motion carried.

6) Gordon & Sandra Wallgren, Superior, WI – year-round dwelling – Pt. NW1/4-SW1/4, Lot 5, CSM #15, Vol 1, Pg 16, Section 31, T43N-R12W; (WA-032-01501-00; 16640S Eagle Point Road), Town of Wascott.

Applicant present; correspondence not yet received from Town of Wascott.

ACTION: Motion by Robinson, second Ryan, to approve application, pending town approval. Motion carried.

7) Ryan & Susannah Avila, Foxboro, WI – home occupation (firearms repair shop) – S1/2-SW1/4-NW1/4, Section 25, T47N-R15W; (SU-028-01229-01; 6564S County Road B), Town of Summit.

Applicants present; correspondence received from Town of Summit with no objections.

ACTION: Motion by Baker, second Robinson, to approve application, as presented. Motion carried.

8) Humane Society of Douglas County, Superior, WI (seller) / Mark Berns, Duluth, MN (buyer) – wholesale business (manufacture nets for athletic activities) - Pt SE1/4-NW1/4, (Pcl in NE Cor), Section 15, T48N-R13W; (PA-024-00314-00; 3302S Humane Society Road), Town of Parkland.

Applicant (seller) present; correspondence received from Town of Parkland with no objections.

ACTION: Motion by Ryan, second Robinson, to approve application, as presented. Motion carried.

9) Mathy Construction Company, Onalaska, WI / Northwoods Paving, Ashland, WI – temporary asphalt plant – Pt. NW1/4-NW1/4 & SW1/4-NW1/4, Section 29, T47N-R14W; (TS-030-00726-00/00728-00; 6498S Point of Rocks Road), Town of Superior.

Applicant present; correspondence not yet received from Town of Superior.

ACTION: Motion by Baker, second Ryan, to approve application, pending town approval. Motion carried.

Reconvene regular meeting at 10:29 a.m.

FUTURE AGENDA ITEMS: Game farms; shoreland ordinance; CAFO moratorium.

ADJOURNMENT: Motion by Baker, second Mock, to adjourn. Motion carried. Meeting adjourned at 10:35 a.m.

Submitted by,

Kaci Lundgren, Committee Clerk



Federal Emergency Management Agency
Washington, D.C. 20472

April 06, 2016

MR. TED SOMMER
STEIGERWALDT
856 NORTH 4TH STREET
TOMAHAWK, WI 54887

CASE NO.: 16-05-2954A
COMMUNITY: DOUGLAS COUNTY, WISCONSIN
(UNINCORPORATED AREAS)
COMMUNITY NO.: 550538

DEAR MR. SOMMER:

This is in reference to a request that the Federal Emergency Management Agency (FEMA) determine if the property described in the enclosed document is located within an identified Special Flood Hazard Area, the area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood), on the effective National Flood Insurance Program (NFIP) map. Using the information submitted and the effective NFIP map, our determination is shown on the attached Letter of Map Amendment (LOMA) Determination Document. This determination document provides additional information regarding the effective NFIP map, the legal description of the property and our determination.

Additional documents are enclosed which provide information regarding the subject property and LOMAs. Please see the List of Enclosures below to determine which documents are enclosed. Other attachments specific to this request may be included as referenced in the Determination/Comment document. If you have any questions about this letter or any of the enclosures, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, LOMC Clearinghouse, 847 South Pickett Street, Alexandria, VA 22304-4605.

Sincerely,


Luis Rodriguez, P.E., Chief
Engineering Management Branch
Federal Insurance and Mitigation Administration

LIST OF ENCLOSURES:

LOMA DETERMINATION DOCUMENT (REMOVAL)

cc: State/Commonwealth NFIP Coordinator
Community Map Repository
Region

Douglas County

Ordinance 8.13 Moratorium on Livestock Facilities Licensing

Section 1: Moratorium on Livestock Facilities Licensing, Ordinance 8.13, is hereby created to read as follows:

Authority

This ordinance is adopted pursuant to the powers granted under Wisconsin Constitution, and Wisconsin Statutes including but not limited to Section 59.02(2) and 59.69.

Title and Purpose

The title of this ordinance is the *Moratorium on Livestock Facilities Licensing*.

The purpose of this ordinance is to allow Douglas County to impose a moratorium providing adequate time to study, review, consider and determine whether amendments to the Livestock Facilities Licensing Ordinance or creation of a Livestock Facilities Operations Ordinance is required to protect public health or safety in light of the unique environment and the key concerns identified in the Douglas County Comprehensive Plan. Further, the imposition of a moratorium will allow Douglas County to determine whether it has adequate resources to enforce any new or existing livestock facility ordinance.

Adoption

This ordinance, adopted by a majority vote of the Douglas County Board of Supervisors with a quorum present and proper notice having been given, provides for the imposition of a moratorium on the licensing of new livestock facilities that will have 1,000 or more animal units, and on the licensing of pre-existing livestock facilities that are undergoing an expansion if the number of animal units kept at the expanded facility will be 1,000 or more, provided that the moratorium does not apply to an applicant who has acquired legally vested rights to the issuance of a license prior to the adoption of this ordinance.

Definitions

All definitions located in Chapter III, Ordinance 8.10 are hereby adopted and incorporated as if fully set forth herein.

Moratorium Imposed

Chapter IV, Ordinance 8.10 imposes a moratorium on the licensing of new livestock facilities that will have 1,000 or more animal units and on the licensing of pre-existing livestock facilities that are undergoing an expansion if the number of animal units kept at the expanded facility will be 1,000 or more, provided that the moratorium does not apply to an applicant who has acquired legally vested rights to the issuance of a license prior to the adoption of this ordinance.

Action and Study During Moratorium

The Douglas County Board of Supervisors hereby assigns the Zoning Committee and Land Conservation Committee to study the provisions of a proposed Livestock Operations Ordinance.

Duration of Moratorium

This moratorium shall be in effect for a period of twelve months from the date this ordinance is passed by the County Board unless the County Board rescinds this moratorium at an earlier date, the County Board adopts amendments to the Livestock Facilities Licensing Ordinance, creates a Livestock Facilities Operations Ordinance, or rescinds this moratorium. This moratorium may be extended for up to 6 more months by a majority vote of the Douglas County Board of Supervisors, if necessary.

Section 2: Except as specifically modified and amended by this ordinance, the Douglas County Code of Ordinance shall remain in force and effect exactly as originally adopted and previously amended. All ordinances or parts of ordinances inconsistent with or in contravention of the provisions of this ordinance are hereby repealed.

Section 3: **SEVERABILITY.** If a court of competent jurisdiction adjudges any section, clause, provision, or portion of this ordinance unconstitutional or invalid, the remainder of this ordinance shall not be affected thereby.

Section 4. **EFFECTIVE DATE.** This ordinance shall take effect and be in full force from and after its passage.

Draft #1

Radzak, Sue

From: Rannenberg, Steve
Sent: Thursday, May 19, 2016 11:16 AM
To: Radzak, Sue
Subject: Shoreland Zoning Supporting Documents
Attachments: Wisconsin Statutes Section 59.docx; WI Admin Code NR115.pdf

Good morning,

The June 8, 2016 Zoning Committee public hearing agenda will include an action item regarding adoption of the revisions to the Douglas County Shoreland Zoning Ordinance. The affected towns have received a hard copy of the draft via certified mail. The current draft is also available on the Douglas County website. Please navigate to "Departments", then "Planning and Zoning". Once there you will find a link to the draft. In order to provide you with the source documents driving these changes I have attached a copy of Section 59.692 Wisconsin Statutes and WI Administrative Code NR 115. From these documents WDNR staff developed a model ordinance that complies with the state statute and administrative code. I recently received notification from DNR that our current draft ordinance complies with the model ordinance. The adoption process includes the recommendation for adoption by the Zoning Committee, adoption by the County Board and final certification by the DNR.

Please feel free to contact me with any questions you may have.

Steve Rannenberg
Zoning Administrator
Douglas County
1313 Belknap Street Room 206
Superior, WI 54880
(715) 395-1389 direct

Wisconsin Statutes Section 59.692 Zoning of shorelands on navigable waters.

59.692(1)(1) In this section:

59.692(1)(a) (a) "Department" means the department of natural resources.

59.692(1)(b) (b) "Shorelands" means the area within the following distances from the ordinary high-water mark of navigable waters, as defined under s. 281.31 (2) (d):

59.692(1)(b)1. 1. One thousand feet from a lake, pond or flowage. If the navigable water is a glacial pothole lake, this distance shall be measured from the high-water mark of the lake.

59.692(1)(b)2. 2. Three hundred feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

59.692(1)(bn) (bn) "Shoreland setback area" means an area in a shoreland that is within a certain distance of the ordinary high-water mark in which the construction or placement of structures has been limited or prohibited under an ordinance enacted under this section.

59.692(1)(c) (c) "Shoreland zoning standard" means a standard for ordinances enacted under this section that is promulgated as a rule by the department.

59.692(1)(d) (d) "Special zoning permission" has the meaning given in s. 59.69 (15) (g).

59.692(1)(e) (e) "Structure" means a principal structure or any accessory structure including a garage, shed, boathouse, sidewalk, stairway, walkway, patio, deck, retaining wall, porch, or fire pit.

59.692(1c) (1c) To effect the purposes of s. 281.31 and to promote the public health, safety and general welfare, each county shall zone by ordinance all shorelands in its unincorporated area. This ordinance may be enacted separately from ordinances enacted under s. 59.69.

59.692(1d) (1d)

59.692(1d)(a)(a) An ordinance enacted under this section may not regulate a matter more restrictively than the matter is regulated by a shoreland zoning standard.

59.692(1d)(b) (b) Paragraph (a) does not prohibit a county from enacting a shoreland zoning ordinance that regulates a matter that is not regulated by a shoreland zoning standard.

59.692(1f) (1f)

59.692(1f)(a)(a) A county shoreland zoning ordinance may not require a person to do any of the following:

59.692(1f)(a)1. 1. Establish a vegetative buffer zone on previously developed land.

59.692(1f)(a)2. 2. Expand an existing vegetative buffer zone.

59.692(1f)(b) (b) A county shoreland zoning ordinance may require a person to maintain a vegetative buffer zone that exists on July 14, 2015, if the ordinance also does all of the following:

59.692(1f)(b)1. 1. Allows the buffer zone to contain a viewing corridor that is at least 35 feet wide for every 100 feet of shoreline frontage.

59.692(1f)(b)2. 2. Allows a viewing corridor to run contiguously for the entire maximum width established under subd. 1.

59.692(1h) (1h) If a professional land surveyor licensed under ch. 443, in measuring a setback from an ordinary high-water mark of a navigable water as required by an ordinance enacted under this section, relies on a map, plat, or survey that incorporates or approximates the ordinary high-water mark in accordance with s. 236.025, the setback measured is the setback with respect to a structure constructed on that property if all of the following apply:

59.692(1h)(a) (a) The map, plat, or survey is prepared by a professional land surveyor, licensed under ch. 443, after April 28, 2016. The same professional land surveyor may prepare the map, plat, or survey and measure the setback.

59.692(1h)(b) (b) The department has not identified the ordinary high-water mark on its Internet site as is required under s. 30.102 at the time the setback is measured.

59.692(1k) (1k)

59.692(1k)(a)(a) The department may not impair the interest of a landowner in shoreland property by establishing a shoreland zoning standard, and a county may not impair the interest of a landowner in shoreland property by enacting or enforcing a shoreland zoning ordinance, that does any of the following:

59.692(1k)(a)1. 1. Requires any approval to install or maintain outdoor lighting in shorelands, imposes any fee or mitigation requirement to install or maintain outdoor lighting in shorelands, or otherwise prohibits or regulates outdoor lighting in shorelands if the lighting is designed or intended for residential use.

59.692(1k)(a)2. 2. Except as provided in par. (b), requires any approval or imposes any fee or mitigation requirement for, or otherwise prohibits or regulates, the maintenance, repair, replacement, restoration, rebuilding, or remodeling of all or any part of a nonconforming structure or a structure of which any part is legally located in the shoreland setback area by operation of a variance granted before July 13, 2015, if the activity does not expand the footprint of the structure.

59.692 Note NOTE: The cross-reference to par. (b) was changed from subd. 2. by the legislative reference bureau under s. 13.92 (1) (bm) 2. to reflect the renumbering under s. 13.92 (1) (bm) 2. of 59.692 (1k) (a) 2., as created by 2015 Wis. Act 55.

59.692(1k)(a)2m. 2m. Except as provided in pars. (b) and (bm), requires any approval or imposes any fee or mitigation requirement for, or otherwise prohibits or regulates, the maintenance, repair, replacement, restoration, rebuilding, or remodeling of all or any part of a structure listed under sub. (1n) (d) that was legally constructed wholly or partially within the shoreland setback area if the activity does not expand the footprint of the existing structure.

59.692(1k)(a)3. 3. Requires any inspection or upgrade of a structure before the sale or other transfer of the structure may be made.

59.692(1k)(a)4. 4. Requires any approval or imposes any fee or mitigation requirement for, or otherwise prohibits or regulates, the vertical expansion of a nonconforming structure or a structure of which any part is legally located in the shoreland setback area by operation of a variance granted before July 13, 2015, unless the vertical expansion would extend more than 35 feet above grade level.

59.692(1k)(a)6. 6. Prohibits placement in a shoreland setback area of a device or system authorized under par. (a) 5. [par. (am) 1.]

59.692 Note NOTE: The correct cross-reference is shown in brackets. Corrective legislation is pending.

59.692(1k)(am) (am) The department may not impair the interest of a landowner in shoreland property by establishing a shoreland zoning standard, and a county may not impair the interest of a landowner in shoreland property by enacting or enforcing a shoreland zoning ordinance, that establishes standards for impervious surfaces unless all of the following apply:

59.692(1k)(am)1. 1. The standards provide that a surface is considered pervious if the runoff from the surface is treated by a device or system, or is discharged to an internally drained pervious area, that retains the runoff on or off the parcel to allow infiltration into the soil.

59.692(1k)(am)2. 2. If the standards allow a greater amount of impervious surface on areas with highly developed shorelines than areas with shorelines that are not highly developed, as determined by the department, the standards also require an area with highly developed shorelines to include at least 500 feet of shoreline and require that one of the following applies:

59.692(1k)(am)2.a. a. The area is composed of a majority of lots with more than 30 percent impervious surface area, as calculated by the county and approved by the department.

59.692(1k)(am)2.b. b. The area is composed of a majority of lots that are less than 20,000 square feet in area.

59.692(1k)(am)2.c. c. The area is located on a lake and served by a sewerage system, as defined in s. 281.01 (14).

59.692(1k)(am)3. 3. The standards prohibit considering a roadway, as defined in s. 340.01 (54), or a sidewalk, as defined in s. 340.01 (58), as impervious surfaces.

59.692(1k)(b) (b) A county shoreland zoning ordinance shall allow an activity specified under par. (a) 2. and 2m. to expand the footprint of a nonconforming structure or a structure listed under sub. (1n) (d) or a structure of which any part is legally located in the shoreland setback area by operation of a variance granted before July 13, 2015, if the expansion is necessary for the structure to comply with applicable state or federal requirements.

59.692 Note NOTE: Par. (b) is shown as affected by 2015 Wis. Acts 167 and 391 and as merged by the legislative reference bureau under s. 13.92 (2) (i). The cross-reference to par. (a) 2. was changed from subd. 1. b. by the legislative reference bureau under s. 13.92 (1) (bm) 2. to reflect the renumbering under s. 13.92 (1) (bm) 2. of s. 59.692 (1k) (a) 1. b., as created by 2015 Wis. Act 55.

59.692(1k)(bm) (bm) A county shoreland zoning ordinance may prohibit an activity specified under par. (a) 2m. from expanding a structure listed under sub. (1n) (d) beyond the 3-dimensional building envelope of the existing structure.

59.692(1k)(c) (c)

59.692(1k)(c)1.1. Nothing in this section prohibits the department from establishing a shoreland zoning standard that allows the vertical or lateral expansion of a nonconforming structure.

59.692(1k)(c)2. 2. Nothing in this section prohibits a county from enacting a shoreland zoning ordinance that allows the vertical or lateral expansion of a nonconforming structure if the ordinance does not conflict with shoreland zoning standards established by the department.

59.692 Note NOTE: Sub. (1k) was created as sub. (1k) (a) by 2015 Wis. Act 55 and renumbered to sub. (1k) by the legislative reference bureau under s. 13.92 (1) (bm) 2.

59.692(1n) (1n)

59.692(1n)(a)(a) In this subsection, "setback" means the distance that a shoreland setback area extends from the ordinary high-water mark.

59.692(1n)(am) (am) Except as provided under pars. (b), (bm), (c), and (d), a county shoreland zoning ordinance shall establish a setback of 75 feet.

59.692(1n)(b) (b) Except as provided in pars. (bm) and (c), if the closest principal structure in each direction along the shoreline to a proposed principal structure exists on an adjacent lot and within 250 feet of the proposed principal structure and both of the existing principal structures are set back less than 75 feet from the ordinary high-water mark, a county shoreland zoning ordinance shall establish a setback equal to the average of the distances that those structures are set back from the ordinary high-water mark but no less than 35 feet.

59.692(1n)(bm) (bm) If a principal structure exists on an adjacent lot and within 250 feet of a proposed principal structure in only one direction along the shoreline, is the closest principal

structure to the proposed principal structure, and is set back less than 75 feet from the ordinary high-water mark, a county shoreland zoning ordinance may establish a setback equal to the average of 75 feet and the distance that the existing structure is set back from the ordinary high-water mark but no less than 35 feet.

59.692(1n)(c) (c)

59.692(1n)(c)1.1. Except as provided in subd. 2., if the closest principal structure in each direction along the shoreline to a proposed principal structure exists on an adjacent lot and within 200 feet of the proposed principal structure and both of the existing principal structures are set back more than 75 feet from the ordinary high-water mark at or farther landward from the setback that was required at the time each structure was built, a county shoreland zoning ordinance may establish a setback equal to the average of the setbacks required for those structures at the time they were built.

59.692(1n)(c)2. 2. Subdivision 1. does not apply if the resulting setback limits the placement of the proposed principal structure to an area on which the structure cannot be built.

59.692(1n)(d) (d) A county shoreland zoning ordinance may not prohibit the construction of any of the following structures within the 75-foot setback requirement under par. (am):

59.692(1n)(d)1. 1. A boathouse, as defined in s. 30.01 (1d), that is located entirely above the ordinary high-water mark.

59.692(1n)(d)2. 2. A structure that satisfies the requirements in sub. (1v).

59.692(1n)(d)3. 3. A fishing raft for which the department has issued a permit under s. 30.126.

Down

Up

59.692(1n)(d)4. 4. A broadcast signal receiver, including a satellite dish, or an antenna that is no more than one meter in diameter and a satellite earth station antenna that is no more than 2 meters in diameter.

59.692(1n)(d)5. 5. A utility transmission line, utility distribution line, pole, tower, water tower, pumping station, well pumphouse cover, private on-site wastewater treatment system that complies with ch. 145, and any other utility structure for which no feasible alternative location outside of the setback exists and which is constructed and placed using best management practices to infiltrate or otherwise control storm water runoff from the structure.

59.692(1n)(d)6. 6. A walkway, stairway, or rail system that is necessary to provide pedestrian access to the shoreline and is no more than 60 inches in width.

59.692(1o) (1o) The department may not promulgate a standard and a county may not enact an ordinance under this section that prohibits the owner of a boathouse in the shoreland setback area that has a flat roof from using the roof as a deck if the roof has no side walls or screens or from having or installing a railing around that roof if the railing is not inconsistent with standards promulgated by the department of safety and professional services under ch. 101.

59.692 Note NOTE: Sub. (1o) was created as sub. (1p) by 2015 Wis. Act 391 and renumbered to sub. (1o) by the legislative reference bureau under s. 13.92 (1) (bm) 2.

59.692(1p) (1p) This section does not authorize a county to impose a requirement, condition, or restriction on land that is not shoreland within the county.

59.692(1r) (1r) An ordinance enacted under this section may not prohibit the maintenance of stairs, platforms or decks that were constructed before August 15, 1991, and that are located in any of the following shorelands:

59.692(1r)(a) (a) The shoreland of Lake Wissota in Chippewa County.

59.692(1r)(b) (b) The shorelands of Lake Holcombe in Chippewa and Rusk counties.

59.692(1t) (1t) A county or the department may not commence an enforcement action against a person who owns a building or structure that is in violation of a shoreland zoning standard or an ordinance enacted under this section if the building or structure has been in place for more than 10 years.

59.692(1v) (1v) A county shall grant special zoning permission for the construction or placement of a structure on property in a shoreland setback area if all of the following apply:

59.692(1v)(a) (a) The part of the structure that is nearest to the water is located at least 35 feet landward from the ordinary high-water mark.

59.692(1v)(b) (b) The total floor area of all of the structures in the shoreland setback area of the property will not exceed 200 square feet. In calculating this square footage, boathouses shall be excluded.

59.692(1v)(c) (c) The structure that is the subject of the request for special zoning permission has no sides or has open or screened sides.

59.692(1v)(d) (d) The county must approve a plan that will be implemented by the owner of the property to preserve or establish a vegetative buffer zone that covers at least 70% of the half of the shoreland setback area that is nearest to the water.

59.692(2) (2)

59.692(2)(a)(a) Except as otherwise specified, all provisions of s. 59.69 apply to ordinances and their amendments enacted under this section whether or not enacted separately from ordinances enacted under s. 59.69, but the ordinances and amendments shall not require approval or be subject to disapproval by any town or town board.

59.692(2)(b) (b) If an existing town ordinance relating to shorelands is more restrictive than an ordinance later enacted under this section affecting the same shorelands, it continues as a town ordinance in all respects to the extent of the greater restrictions, but not otherwise.

59.692(2)(bm) (bm) If a town ordinance enacted by a town that is located entirely on an island in Lake Superior and authorized to exercise village powers under s. 60.22 (3) is more restrictive than an ordinance enacted under this section affecting the same shorelands, regardless of the order of enactment, the town ordinance applies in all respects to the extent of the greater restrictions, but not otherwise.

59.692(2)(c) (c) Ordinances that are enacted under this section shall accord and be consistent with any comprehensive zoning plan or general zoning ordinance applicable to the enacting counties, so far as practicable.

59.692(2m) (2m) A county shoreland zoning ordinance may not regulate the construction of a structure on a substandard lot in a manner that is more restrictive than the shoreland zoning standards for substandard lots.

59.692(3) (3) All powers granted to a county under s. 236.45 may be exercised by it with respect to shorelands, but the county must have or provide a planning agency as defined in s. 236.02 (3).

59.692(4) (4)

59.692(4)(a)(a) Section 66.0301 applies to this section, except that for the purposes of this section an agreement under s. 66.0301 shall be effected by ordinance. If the municipalities as defined in s. 281.31 are served by a regional planning commission under s. 66.0309, the commission may, with its consent, be empowered by the ordinance of agreement to administer each ordinance enacted hereunder throughout its enacting municipality, whether or not the area otherwise served by the commission includes all of that municipality.

59.692(4)(b) (b) Variances and appeals regarding shorelands within a county are for the board of adjustment for that county under s. 59.694, and the procedures of that section apply.

Notwithstanding s. 59.694 (4), the department may not appeal a decision of the county to grant or deny a variance under this section but may, upon the request of a county board of adjustment, issue an opinion on whether a variance should be granted or denied.

59.692(5) (5) An ordinance enacted under this section supersedes all provisions of an ordinance enacted under s. 59.69 that relate to shorelands.

59.692(5m) (5m) If a county has in effect on or after July 14, 2015, a provision in an ordinance that is inconsistent with sub. (1d), (1f), (1k), or (2m), the provision does not apply and may not be enforced.

59.692(6) (6) If a county does not enact an ordinance by January 1, 1968, or if the department, after notice and hearing, determines that a county has enacted an ordinance that fails to meet the shoreland zoning standards, the department shall adopt such an ordinance for the county. As far as possible, s. 87.30 shall apply to this subsection.

59.692(6m) (6m) For an amendment to an ordinance enacted under this section that affects an activity that meets all of the requirements under s. 281.165 (2), (3) (a), or (4) (a), the department may not proceed under sub. (6), or otherwise review the amendment, to determine whether the ordinance, as amended, fails to meet the shoreland zoning standards.

Down

Up

59.692(7) (7)

59.692(7)(a)(a) In this subsection, "facility" means any property or equipment of a public utility, as defined in s. 196.01 (5), or a cooperative association organized under ch. 185 for the purpose of producing or furnishing heat, light, or power to its members only, that is used for the transmission, delivery, or furnishing of natural gas, heat, light, or power.

59.692(7)(b) (b) The construction and maintenance of a facility is considered to satisfy the requirements of this section and any county ordinance enacted under this section if any of the following applies:

59.692(7)(b)1. 1. The department has issued all required permits or approvals authorizing the construction or maintenance under ch. 30, 31, 281, or 283.

59.692(7)(b)2. 2. No department permit or approval under subd. 1. is required for the construction or maintenance and the construction or maintenance is conducted in a manner that employs best management practices to infiltrate or otherwise control storm water runoff from the facility.

59.692 History History: 1979 c. 233; 1981 c. 330; 1983 a. 189 s. 329 (23); 1991 a. 39; 1993 a. 329; 1995 a. 201 s. 476; Stats. 1995 s. 59.692; 1995 a. 227; 1997 a. 27, 35, 252; 1999 a. 9; 1999 a. 150 s. 672; 2005 a. 112; 2011 a. 6, 170; 2013 a. 80; 2015 a. 55, 146, 167, 178, 391; s. 13.92 (1) (bm) 2., (2) (i).

59.692 Cross-reference Cross-reference: See also ch. NR 115, Wis. adm. code.

59.692 AnnotationThe DNR, as trustee of navigable waters in the state, has standing to appeal shoreline zoning decisions. *DNR v. Walworth County Board of Adjustment*, 170 Wis. 2d 406, 489 N.W.2d 631 (Ct. App. 1992).

59.692 AnnotationThe private right to fill lakebeds granted under s. 30.11 does not preempt the zoning power of a county over shorelands under this section. *State v. Land Concepts, Ltd.* 177 Wis. 2d 24, 501 N.W.2d 817 (Ct. App. 1993).

59.692 AnnotationThe legal standard of unnecessary hardship requires that the property owner demonstrate that without a variance there is no reasonable use for the property. When the property owner has a reasonable use for the property, the statute takes precedence and the

variance should be denied. *State v. Kenosha County Board of Adjustment*, 218 Wis. 2d 396, 577 N.W.2d 813 (1998), 96-1235. See also *State v. Outagamie*, 2001 WI 78, 244 Wis. 2d 613, 628 N.W.2d 376, 98-1046.

59.692 Annotation The burden is on the applicant for a variance to demonstrate through evidence that without the variance he or she is prevented from enjoying any reasonable use of the property. *State ex rel. Spinner v. Kenosha County Board of Adjustment*, 223 Wis. 2d 99, 588 N.W.2d 662 (Ct. App. 1998), 97-2094.

59.692 Annotation The state, in administering the Fair Housing Act, may not order a zoning board to issue a variance based on characteristics unique to the landowner rather than the land. *County of Sawyer Zoning Board v. Department of Workforce Development*, 231 Wis. 2d 534, 605 N.W.2d 627 (Ct. App. 1999), 99-0707.

59.692 Annotation In evaluating whether to grant an area variance to a zoning ordinance, a board of adjustment should focus on the purpose of the zoning law at issue in determining whether an unnecessary hardship exists for the property owner seeking the variance. The facts of the case should be analyzed in light of that purpose, and boards of adjustment must be afforded flexibility so that they may appropriately exercise their discretion. *State v. Waushara County Board of Adjustment*, 2004 WI 56, 271 Wis. 2d 547, 679 N.W.2d 514, 02-2400.

59.692 Annotation The term "floor area" in sub. (1v) (b) unambiguously encompasses only the surface portion of a deck's floorboards and, therefore, does not include portions of the deck's support system that extend beyond the floorboards. If a portion of a structure is outside the setback area, that part is not in the setback area and it is not the portion "extending into" that area for purposes of calculating the 200 square foot restriction in sub. (1v) (b). *Propp v. Sauk County Board of Adjustment*, 2010 WI App 25, 323 Wis. 2d 495, 779 N.W.2d 705, 09-0209.

59.692 Annotation Appellants appropriately relied on the county's zoning map to identify the ordinary high water mark of a nearby lake and determine that the sign's proposed location was outside the county's 1,000 foot zone of shoreland authority. It was reasonable for the appellant to rely on the map rather than conduct on-site measurements. *Oneida County v. Collins Outdoor Advertising, Inc.* 2011 WI App 60, 333 Wis. 2d 216, 798 N.W.2d 724, 10-0084.

59.692 Annotation By enactment of this section and s. 281.31, the legislature intended that towns would not have authority to regulate shorelands except where such regulation fell within the language of sub. (2) (b). That statutory scheme does not distinguish between towns with village powers and those without. *Hegwood v. Town of Eagle Zoning Board of Appeals*, 2013 WI App 118, 351 Wis. 2d 196, 839 N.W.2d 111, 12-2058.

59.692 Annotation County floodplain zoning ordinances may be adopted under s. 59.971 [now 59.692] and do not require the approval of town boards in order to become effective within the unincorporated areas of the county. 62 Atty. Gen. 264.

59.692 Annotation Counties may zone lands located within 300 feet of an artificial ditch that is navigable in fact. 63 Atty. Gen. 57.

59.692 Annotation County shoreland zoning of unincorporated areas adopted under s. 59.971 [now 59.692] is not superseded by municipal extraterritorial zoning under s. 62.23 (7a). Sections 59.971, 62.23 (7), (7a) and 144.26 [now 281.31] are discussed. Municipal extraterritorial zoning within shorelands is effective insofar as it is consistent with, or more restrictive than, the county shoreland zoning regulations. 63 Atty. Gen. 69.

59.692 Annotation A county may not enact a shoreland zoning ordinance without a provision regulating nonconforming uses that have been discontinued for 12 months or longer. A county

may enact an ordinance without the 50% provision under s. 59.69 (10) (a) [now s. 59.69 (10) (am)], in which case common law controls. OAG 2-97.

59.692 AnnotationWisconsin's Shoreland Management Program: An Assessment With Implications for Effective Natural Resources Management and Protection. Kuczynski. 1999 WLR 273.

59.692 AnnotationThe necessity of zoning variance or amendments notice to the Wisconsin department of natural resources under the shoreland zoning and navigable waters

Chapter NR 115

WISCONSIN'S SHORELAND PROTECTION PROGRAM

NR 115.01	Purpose.
NR 115.02	Applicability.
NR 115.03	Definitions.

NR 115.04	Shoreland-wetlands.
NR 115.05	Minimum zoning standards for shorelands.
NR 115.06	Department duties.

Note: Chapter NR 115 as it existed on July 31, 1980, was repealed and a new chapter NR 115 was created effective August 1, 1980.

NR 115.01 Purpose. Section 281.31, Stats., provides that shoreland subdivision and zoning regulations shall: "further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structure and land uses and reserve shore cover and natural beauty." Section 59.692, Stats., requires counties to effect the purposes of s. 281.31, Stats., and to promote the public health, safety and general welfare by adopting zoning regulations for the protection of all shorelands in unincorporated areas that meet shoreland zoning standards promulgated by the department. The purpose of this chapter is to establish minimum shoreland zoning standards for ordinances enacted under s. 59.692, Stats., for the purposes specified in s. 281.31 (1), Stats., and to limit the direct and cumulative impacts of shoreland development on water quality; near-shore aquatic, wetland and upland wildlife habitat; and natural scenic beauty. Nothing in this rule shall be construed to limit the authority of a county to enact more restrictive shoreland zoning standards under s. 59.69 or 59.692, Stats., to effect the purposes of s. 281.31, Stats.

Note: Effective April 17, 2012, 2011 Wisconsin Act 170 created s. 59.692 (2m), Stats., which prohibits a county from enacting, and a county, city, or village from enforcing, any provision in a county shoreland or subdivision ordinance that regulates the location, maintenance, expansion, replacement, repair, or relocation of a nonconforming building if the provision is more restrictive than the standards for nonconforming buildings under ch. NR 115; or the construction of a structure or building on a substandard lot if the provision is more restrictive than the standards for substandard lots under ch. NR 115.

2011 Wisconsin Act 170 also created other provisions that affect how a county regulates nonconforming uses and buildings, premises, structures, or fixtures under its general zoning ordinance.

History: Cr. Register, July, 1980, No. 295, eff. 8-1-80; reprinted to correct error, Register, December, 1980; corrections made under s. 13.93 (2m) (b) 7., Stats., Register, April, 2000, No. 532; CR 05-058; r. and recr. Register January 2010 No. 649, eff. 2-1-10.

NR 115.02 Applicability. The provisions of this chapter apply to county regulation of the use and development of unincorporated shoreland areas, and to annexed or incorporated areas except as provided in s. 59.692 (7), Stats. Unless specifically exempted by law, all cities, villages, towns, counties and, when s. 13.48 (13), Stats., applies, state agencies are required to comply with, and obtain all necessary permits under, local shoreland ordinances. The construction, reconstruction, maintenance or repair of state highways and bridges carried out under the direction and supervision of the Wisconsin department of transportation is not subject to local shoreland zoning ordinances if s. 30.2022 (1), Stats., applies.

Note: Under section 59.692 (7), Stats., areas annexed after May 7, 1982 and areas incorporated after April 30, 1994 were generally subject to the county shoreland zoning ordinances in effect on the date of annexation or incorporation. Effective December 14, 2013, 2013 Wis. Act 80 repealed s. 59.692 (2m) (c) and (7), amended s. 59.692 (6m), and created ss. 61.353 and 62.233. 2013 WI Act 80 is retroactive as well as prospective, and applies to all shorelands areas annexed since May 7, 1982 or incorporated since April 30, 1994.

History: Cr. Register, July, 1980, No. 295, eff. 8-1-80; am. Register, October, 1980, No. 298, eff. 11-1-80; CR 05-058; am. Register January 2010 No. 649, eff. 2-1-10; correction made under s. 13.92 (4) (b) 7., Stats., Register January 2010 No. 649.

NR 115.03 Definitions. For the purpose of this chapter:

(1d) "Access and viewing corridor" means a strip of vegetated land that allows safe pedestrian access to the shore through the vegetative buffer zone.

(1h) "Boathouse" means a permanent structure used for the storage of watercraft and associated materials and includes all structures which are totally enclosed, have roofs or walls or any combination of these structural parts.

(1p) "Building envelope" means the three dimensional space within which a structure is built.

(2) "County zoning agency" means that committee or commission created or designated by the county board under s. 59.69 (2) (a), Stats., to act in all matters pertaining to county planning and zoning.

(3) "Department" means the department of natural resources.

(3m) "Existing development pattern" means that principal structures exist within 250 feet of a proposed principal structure in both directions along the shoreline.

(4) "Flood plain" means the land which has been or may be hereafter covered by flood water during the regional flood. The flood plain includes the floodway and the flood fringe as those terms are defined in ch. NR 116.

(4g) "Impervious surface" means an area that releases as runoff all or a majority of the precipitation that falls on it. "Impervious surface" excludes frozen soil but includes rooftops, sidewalks, driveways, parking lots, and streets unless specifically designed, constructed, and maintained to be pervious.

(4r) "Mitigation" means balancing measures that are designed, implemented and function to restore natural functions and values that are otherwise lost through development and human activities.

(5) "Navigable waters" means Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. Under s. 281.31 (2) (d), Stats., notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under s. 59.692, Stats., and this chapter do not apply to lands adjacent to farm drainage ditches if:

(a) Such lands are not adjacent to a natural navigable stream or river;

(b) Those parts of such drainage ditches adjacent to such lands were nonnavigable streams before ditching or had no previous stream history; and

(c) Such lands are maintained in nonstructural agricultural use.

Note: In *Muench v. Public Service Commission*, 261 Wis. 492 (1952), the Wisconsin Supreme Court held that a stream is navigable in fact if it is capable of floating any boat, skiff, or canoe, of the shallowest draft used for recreational purposes. In *DeGayner and Co., v. Department of Natural Resources*, 70 Wis. 2d 936 (1975), the court also held that a stream need not be navigable in its normal or natural condition to be navigable in fact. The DeGayner opinion indicates that it is proper to consider artificial conditions, such as beaver dams, where such conditions have existed long enough to make a stream useful as a highway for recreation or commerce, and to consider ordinarily recurring seasonal fluctuations, such as spring floods, in determining the navigability of a stream.

(6) "Ordinary high-water mark" means the point on the bank or shore up to which the presence and action of surface water is

so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic. Where the bank or shore at any particular place is of such character that it is difficult or impossible to ascertain where the point of ordinary high-water mark is, recourse may be had to the opposite bank of a stream or to other places on the shore of a lake or flowage to determine whether a given stage of water is above or below the ordinary high-water mark.

(7) "Regional flood" means a flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular stream because of like physical characteristics once in every 100 years.

Note: The regional flood is based upon a statistical analysis of streamflow records available for watershed and/or an analysis of rainfall and runoff characteristics in the general watershed region. The flood frequency of the regional flood is once in every 100 years. In any given year, there is a 1% chance that the regional flood may occur. During a typical 30-year mortgage period, the regional flood has a 26% chance of occurring.

(7m) "Routine maintenance of vegetation" means normally accepted horticultural practices that do not result in the loss of any layer of existing vegetation and do not require earth disturbance.

(8) "Shorelands" means lands within the following distances from the ordinary high-water mark of navigable waters: 1,000 feet from a lake, pond or flowage; and 300 feet from a river or stream or to the landward side of the flood plain, whichever distance is greater.

(9) "Shoreland-wetland zoning district" means a zoning district, created as a part of a county shoreland zoning ordinance, comprised of shorelands that are designated as wetlands on the Wisconsin wetland inventory maps prepared by the department.

(10) "Special exception (conditional use)" means a use which is permitted by a shoreland zoning ordinance provided that certain conditions specified in the ordinance are met and that a permit is granted by the board of adjustment or, where appropriate, the planning and zoning committee or county board.

(11) "Unnecessary hardship" means that circumstance where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing area, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the zoning ordinance.

(13) "Wetlands" means those areas where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation, and which have soils indicative of wet conditions.

History: Cr. Register, July, 1980, No. 295, eff. 8-1-80; renum. (2) to (12) to be (3) to (13), cr. (2), r. and recr. (7), am. (11) and (13), Register, October, 1980, No. 298, eff. 11-1-80; corrections in (2) (a) 1. and (b) 2. made under s. 13.93 (2m) (b) 7., Stats., Register, April, 2000, No. 532; CR 05-058; am. (intro.), renum. (1) to be (1h), cr. (1d), (1p), (3m), (4g), (4f) and (7m), r. (12) Register January 2010 No. 649, eff. 2-1-10.

NR 115.04 Shoreland-wetlands. (1) ESTABLISHMENT OF SHORELAND-WETLAND ZONING DISTRICTS. Counties shall adopt shoreland ordinances that include zoning regulations for shoreland-wetland zoning districts.

(2) AMENDMENT OF SHORELAND-WETLAND MAPS AND ZONING DISTRICTS. (a) County review of wetland inventory map amendments. After the department amends final Wisconsin wetland inventory maps:

1. The department shall transmit to the county zoning agency designated under s. 59.69 (2) (a), Stats., digital files or paper copies of amended wetland inventory maps for that county.

2. If the county believes that the amended maps are inaccurate, within 30 days of receiving the amended maps the county shall note discrepancies on the maps with an accompanying narrative explaining the amended problem areas and return a copy of the notated map and narrative to the department.

3. The department shall, at department expense, consult available soil survey maps and conduct on-site inspections, if appropriate, in order to evaluate the county recommendations, and shall then prepare final amended Wisconsin wetland inventory maps for that county.

Note: As of 1985 all counties adopted official wetland zoning maps and amendments occur as accuracy increases.

(b) *County amendment of shoreland-wetland maps and zoning districts.* 1. Within 6 months after receipt of final amended Wisconsin wetland inventory maps for that county from the department, a county shall zone all shorelands designated as wetlands on the amended Wisconsin wetland inventory maps in a shoreland-wetland zoning district. If a county fails to zone all shoreland-wetlands within this 6 month period, s. NR 115.06 (3) (b) shall apply.

2. Ordinance text and map amendments creating or amending shoreland-wetland zoning districts shall be referred to the county zoning agency for public hearing as required by s. 59.69 (5) (e) 2., Stats.

Note: Where an apparent discrepancy exists between a shoreland-wetland district shown on an amended map and actual field conditions, the county shall contact the department to determine if the amended map is in error. If the department determines that a particular area was incorrectly mapped as wetland or meets the wetland definition but was not shown as wetland on the map, the county shall have the authority to immediately grant or deny a shoreland zoning permit in accordance with the applicable regulations based on the department determination as to whether the area is wetland. In order to correct wetland mapping errors on the official zoning map, an official map amendment must be initiated within a reasonable period of time, not to exceed one year following the determination.

3. At least 10 days prior to the public hearing, the county shall provide the appropriate regional office of the department with a copy of the proposed text and map amendments and with written notice of the public hearing.

(c) *Amendment of shoreland-wetland zoning districts.* 1. Official ordinance amendments are required for any proposed change in shoreland-wetland zoning. Such amendments shall be made in accordance with provisions of s. 59.69 (5) (e), Stats. Official amendments to the ordinance text shall be made promptly. Provided the ordinance text is promptly amended, a county may amend its official map within a reasonable period of time not to exceed one year following the change in shoreland-wetland zoning.

2. The county clerk shall submit a copy of every proposed amendment to a shoreland-wetland zoning district to the appropriate regional office of the department within 5 days of the filing of such proposed amendment with the clerk.

3. All proposed text and map amendments to shoreland-wetland zoning districts shall be referred to the county zoning agency for a public notice and hearing as required by s. 59.69 (5) (e) 2., Stats. The appropriate regional office of the department shall be provided with written notice of the public hearing at least 10 days prior to such hearing.

4. In order to ensure that the shoreland protection objectives found in s. 281.31, Stats., will be accomplished by the county shoreland ordinance, a county shall not rezone a shoreland-wetland zoning district, or portion thereof, if the proposed rezoning may result in a significant adverse impact upon any of the following:

- Storm and flood water storage capacity;
- Maintenance of dry season stream flow, or the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland;
- Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
- Shoreline protection against soil erosion;
- Fish spawning, breeding, nursery or feeding grounds;
- Wildlife habitat; or

g. Areas of special recreational, scenic or scientific interest, including scarce wetland types.

5. If the department determines that the proposed rezoning may have a significant adverse impact upon any of the criteria listed in subd. 4., the department shall notify the county zoning agency of its determination either prior to or during the public hearing held on the proposed amendment.

6. As soon as possible after holding a public hearing, the county zoning agency shall submit its written findings and recommendations to the county board. Said findings shall outline the reason for the agency's recommendations. After receipt of the county zoning agency's findings and recommendations, the board may approve or disapprove of the proposed amendment.

7. The appropriate regional office of the department shall be provided with all of the following:

a. A copy of the county zoning agency's findings and recommendations on the proposed amendment within 10 days after the submission of those findings and recommendations to the county board;

b. Written notice of the board's decision on the proposed amendment within 10 days after it is issued.

8. If the county board approves of the proposed amendment and the department determines, after review as required by s. NR 115.06 (2) (c), that the county shoreland zoning ordinance if so amended would no longer comply with the requirements of s. 59.692, Stats., and this chapter, the department shall, after notice and hearing, adopt a complying ordinance for the county, under s. 59.692 (6), Stats.

9. If the department has notified the county zoning agency that a proposed amendment may have a significant adverse impact upon any of the criteria listed in subd. 4., that proposed amendment, if approved by the county board, shall not become effective until more than 30 days have elapsed since written notice of the county board's approval was mailed to the department, as required by subd. 7. If within the 30-day period the department notifies the county board that the department intends to adopt a superseding shoreland zoning ordinance for the county under s. 59.692 (6), Stats., the proposed amendment shall not become effective while the ordinance adoption procedure is proceeding, but shall have its effect stayed until the s. 59.692 (6), Stats., procedure is completed or otherwise terminated.

(3) PERMITTED USES IN SHORELAND-WETLAND ZONING DISTRICTS. Within shoreland-wetland zoning districts, counties shall permit the following uses subject to the general requirements of s. NR 115.05, the provisions of chs. 30 and 31, Stats., and other state and federal laws, if applicable:

(a) Hiking, fishing, trapping, hunting, swimming and boating.

(b) The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops and that does not involve filling, flooding, draining, dredging, ditching, tiling or excavating.

(c) The practice of silviculture, including the planting, thinning and harvesting of timber, provided that no filling, flooding, draining, dredging, ditching, tiling or excavating is done except as required to construct and maintain roads which are necessary to conduct silviculture activities, which cannot as a practical matter be located outside the wetland, and which are designed and constructed to minimize the adverse impact upon the natural functions of the wetland, or except as required for temporary water level stabilization measures to alleviate abnormally wet or dry conditions which would have an adverse impact on the conduct of silvicultural activities if not corrected.

Note: Local units of government, in the development and application of ordinances which apply to shoreland areas, must consider other programs of statewide interest and other state regulations affecting the lands to be regulated, i.e. regulations and management practices applicable to state and county forests and lands entered under the forest cropland and managed forest land programs.

(d) The pasturing of livestock and the construction and maintenance of fences, provided that no filling, flooding, draining, dredging, ditching, tiling or excavating is done.

(e) The cultivation of agricultural crops if cultivation can be accomplished without filling, flooding or artificial drainage of the wetland through ditching, tiling, dredging or excavating except that flooding, dike and dam construction, and ditching shall be allowed for the purpose of growing and harvesting cranberries. The maintenance and repair of existing drainage systems (such as ditching and tiling) shall be permitted. The construction and maintenance of roads shall be permitted if the roads are necessary for agricultural cultivation, cannot as a practical matter be located outside the wetland, and are designed and constructed to minimize the adverse impact upon the natural functions of the wetland.

(f) The construction and maintenance of duck blinds provided that no filling, flooding, draining, dredging, ditching, tiling or excavating is done.

(g) The construction and maintenance of nonresidential structures, not to exceed 500 square feet, used solely in conjunction with the raising of waterfowl, minnows, or other wetland or aquatic animals, or used solely for some other purpose which is compatible with wetland preservation if the structure cannot as a practical matter be located outside the wetland, provided that no filling, flooding, draining, dredging, ditching, tiling or excavating is done.

(h) The construction and maintenance of piers, docks and walkways, including those built on pilings, provided that no filling, flooding, dredging, draining, ditching, tiling or excavating is done.

(i) The establishment and development of public and private parks and recreation areas, boat access sites, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game preserves and private wildlife habitat areas, provided that no filling is done and that any private wildlife habitat area is used exclusively for that purpose. The owner or operator of a new private recreation or wildlife area to be located in a shoreland-wetland zoning district shall be required to notify the county zoning agency of the proposed project before beginning construction. Ditching, excavating, dredging, dike and dam construction shall be allowed in wildlife refuges, game preserves, and private wildlife habitat areas for the purpose of improving wildlife habitat or to otherwise enhance wetland values.

(j) The construction and maintenance of electric, gas, telephone water and sewer transmission and distribution lines, and related facilities, by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power or water to their members, which cannot as a practical matter be located outside the wetland, provided that any filling, excavating, ditching or draining necessary for such construction or maintenance is done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the wetland.

Note: Major electrical generating facilities and high-voltage transmission lines that have obtained a certificate of public convenience and necessity under s. 196.491, Stats., are not subject to the requirements of local ordinances.

(k) The construction and maintenance of railroad lines which cannot as a practical matter be located outside the wetland, provided that any filling, excavating, ditching or draining necessary for the construction or maintenance is done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the wetland.

(L) The maintenance, repair, replacement, and reconstruction of existing town and county highways and bridges.

(4) PROHIBITED USES IN SHORELAND-WETLAND ZONING DISTRICTS. Any use not permitted in sub. (3) is prohibited in a shoreland-wetland zoning district unless the wetland or portion thereof is rezoned by amendment of the county shoreland zoning

ordinance in accordance with s. 59.69 (5) (e), Stats., and the procedures outlined in sub. (2) (c).

History: CR 05-058; or. Register January 2010 No. 649, eff. 2-1-10.

NR 115.05 Minimum zoning standards for shorelands. (1) ESTABLISHMENT OF SHORELAND ZONING STANDARDS. The shoreland zoning ordinance adopted by each county shall control use of shorelands to afford the protection of water quality as specified in chs. NR 102 and 103. At a minimum, the ordinance shall include all of the following provisions:

(a) *Minimum lot sizes.* Minimum lot sizes in the shoreland area shall be established to afford protection against danger to health, safety and welfare, and protection against pollution of the adjacent body of water.

1. 'Sewered lots.' Lots served by public sanitary sewer shall have a minimum average width of 65 feet and a minimum area of 10,000 square feet.

2. 'Unsewered lots.' Lots not served by public sanitary sewer shall have a minimum average width of 100 feet and a minimum area of 20,000 square feet.

3. 'Substandard lots.' A legally created lot or parcel that met minimum area and minimum average width requirements when created, but does not meet current lot size requirements, may be used as a building site if all of the following apply:

Note: Effective April 17, 2012, 2011 Wisconsin Act 170 created s. 59.692 (2m), Stats., which prohibits a county from enacting, and a county, city, or village from enforcing, any provision in a county shoreland or subdivision ordinance that regulates the construction of a structure or building on a substandard lot if the provision is more restrictive than the standards for substandard lots under ch. NR 115.

a. The substandard lot or parcel was never reconfigured or combined with another lot or parcel by plat, survey, or consolidation by the owner into one property tax parcel.

b. The substandard lot or parcel has never been developed with one or more of its structures placed partly upon an adjacent lot or parcel.

c. The substandard lot or parcel is developed to comply with all other ordinance requirements.

4. 'Planned unit development.' A non-riparian lot may be created which does not meet the requirements of subd. 1. if the county has approved and recorded a plat or certified survey map including that lot within a planned unit development, if the planned unit development contains at least 2 acres or 200 feet of frontage, and if the reduced non-riparian lot sizes are allowed in exchange for larger shoreland buffers and setbacks on those lots adjacent to navigable waters that are proportional to and offset the impacts of the reduced lots on habitat, water quality and natural scenic beauty.

(b) *Building setbacks.* Permitted building setbacks shall be established to conform to health, safety and welfare requirements, preserve natural beauty, reduce flood hazards and avoid water pollution.

1. 'Shoreland setback.' Except where exempt under subd. 1m., a setback of 75 feet from the ordinary high-water mark of any navigable waters to the nearest part of a building or structure shall be required for all buildings and structures. Where an existing development pattern exists, the shoreland setback for a proposed principal structure may be reduced to the average shoreland setback of the principal structure on each adjacent lot, but the shoreland setback may not be reduced to less than 35 feet from the ordinary high-water mark of any navigable waters.

Note: A property owner may seek a variance to a dimensional standard of the county ordinance and a county board of adjustment may review the request pursuant to s. 59.694 (7) (c), Stats.

1m. 'Exempt structures.' All of the following structures are exempt from the shoreland setback standards in subd. 1.:

a. Boathouses located entirely above the ordinary high-water mark and entirely within the access and viewing corridor that do not contain plumbing and are not used for human habitation.

Note: This chapter does not prohibit repair and maintenance of boathouses located above the ordinary high-water mark.

b. Open sided and screened structures such as gazebos, decks, patios and screen houses in the shoreland setback area that satisfy the requirements in s. 59.692 (1v), Stats.

c. Fishing rafts that are authorized on the Wolf river and Mississippi river under s. 30.126, Stats.

d. Broadcast signal receivers, including satellite dishes or antennas that are one meter or less in diameter and satellite earth station antennas that are 2 meters or less in diameter.

e. Utility transmission and distribution lines, poles, towers, water towers, pumping stations, well pumphouse covers, private on-site wastewater treatment systems that comply with ch. SPS 383, and other utility structures that have no feasible alternative location outside of the minimum setback and that employ best management practices to infiltrate or otherwise control storm water runoff from the structure.

f. Walkways, stairways or rail systems that are necessary to provide pedestrian access to the shoreline and are a maximum of 60-inches in width.

2. 'Floodplain structures.' Buildings and structures to be constructed or placed in a flood plain shall be required to comply with any applicable flood plain zoning ordinance.

3. 'Boathouses.' The use of boathouses for human habitation and the construction or placing of boathouses beyond the ordinary high-water mark of any navigable waters shall be prohibited.

(c) *Vegetation.* To protect natural scenic beauty, fish and wildlife habitat, and water quality, a county shall regulate removal of vegetation in shoreland areas, consistent with the following:

1. The county shall establish ordinance standards that consider sound forestry and soil conservation practices and the effect of vegetation removal on water quality, including soil erosion, and the flow of effluents, sediments and nutrients.

Note: In developing and applying ordinances which apply to shoreland areas, local units of government must consider other applicable law and programs affecting the lands to be regulated, e.g., law and management practices that apply to state and county forests and lands entered under forest cropland and managed forest land programs, and ss. 59.692 (2) (a) and 59.69 (4) (a), Stats.

2. To protect water quality, fish and wildlife habitat and natural scenic beauty, and to promote preservation and restoration of native vegetation, the county ordinance shall designate land that extends from the ordinary high water mark to a minimum of 35 feet inland as a vegetative buffer zone and prohibit removal of vegetation in the vegetative buffer zone except as follows:

a. The county may allow routine maintenance of vegetation.

b. The county may allow removal of trees and shrubs in the vegetative buffer zone to create access and viewing corridors, provided that the combined width of all access and viewing corridors on a riparian lot or parcel may not exceed the lesser of 30 percent of the shoreline frontage or 200 feet.

c. The county may allow removal of trees and shrubs in the vegetative buffer zone on a parcel with 10 or more acres of forested land consistent with "generally accepted forestry management practices" as defined in s. NR 1.25 (2) (b), and described in Department publication "Wisconsin Forest Management Guidelines" (publication FR-226), provided that vegetation removal be consistent with these practices.

d. The county may allow removal of vegetation within the vegetative buffer zone to manage exotic or invasive species, damaged vegetation, vegetation that must be removed to control disease, or vegetation creating an imminent safety hazard, provided that any vegetation removed be replaced by replanting in the same area as soon as practicable.

Note: Information regarding native plants, shoreland and habitat management is available from the University of Wisconsin-Extension publications website: <http://clear-water.uwex.edu/pubs/index.htm>.

e. The county may authorize by permit additional vegetation management activities in the vegetative buffer zone. The permit issued under this subd. par. shall require that all management activities comply with detailed plans approved by the county and designed to control erosion by limiting sedimentation into the

waterbody, to improve the plant community by replanting in the same area, and to maintain and monitor the newly restored area. The permit also shall require an enforceable restriction to preserve the newly restored area.

(d) *Filling, grading, lagooning, dredging, ditching and excavating.* Filling, grading, lagooning, dredging, ditching and excavating may be permitted only in accordance with the provisions of s. NR 115.04, the requirements of ch. 30, Stats., and other state and federal laws where applicable, and only if done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat and natural scenic beauty.

(e) *Impervious surfaces.* Counties shall establish impervious surface standards to protect water quality and fish and wildlife habitat and protect against pollution of navigable waters. County impervious surface standards shall require all of the following:

1. 'Application.' Impervious surface standards shall apply to the construction, reconstruction, expansion, replacement or relocation of any impervious surface that is or will be located within 300 feet of the ordinary high water mark of any navigable waterway on any of the following:

a. A riparian lot or parcel.

b. A nonriparian lot or parcel that is located entirely within 300 feet of the ordinary high-water mark of any navigable waterway

1m. 'Calculation.' Percentage of impervious surface shall be calculated by dividing the surface area of the existing and proposed impervious surfaces on the lot or parcel by the total surface area of that lot or parcel, and multiplying by 100. For the purposes of this subdivision counties may exclude impervious surfaces described in subd. 3m. If an outlot lies between the ordinary high water mark and the developable lot or parcel described in subd. 1, and both are in common ownership, the lot or parcel and the outlot shall be considered one lot or parcel for the purposes of calculating the percentage of impervious surfaces.

2. 'General standard.' Except as allowed in subds. 2m. to 4., a county may allow up to 15% impervious surface as calculated under subd. 1m on a lot or parcel described in subd. 1.

2m. 'Standard for highly developed shorelines.' At its discretion, a county may adopt an ordinance for highly developed shorelines that allows impervious surface as calculated under subd. 1m on lots or parcels described in subd. 1 as follows: up to 30% for residential land uses or up to 40% for commercial, industrial or business land uses.

a. A "highly developed shoreline" means a shoreline within an area identified as an Urbanized Area or Urban Cluster in the 2010 US Census or a shoreline that has a commercial, industrial or business land use as of January 31, 2013.

b. A county may establish, after conducting a hearing and receiving approval by the department, a map of additional areas of highly developed shorelines not included in subd. 2m. a.

c. An additional area of highly developed shoreline under subd. 2m. b., shall include at least 500 feet of shoreline and as of February 1, 2010, have either a majority of its lots developed with more than 30% impervious surface area as calculated under subd. 1m. or be located on a lake and served by a sewerage system as defined in s. NR 110.03 (30). To obtain approval from the department for an additional area, the county shall provide data to the department that establishes that the additional area meets the criteria under this subd. 2m. c.

3. 'Maximum impervious surface.' A county may allow a property owner to exceed the impervious surface standard under subds. 2. and 2m. provided that all of the following requirements are met:

a. For lots or parcels described under subd. 1. that exceed the impervious surface standard under subd. 2. and are not located within a highly developed shoreline as defined in subd. 2m., a county may allow more than 15% impervious surface but not

more than 30% impervious surface as calculated under subd. 1m on the lot or parcel.

b. For lots or parcels described under subd. 1. and located within an area defined by county ordinance as a highly developed shoreline under subd. 2m., a county may allow more than 30% impervious surface but not more than 40% impervious surface as calculated under subd. 1m on the lot or parcel for properties that have a residential land use, or more than 40% impervious surface but not more than 60% impervious surface as calculated under subd. 1m. for properties that have a commercial, industrial or business land use.

c. For lots or parcels described under subd. 1 that exceed the impervious surface standard under subds. 2. and 2m., but do not exceed the maximum impervious surface standard under subd. 3. a. or b., the county shall issue a permit that requires a mitigation plan approved by the county and implemented by the property owner by the date specified in the permit. The mitigation plan shall include enforceable obligations of the property owner to establish or maintain measures that the county determines adequate to offset the impacts of the impervious surface on water quality, near-shore aquatic habitat, upland wildlife habitat and natural scenic beauty. The mitigation measures shall be proportional to the amount and impacts of the impervious surface being permitted. The obligations of the property owner under the mitigation plan shall be evidenced by an instrument recorded in the office of the county register of deeds.

3m. 'Treated impervious surfaces.' A county may exclude from the calculation under subdivision 1m., any impervious surface where the property owner can show that runoff from the impervious surface is treated by devices such as stormwater ponds, constructed wetlands, infiltration basins, rain gardens, bioswales or other engineered systems, or that the runoff discharges to internally drained pervious area that retains the runoff on the parcel to allow infiltration into the soil.

Note: A property owner may seek a variance to a dimensional standard of the county ordinance, for areas that exceed the maximum impervious surface standard in subd. 3. and do not meet the provisions in subd. 3m. A county board of adjustment must review the request pursuant to s. 59.694 (7) (c), Stats., and applicable case law.

Note: Nothing in this paragraph shall be construed to supersede the setback provisions in par. (b). New structures must meet all setback provisions in the county shoreland ordinance unless the property owner obtains a variance from the County Board of Adjustment.

4. 'Existing impervious surfaces.' For existing impervious surfaces that were lawfully placed when constructed but that do not comply with the standards in subds. 2. and 3., the property owner may do any of the following as long as the property owner does not increase the percentage of impervious surface that existed on the effective date of the county shoreland ordinance:

a. Maintain and repair all impervious surfaces.

b. Replace existing impervious surfaces with similar surfaces within the existing building envelope.

c. Relocate or modify existing impervious surfaces with similar or different impervious surfaces, provided that the relocation or modification meets the applicable setback requirements in par. (b).

Note: For example this provision would allow an existing at-grade patio to be removed and replaced with a new building, if the new building meets the shoreland setback requirements.

Note: Nothing in this paragraph shall be construed to supersede other provisions in county shoreland ordinances.

(f) *Height.* To protect and preserve wildlife habitat and natural scenic beauty, on or after February 1, 2010, a county may not permit any construction that results in a structure taller than 35 feet within 75 feet of the ordinary high-water mark of any navigable waters.

(g) *Nonconforming structures and uses.* 1. 'General rule for nonconforming uses.' Pursuant to ss. 59.69 (10) and 59.692 (2) (a), Stats., an ordinance enacted under those provisions may not prohibit the continuation of the lawful use of a building, structure or property, that exists when an ordinance or ordinance amend-

ment takes effect, which is not in conformity with the provisions of the ordinance or amendment.

2. 'Nonconforming use of temporary structure.' The continuance of the nonconforming use of a temporary structure may be prohibited.

3. 'Discontinued nonconforming use.' If a nonconforming use is discontinued for a period of 12 months, any future use of the building, structure or property shall conform to the ordinance.

4. 'Maintenance of nonconforming principal structure.' An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback under par. (b) 1. may be maintained and repaired within its existing building envelope. Maintenance and repair also includes such activities as interior remodeling, exterior remodeling, and the replacement or enhancement of plumbing or electrical systems, insulation, windows, doors, siding, or roof within the existing building envelope.

5. 'Expansion of nonconforming principal structure within the setback.' An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback under par. (b) 1. may be expanded laterally or vertically, provided that all of the following requirements are met:

a. The use of the structure has not been discontinued for a period of 12 months or more if a nonconforming use.

b. The existing principal structure is at least 35 feet from the ordinary high-water mark.

c. Vertical expansion is limited to the height allowed in s. NR 115.05 (1) (f) and lateral expansions are limited to a maximum of 200 square feet over the life of the structure. No portion of the expansion may be any closer to the ordinary high-water mark than the closest point of the existing principal structure.

d. The county shall issue a permit that requires a mitigation plan that shall be approved by the county and implemented by the property owner by the date specified in the permit. The mitigation plan shall include enforceable obligations of the property owner to establish or maintain measures that the county determines adequate to offset the impacts of the permitted expansion on water quality, near-shore aquatic habitat, upland wildlife habitat and natural scenic beauty. The mitigation measures shall be proportional to the amount and impacts of the expansion being permitted. The obligations of the property owner under the mitigation plan shall be evidenced by an instrument recorded in the office of the county register of deeds.

e. All other provisions of the shoreland ordinance shall be met.

Note: Other provisions include requirements such as impervious surface limitations.

Note: This code does not supercede s. 59.692 (1s), Stats.

5m. 'Expansion of nonconforming principal structure beyond setback'. An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback under par. (b) 1., may be expanded horizontally, landward or vertically provided that the expanded area meets the building setback requirements in par. (b) 1., and that all other provisions of the shoreland ordinance are met. A mitigation plan is not required solely for expansion under this paragraph, but may be required under par. (e) 3.

6. 'Replacement or relocation of nonconforming principal structure.' An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback under par. (b) 1. may be replaced or relocated on the property provided all of the following requirements are met:

a. The use of the structure has not been discontinued for a period of 12 months or more if a nonconforming use.

b. The existing principal structure is at least 35 feet from the ordinary high-water mark.

c. No portion of the replaced or relocated structure is located any closer to the ordinary high-water mark than the closest point of the existing principal structure.

d. The county determines that no other location is available on the property to build a principal structure of a comparable size to the structure proposed for replacement or relocation that will result in compliance with the shoreland setback requirement in par. (b) 1.

e. The county shall issue a permit that requires a mitigation plan that shall be approved by the county and implemented by the property owner by the date specified in the permit. The mitigation plan shall include enforceable obligations of the property owner to establish or maintain measures that the county determines are adequate to offset the impacts of the permitted expansion on water quality, near-shore aquatic habitat, upland wildlife habitat and natural scenic beauty. The mitigation measures shall be proportional to the amount and impacts of the replaced or relocated structure being permitted. The obligations of the property owner under the mitigation plan shall be evidenced by an instrument recorded in the office of the county register of deeds.

g. All other provisions of the shoreland ordinance shall be met.

Note: Other provisions include requirements such as height and impervious surface limitations.

Note: This code does not supercede s. 59.692 (1s), Stats.

Note: Effective April 17, 2012, 2011 Wisconsin Act 170 created s. 59.692 (2m), Stats., which prohibits a county from enacting, and a county, city, or village from enforcing, any provision in a county shoreland or subdivision ordinance that regulates the location, maintenance, expansion, replacement, repair, or relocation of a nonconforming building if the provision is more restrictive than the standards for nonconforming buildings under ch. NR 115.

(2) ESTABLISHMENT OF LAND DIVISION REVIEW. Each county shall review, pursuant to s. 236.45, Stats., all land divisions in shoreland areas which create 3 or more parcels or building sites of 5 acres each or less within a 5-year period. In such review all of the following factors shall be considered:

(a) Hazards to the health, safety or welfare of future residents.

(b) Proper relationship to adjoining areas.

(c) Public access to navigable waters, as required by law.

(d) Adequate storm drainage facilities.

(e) Conformity to state law and administrative code provisions.

(3) ESTABLISHMENT OF SANITARY REGULATIONS. Each county shall adopt sanitary regulations for the protection of health and the preservation and enhancement of water quality.

(a) Where public water supply systems are not available, private well construction shall be required to conform to ch. NR 812.

(b) Where a public sewage collection and treatment system is not available, design and construction of private sewage disposal systems shall, prior to July 1, 1980, be required to comply with ch. SPS 383, and after June 30, 1980, be governed by a private sewage system ordinance adopted by the county under s. 59.70 (5), Stats.

(4) ADOPTION OF ADMINISTRATIVE AND ENFORCEMENT PROVISIONS. The shoreland ordinance adopted by each county shall require all of the following:

(a) The appointment of an administrator and such additional staff as the workload may require.

(b) The creation of a zoning agency, as authorized by s. 59.69, Stats., a board of adjustment, as authorized by s. 59.694, Stats., and a county planning agency, as defined in s. 236.02 (1), Stats., and required by s. 59.692 (3), Stats.

(c) A system of permits for all new construction, development, reconstruction, structural alteration or moving of buildings and structures. A copy of all applications shall be required to be filed in the office of the county zoning administrator.

(d) Regular inspection of permitted work in progress to insure conformity of the finished structures with the terms of the ordinance.

(e) A variance procedure which authorizes the board of adjustment to grant such variance from the terms of the ordinance as will not be contrary to the public interest where, owing to special conditions and the adoption of the shoreland zoning ordinance, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, as long as the granting of a variance does not have the effect of granting or increasing any use of property which is prohibited in that zoning district by the shoreland zoning ordinance.

(f) A special exception (conditional use) procedure for uses presenting special problems.

(g) The county shall keep a complete record of all proceedings before the board of adjustment, zoning agency and planning agency.

(h) Written notice to the appropriate regional office of the department at least 10 days prior to any hearing on a proposed variance, special exception or conditional use permit, appeal for a map or text interpretation, map or text amendment, and copies of all proposed land divisions submitted to the county for review under sub. (2).

(hm) Submission to the appropriate regional office of the department, within 10 days after grant or denial, copies of any decision on a variance, special exception or conditional use permit, or appeal for a map or text interpretation, and any decision to amend a map or text of an ordinance.

(i) Mapped zoning districts and the recording, on an official copy of such map, of all district boundary amendments.

(j) The establishment of appropriate penalties for violations of various provisions of the ordinance, including forfeitures. Compliance with the ordinance shall be enforceable by the use of injunctions to prevent or abate a violation, as provided in s. 59.69 (11), Stats.

(k) The prosecution of violations of the shoreland ordinance.

History: Cr Register, July, 1980, No. 295, eff. 8-1-80; r. and recr. (2) (a) 3., am. (2) (a) 6., (2) (c) 3., 5., 7., 9., 10., (3) (d), (3) (e) 1. and cr. (2) (c) 11. and 12., Register, October, 1980, No. 298, eff. 11-1-80; correction in (5) (a) and (b) made under s. 13.93 (2m) (b) 7., Stats., Register, September, 1995, No. 477; corrections in (2) (a) 1., (b) 2., (d), (e) 1. to 4. (intro.), 8. and 9., (3) (e) 1., (5) (b), (6) (b) and (j) made under s. 13.93 (2m) (b) 7., Stats., Register, April, 2000, No. 532; CR 05-058: am. (title), r. (1) and (2), renum. (3) to (6) to be (1) to (4) and am. (1), (2) (intro.), (4) (intro.) and (h), cr. (4) (hm) Register January 2010 No. 649, eff. 2-1-10; corrections in (1) (b) 1m. e., (5) made under s. 13.92 (4) (b) 7., Stats., Register February 2012 No. 674; correction in (1) (g) 1. made under s. 13.92 (4) (b) 7., Stats., Register January 2014 No. 697; CR 13-051: am. (1) (c) 2. d., r. and recr. (1) (e), am. (1) (g) 4., 5. (intro.), a., c., 6. a., r. (1) (g) 6. f., 7., am. (4) (b), (hm) Register September 2014 No. 705, eff. 10-1-14; corrections in (1) (e) made under s. 13.92 (4) (b) 7., Stats., Register September 2014 No. 705.

NR 115.06 Department duties. (1) ASSISTANCE TO COUNTIES. To the full extent of its available resources, the department shall provide advice and assistance to counties in the development, adoption, administration and enforcement of their shoreland zoning and land division ordinances, seeking the highest practicable degree of uniformity consistent with the shoreland protection objectives found in s. 281.31, Stats. As a part of this effort, the department shall prepare a model shoreland zoning ordinance which counties may use in meeting the requirements of s. 59.692, Stats., and this chapter.

(2) REVIEW AND APPROVAL OF SHORELAND ZONING AND LAND DIVISION ORDINANCES. When determining whether a shoreland zoning or subdivision ordinance or any subsequent amendment enacted by a county complies with s. 59.692, Stats., the department shall compare the ordinance and amendments with the minimum standards and requirements for shoreland regulation in this chapter:

(a) *Initial ordinance.* The department shall issue a certificate of compliance when a county has, in the opinion of the department, complied with s. 59.692, Stats., and this chapter.

(b) *Amendments to ordinance.* The department and each county shall assure that the county shoreland ordinance continues to comply with this chapter by doing the following:

1. 'County duties.' A county shall keep its shoreland zoning and subdivision ordinances in compliance with s. 59.692, Stats., and this chapter by doing all of the following:

a. A county shall amend its shoreland and subdivision ordinances to meet the minimum standards in this chapter within two years after October 1, 2014.

Note: On September 12, 2010, the Secretary of the Department of Natural Resources signed an executive order extending the date by which a county must adopt or amend shoreland and subdivision ordinances to meet the revised standards in ch. NR 115. The date was extended to February 1, 2014.

b. Pursuant to s. NR 115.05 (4) (h) and (hm), a county shall provide the department notice of hearing on any proposed ordinance amendment and a copy of any decision denying or enacting an amendment.

2. 'Department duties.' a. The department may periodically reevaluate county shoreland zoning and subdivision ordinances for continuing compliance with s. 59.692, Stats., and this chapter.

b. The department shall review any ordinance amendment enacted pursuant to subd. 1. a. and shall issue a certificate of compliance when the amended ordinance, in the opinion of the department, complies with s. 59.692, Stats., and this chapter.

(c) *Proposed amendments to shoreland-wetland districts.* The department shall review all proposed amendments to shoreland-wetland zoning districts pursuant to s. NR 115.04 (2) to determine whether an ordinance which is amended as proposed will comply with s. 59.692, Stats., and this chapter.

(3) DETERMINATION OF NONCOMPLIANCE. (a) *Failure to enact initial ordinance or amendments.* A county that does not have a shoreland zoning ordinance and subdivision ordinance in effect or that fails to amend its ordinance as required by sub. (2) (b) 1. shall be deemed to be in noncompliance with s. 59.692, Stats., and this chapter. Pursuant to s. 59.692 (6), Stats., and after notice and hearing, the department shall adopt an ordinance if a county fails to do one of the following:

1. Draft and enact shoreland and subdivision ordinances or required amendments within a time period specified by the department.

2. Contract with a consultant to draft the shoreland and subdivision ordinances or required amendments and enact the ordinances within a time period specified by the department.

3. Cooperate with department staff to draft shoreland and subdivision ordinances or required amendments to be enacted by the county within a time period specified by the department not to exceed 180 days.

(b) *Failure to meet minimum standards in initial ordinance or amendments.* Counties which have shoreland zoning and subdivision ordinances or amendments that the department has reviewed under sub. (2) and found do not meet the minimum standards in this chapter shall be deemed to be in noncompliance with the requirements of s. 59.692, Stats., and this chapter, and the procedures in par. (a) shall apply. If a county fails to modify its ordinance to meet the minimum standards within 6 months after receipt of final amended Wisconsin wetland inventory maps for that county as required by s. NR 115.04 (2) (b), the department shall adopt an ordinance for the county, after notice and hearing, pursuant to s. 59.692 (6), Stats.

(c) *Extension of time.* The department may extend the time periods specified in pars. (a) and (b) if it determines an extension is in the public interest.

(d) *Costs.* Pursuant to ss. 59.692 (6) and 87.30 (1) (c), Stats., the costs of any actions by the department under this subsection to adopt an ordinance or amendments shall be assessed against the county concerned and collected in substantially the same manner as other taxes levied by the state.

(4) MONITORING. It is the responsibility of the department, to aid in the fulfillment of the state's role as trustee of its navigable waters, to monitor the administration and enforcement of shore-

land zoning and land division ordinances. In so doing, the department:

(a) Shall review decisions granting special exceptions (conditional uses), variances and appeals to ensure compliance with the applicable shoreland zoning ordinances and this chapter;

(b) May appeal the actions of county zoning officials to county boards of adjustment, under s. 59.694 (4), Stats.; and

(c) May seek court review of the decisions of boards of adjustment, under s. 59.694 (10), Stats.

History: Cr Register July 1980, No. 295, eff. 8-1-80; am. (3) (b), Register, October, 1980, No. 298, eff. 11-1-80; corrections in (1), (2) (a) and (c), (3) (a) (intro.) and (b), (4) (b) and (c) made under s. 13.93 (2m) (b) 7., Stats., Register, April, 2000, No. 532; CR 05-058; am. (2) and (3) Register January 2010 No. 649, eff. 2-1-10; CR 13-051; am. (2) (b) 1. a, Register September 2014 No. 705, eff. 10-1-14.

8.4 SHORELAND ZONING ORDINANCE

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF DOUGLAS DOES ORDAIN AS FOLLOWS:

SECTION I. STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE, AND TITLE

1.1 Statutory Authorization

This ordinance is adopted pursuant to the authorization in Sections 59.69, 59.692, and 59.693, ~~59.694, 87.30, 236.45 and 281.31~~ Wis. Stats.

1.2 Finding of Fact

Uncontrolled use of the shorelands and pollution of the navigable waters of Douglas County would adversely affect the public health, safety, convenience, and general welfare and impair the tax base. The legislature of Wisconsin has delegated responsibility to the counties to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; and to preserve shore cover and natural beauty. This responsibility is hereby recognized by Douglas County, Wisconsin.

1.3 Purpose and Intent

For the purpose of promoting the public health, safety, convenience and welfare, ~~and promote and protect the public trust in navigable waters~~, this ordinance has been established to:

1.31 Further the maintenance of safe and healthful conditions and prevent and control water pollution through:

- (1) Limiting structures to those areas where soil and geological conditions will provide a safe foundation;
- (2) Establishing minimum lot sizes to provide adequate areas for private ~~sewage disposal facilities~~ ~~on-site waste treatment systems~~;
- (3) Controlling ~~shoreline alterations, dredging and lagooning~~ ~~filling and grading to prevent soil erosion problems~~; and
- (4) ~~Limiting impervious surfaces to control runoff which carries pollutants.~~

1.32 Protect spawning grounds, fish and aquatic life through:

- (1) Preserving wetlands and other fish and aquatic habitat;
- (2) Regulating pollution sources; and

(3) Controlling shoreline alterations, dredging and lagooning.

1.33 Control building sites, placement of structures and land uses through:

~~(1) Separating conflicting land uses;~~

~~(2)~~(1) Prohibiting certain uses detrimental to the ~~shoreland area~~
~~shoreland-wetlands;~~

~~(3)~~(2) Setting minimum lot sizes and widths; ~~and~~

~~(4)~~(3) ~~Regulating side yards and building setbacks from waterways~~ Setting
minimum building setbacks from waterways; and

(4) Setting the maximum height of near-shore structures.

1.34 Preserve ~~shore cover~~ and restore shoreland vegetation and natural scenic beauty through:

(1) Restricting the removal of natural shoreland cover;

(2) Preventing shoreline encroachment by structures;

(3) Controlling shoreland excavation and other earth moving activities; and

(4) Regulating the use and placement of boathouses and other structures.

1.4 Title Shoreland Zoning Ordinance for Douglas County, Wisconsin.

SECTION II. GENERAL PROVISIONS

2.1 Areas to be Regulated

Areas regulated by this ordinance shall include all the lands (referred to herein as shorelands) in the unincorporated areas of Douglas County which are:

2.11 Within one thousand (1,000) feet of the ordinary high water mark of navigable lakes, ponds or flowages. If the navigable water is a glacial pothole lake, this distance shall be measured from the high water mark of the lake. Lakes, ponds or flowage in Douglas County shall be presumed to be navigable if they are listed in the Wisconsin Department of Natural Resources publication "~~Surface Water Resources of Douglas County~~" FH-800, 2009 "Wisconsin Lakes" book available at the following website: <http://dnr.wi.gov/org/water/fhp/lakes/lakemap> or are shown on United States Geological Survey quadrangle maps or other zoning base maps.

- 2.12 Within three hundred (300) feet of the ordinary high water mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater. Rivers and streams in Douglas County shall be presumed to be navigable if they are designated as ~~continuous~~ perennial waterways or intermittent waterways on United States Geological Survey quadrangle maps (1:24,000). Flood hazard boundary maps, flood insurance rate maps, flood boundary-floodway maps, county soil survey maps or other existing county floodplain zoning maps shall be used to delineate floodplain areas.
- 2.13 The provisions of this chapter apply to regulation of the use and development of unincorporated shoreland areas unless specifically exempted by law, all cities, villages, towns, counties and, when s. 13.48(13), Stats., applies, state agencies are required to comply with and obtain all necessary permits under, local shoreland ordinances. The construction, reconstruction, maintenance or repair of state highways and bridges carried out under the direction and supervision of the Wisconsin Department of Transportation is not subject to local shoreland zoning ordinances if s. 30.2022(1), Stats., applies. (NR 115.02) Shoreland zoning requirements in annexed or incorporated areas are provided in s. 61.353 and s. 62.233, Stats.
- 2.134 Determinations of navigability and ordinary high water mark location shall initially be made by the Zoning Administrator. When questions arise, the Zoning Administrator shall contact the appropriate district office of the Department for a final determination of navigability or ordinary high water mark. The county may work with surveyors with regard to s. 59.692(1h).
- 2.145 Under Section 281.31(2m), Wis. Stats., notwithstanding any other provision of law or administrative rule promulgated thereunder, this shoreland zoning ordinance does not apply to lands adjacent to farm drainage ditches if:
- (1) Such lands are not adjacent to a natural navigable stream or river;
 - (2) Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and
 - (3) ~~Such lands are maintained in nonstructural agriculture use.~~ Lands adjacent to artificially constructed drainage ditches, ponds or stormwater retention basins that are not hydrologically connected to a natural navigable water body.

2.2 ~~Shoreland Zoning~~ Shoreland-Wetland Maps

The maps designated below are hereby adopted and made part of this ordinance. They are on file in the office of the Zoning Administrator for Douglas County.

- (1) ~~United States Geological Survey 7.5' Quadrangle Maps for Douglas County:~~ The most recent version of the Wisconsin Wetland Inventory, as depicted on the Department of Natural Resources Water Data Viewer is made part of this ordinance. The

maps can be viewed at: <http://dnr.wi.gov/SL/viewer.html>.

Amnicon Lake	75	Lake Minnesuing	84
Bennett	81	Lake Nebagamon	75
Black Lake	83	Lyman Lake	75
Borea	81	Metzger Lake	84
Buckety Creek	82	Minong Flowage	82
Chittame	71	Moose Junction	83
Chittame NE	71	Oulu	84
Cloverland	61	Parkland	75
Cloverton	83	Patzau	75
Dairyland	83	Poplar	75
Ellison Lake	84	Poplar NE	75
Empire Swamp	83	Scovils Lake	83
Eske	83	Solen Springs	82
Foxboro	54	South Range	75
Frogner	75	Sunnyside	75
Gordon	82	Superior	83
Island Lake	84	West Duluth	83
15' Quads:			
Brule			61

~~Use of 1961 15' USGS Quadrangle shall be limited to that area of Brule 15' not shown on 7.5', Cloverland 61, Lake Nebagamon 75, and Oulu 84.~~

- (2) ~~Wisconsin Wetland Inventory maps stamped "FINAL" on February 12, 1985.~~
- (3)(2) ~~Floodplain zoning maps identified as FIRM, FBFW, and dated February 4, 1981. Floodplain analysis identified in the Dam Failure Study for Pattison Park Dam dated May 1992 and Mooney Dam dated March 1995.~~ **The most recent version of the Flood Insurance Rate Maps created by the Federal Emergency Management Agency (FEMA) including the appendix listed in Ordinance 8.3**
- (4)(3) **Douglas County Official Zoning Map dated December 10, 1970 and amendments.**

2.3 Compliance

The use of any land or water, the size, shape and placement of lots, the use, size, type and location of structures on lots, the installation and maintenance of water supply and waste disposal facilities, the filling, grading, lagooning, dredging of any lands, the cutting of shoreland vegetation, the subdivision of lots, shall be in full compliance with the terms of this ordinance and other applicable local, state or federal regulations.

~~(However, see Section 9.0 for standards applicable to nonconforming uses.)~~ Buildings, signs and other structures shall require a permit unless otherwise expressly excluded by a provision of this ordinance. Property owners, builders and contractors are responsible for compliance with the terms of this ordinance.

2.4 Municipalities and State Agencies Regulated

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply when Section 13.48(13), Wis. Stats. applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when Section ~~30.12(4)(a)~~ 30.2022(1), Wis Stats., applies.

2.5 Abrogation and Greater Restrictions

The provisions of this ordinance supersede ~~all the~~ any provisions of any in a county zoning ordinance ~~adopted under Sections 59.69 and 59.692, Wis. Stats.~~ which solely relate to shorelands. ~~In other words, if a zoning standard only applies to lands that lie within the shoreland and applies because the lands are in shoreland, then this ordinance supercedes those provisions.~~ However, where an ordinance adopted under a statute other than Sections ~~59.69 and 59.692~~ Wis. Stats., ~~does not solely relate to shorelands and~~ is more restrictive than this ordinance, ~~for example a floodplain ordinance,~~ that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

2.51 This ordinance shall not require approval or be subject to disapproval by any town or town board.

2.52 If an existing town ordinance relating to shorelands is more restrictive than this ordinance or any amendments thereto, the town ordinance continues in all respects to the extent of greater restrictions, but not otherwise.

2.53 This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

2.54 The more restrictive provisions of the Douglas County General Zoning Ordinance are hereby incorporated and made part of this ordinance and shall have the same force and effect as if fully numerated herein.

2.55 This ordinance may establish standards to regulate matters that are not regulated in NR 115, but that further the purposes of shoreland zoning as described in Section 1.3 of this ordinance. (s.59.692(1d)(b), Wis Stats.)

2.56 The provisions of Douglas County Zoning Ordinance 8.0 Section IV, Subsection 4.4 apply to the shoreland zone and are referenced herein. (s. 59.692(1d)(b), Wis Stats.)

2.57 Douglas County does not establish or regulate any of the following in the shoreland district (s. 59.692(1k)(a)1., Wis. Stats.):

(1) Approval to install or maintain outdoor lighting in shorelands, impose any fee or mitigation requirement to install or maintain outdoor lighting in shorelands, or otherwise prohibits or regulates outdoor lighting in shorelands if the lighting is designed or intended for residential use.

(2) Requires any inspection or upgrade of a structure before the sale or other

transfer of the structure may be made.

2.58 The construction and maintenance of a facility is considered to satisfy the requirements of a shoreland zoning ordinance if the department has issued all required permits or approvals authorizing the construction or maintenance under ch. 30, 31, 281 or 283. (s.59.692(7), Stats)

2.6 Interpretation

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the county and shall not be deemed a limitation or repeal of any other powers granted by Wisconsin Statutes. Where a provision of this ordinance is required by Statute and a standard in Wis. Adm. Code NR 115, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Statute and NR 115 standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.

2.7 Severability

If any portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

SECTION III. LAND DIVISION REVIEW AND SANITARY REGULATIONS

3.1 Land Division Review

The county shall review, pursuant to Section 236.45, Wis. Stats. and Douglas County Subdivision Ord 8.1, all land divisions in shoreland areas which create one or more parcels or building sites of less than 10 acres each within a 5-year period. In such review the following factors shall be considered:

- (1) Hazards to the health, safety or welfare of future residents;
- (2) Proper relationship to adjoining areas;
- (3) Public access to navigable waters, as required by law;
- (4) Adequate stormwater drainage facilities; and
- (5) Conformity to state law and administrative code provisions.

3.2 Limited Rezoning to Achieve Reduced Lot Sizes and Setbacks

3.21 Purpose

In some instances where an individual lot or small tract of land has unique characteristics, such as unique terrain, which would result in unnecessary hardship as defined in Section 13.2, if the owner were required to comply with one or more of the requirements for minimum lot sizes, width and setback, the Board

of Adjustment may grant a variance. In other instances where larger areas are involved, the appropriate method for seeking a relaxation of the same minimum standards is by rezoning to establish a Planned Residential Unit Development overlay. The Planned Residential Unit Development is intended to permit smaller lots and setbacks where the physical layout of the lots is so arranged (often by setting them back farther from navigable water) as to better assure the control of pollution and preservation of ground cover than would be expected if the lots were developed with the normal lot sizes and setbacks and without special conditions placed upon the Planned Residential Unit Development at the time of its approval. A condition of all Planned Residential Unit Development is the preservation of certain open space, preferably on the shoreland, in perpetuity.

3.22 Requirements for Planned Residential Unit Development

The County Board may at its discretion, upon its own motion or upon petition, approve a Planned Residential Unit Development, either by approving first an overlay district and then a plat or by approving only a plat for the specific planned residential project upon finding, after a public hearing, that all of the following facts exist:

- (1) **Area.** The area proposed for the Planned Residential Unit Development is at least 40 acres in size.
- (2) **Pollution Control.** The location and nature of the septic systems which will serve the home sites individually or collectively will assure that effluent from the septic systems will not reach the ground or surface waters in a condition which would contribute to health hazards, taste, odor, turbidity, fertility or impair the aesthetic character of navigable waters.
- (3) **Preservation of Ground Cover.** The location of home sites and the dedication of part of the land for the use by the public or residents of the Planned Residential Unit Development will preserve the ground cover of the shoreland and scenic beauty of the navigable water, prevent erosion, and other pertinent factors. Land not used for lots and streets shall be dedicated in perpetuity to remain in open space. This may be accomplished by conveyance in common to each of the owners of lots in the development or to a corporation formed by them, or by dedication to the county, town or municipality. Lands dedicated to the public must be accepted by action of the governing body of the accepting unit of government. If the land is to be conveyed to owners of lots in the development, a homeowner's association or similar legally constituted body shall be created to maintain the open space land. Any restriction placed on platted land by covenant, grant of easement or any other manner which was required by a public body or which names a public body as grantee, promisee or beneficiary, shall vest in the public body the right to enforce the restriction at law or in equity against anyone who has or acquires an interest in the land subject to the restriction.

- (4) Density. The number of platted home sites shall not exceed those which would have been possible if the same land were platted in accordance with the minimum lot sizes, setbacks and widths provided by the applicable provisions of the zoning ordinance. This figure shall be determined by dividing the total area of the subdivision, excluding streets, by the minimum lot size required by Section 4.0 of this ordinance.
- (5) Lot Sizes, Widths, Setbacks, and Tree-cutting. The lot sizes, widths, and setbacks shall not be less than those provided for in current statutes, Wis. Adm. Code Comm. Ch. ~~85~~ **SPS 385**, and shall not be so small as to cause pollution or erosion along streets or other public ways and waterways or so small as to substantially depreciate the property values in the immediate neighborhood. ~~Shore cover provisions in Section 6.0 shall apply except that maximum width of a lake frontage opening shall be 100 feet.~~

3.23 Procedure for Establishing a Planned Residential Unit Development District The procedure for establishing limited rezoning in the form of a Planned Residential Unit Development district shall be as follows:

- (1) Petition. A petition setting forth all of the facts required in Section 3.22 shall be submitted to the County Clerk with sufficient copies to provide for distribution by the Clerk as required by Section 3.23(2).
- (2) Review and Hearing. The petition shall be submitted to the county zoning agency established as required by Sections 59.69 and 59.692, Wis. Stats., which shall hold a public hearing and report to the County Board as required by law. Copies of the petition and notice of the hearing shall also be sent to the appropriate district office of the Department as described in Section 11.2 of this ordinance. The county zoning agency's report to the County Board shall reflect the recommendations of any federal, state or local agency with which the county zoning agency consults. If a petition seeks approval of a Planned Residential Unit development plat without first seeking the granting of an overlay district, a hearing shall be held on such plat as in any regular amendment to the zoning ordinance. If, however, a hearing is first held on the overlay for a Planned Residential Unit Development district, a second public hearing need not be held in connection with the approval of a subsequent plat or plats which comply with the overlay district as approved.
- (3) Findings and Conditions of Approval. The County Board shall make written findings as to the compliance or noncompliance of the proposed overlay district with each of the applicable requirements set forth in Section 3.22. If the petition is granted in whole or part, the County Board shall attach such written conditions to the approval as are required by and consistent with Section 3.22. The conditions of approval shall in all cases establish the specific restrictions applicable with regard to minimum lot sizes, width, setbacks and the location of

septic systems and the preservation of ground cover and open space.

- (4) **Planning Studies.** A landowner or petitioner may at his own expense develop the facts required to establish compliance with the provisions of Section 3.22 or may be required to contribute funds to the county to defray all or part of the contribute funds to the county to defray all or part of the cost of such studies being undertaken by the county or any agency or person with whom the county contracts for such work.

3.3 Sanitary Regulations

The county shall adopt sanitary regulations for the protection of health and the preservation and enhancement of water quality.

- (1) Where public water supply systems are not available, private well construction shall be required to conform to Wis. Adm. Code NR Ch. 812.
- (2) Where a public sewage collection and treatment system is not available, design and construction of private sewage disposal systems shall be governed by a private sewage system ordinance adopted by the county under Section 59.70(5), Wis. Stats. **and required to comply with Wis. Admin. Code SPS 383.**

SECTION IV. DIMENSIONS OF BUILDING SITES

- 4.1 ~~Shoreland Lots~~ **Purpose:** Minimum lot sizes in the shoreland area shall be established to afford protection against danger to health, safety and welfare and protection against pollution of the adjacent body of water.

4.2 ~~Shoreline Lots~~ **Lot Sizes**

4.21 **Minimum Area and Width.** The ~~minimum lot area~~ **and lot width** for shoreline lots shall be ~~30,000 square feet and the minimum average lot width shall be 150 feet with at least 150 feet of frontage at the ordinary high water mark~~ **comply with the Zoning Schedule – Dimensional Requirements found herein.**

4.22 ~~Interior Lot Dimensions.~~ ~~Minimum interior lot dimensions are shown on the dimensional schedule attached as page 219~~ **Sewered and Unsewered Lots. Lot sizes shall comply with the Zoning Schedule – Dimensional Requirements found herein.**

4.33 Substandard Lots

4.331 After adoption of this ordinance, no lot areas shall be so reduced that the dimensional and yard requirements required by this ordinance cannot be met. Lots existing and of record prior to adoption of this ordinance, but of substandard

size, may be devoted to uses permitted in the district in which located if such use can be accomplished in compliance with the lot and building dimensional schedule of this ordinance.

4.332 If two or more substandard lots with continuous frontage have the same ownership as of the effective date of this ordinance, the lots involved shall be considered to be an individual ~~one~~ parcel for the purposes of this ordinance.

4.333 Lots created after adoption of this ordinance and which are not served by public sewer systems shall meet the minimum area requirements of the Douglas County Sanitary Code and the Douglas County Subdivision Control Ordinance. ~~Any shoreline lot must have a minimum area of 30,000 square feet and minimum width of 150 feet.~~

4.334 Other substandard lots. Except for lots which meet the requirements of Sections 4.31, 4.32, or 4.33, a building permit for the improvement of a lot having lesser dimensions than those stated in Sections 4.1 and 4.2 shall be issued only after granting of a variance by the Board of Adjustment.

4.335 Lots in Cluster Subdivisions

Lots in cluster subdivisions not served by public sanitary sewers may be reduced to the minimum allowed by the county private sewage system ordinance pursuant to the procedures set forth in Section 3.2 of this ordinance.

SECTION V. SETBACKS FROM THE WATER

5.1 Lots that Abut on Navigable Waters (NR 115.05(1)(b))
Permitted building setbacks shall be established to conform to health, safety and welfare requirements, preserve natural beauty, reduce flood hazards and avoid water pollution. All buildings and structures, except exempt structures, piers, boat hoists, boathouses and open fences which may require a lesser setback, shall be set back at least 75 feet from the ordinary high water mark of navigable waters.

5.2 Structures Exempt from the Minimum Setback in 5.1 in accordance with Wisconsin Statutes 59.692(1v) and WI Administrative Code NR 115.05(1)(b)(1m)

5.21 Boathouses.

5.31 (1) Boathouses shall be designed and constructed solely for the storage of boats and related equipment and shall not be used for human habitation and may not be plumbed.

5.32 (2) Boathouses shall be set back a minimum of 2 feet and no greater than 20 feet from the ordinary high water mark and shall be constructed in conformity with local floodplain zoning standards. Boathouses shall be located within the viewing and access corridor.

5.33 (3) One boathouse is permitted on a lot as an accessory building.

5.34 ~~Boathouses shall not be constructed where the existing slope is more than 20%.~~

- ~~5.35~~ (4) Boathouses shall not exceed one story or 14 feet in height and 250 square feet in floor area.
- ~~5.36~~ Boathouses are not allowed in those townships where a resolution has been adopted prohibiting new construction, and formally presented as an ordinance amendment and approved by the County Board of Supervisors.
- (5) Existing exempt structures that were legally constructed may be maintained, repaired, replaced, restored, rebuilt and remodeled provided the activity does not expand the footprint and does not go beyond the three-dimensional building envelope of the existing structure.
- (6) The roof of a boathouse may be used as a deck provided that:
- (a) the boathouse has a flat roof
 - (b) the roof has no side walls or screens
 - (c) the roof may have a railing that meets the Department of Safety and Professional Services standards.
- 5.22 Open-sided or screened structures referred to as minor structures within shoreland setback area (gazebo law).
- (1) The part of the structure that is nearest to the water is located at least 35 feet landward from the ordinary high water mark.
 - (2) The floor area of all the structures in the shoreland setback area will not exceed 200 square feet.
 - (3) The structure that is the subject of the request for special zoning permission has no sides or has open or screened sides.
 - (4) The county must approve a plan that will be implemented by the owner of the property to preserve or establish a vegetative buffer zone that covers at least 70% of the half of the shoreland setback area that is nearest to the water.
- 5.23 Stairways, walkways and lifts that are necessary to provide pedestrian access to the shoreline and are a maximum of 60 inches in width.
- 5.24 Broadcast signal receivers, including satellite dishes or antennas that are one meter or less in diameter, and satellite earth station antennas that are two meters or less in diameter.
- 5.25 Utility transmission and distribution lines, poles, towers, water towers, pumping stations, well pumphouse covers, private on-site wastewater treatment systems that comply with Wis. Admin. Code SPS 383, and other utility structures that have no feasible alternative location outside of the minimum setback and that employ best management practices to infiltrate or otherwise control storm water runoff from the structure.
- 5.26 Devices or systems used to treat runoff from impervious surfaces.

5.23 Reduced Building Principal Structure Setbacks

5.31 A setback less than the 75' required setback from the ordinary high water mark shall be permitted for a proposed principal structure and shall be determined as follows:

- (1) Where there are existing principal structures in both directions, the setback shall equal the average of the distances the two existing principal structures are set back from the ordinary high water mark provided all of the following are met:
 - (a) Both of the existing principal structures are located on adjacent lot to the proposed principal structure.
 - (b) Both of the existing principal structures are located within 250' of the proposed principal structure.
 - (c) Both of the existing principal structures are located less than 75' from the ordinary high water mark.
 - (d) The average setback shall not be reduced to less than 35' from the ordinary high water mark of any navigable water.
- (2) Where there is an existing principal structure in only one direction, the setback shall equal the average of the distance the existing principal structure is set back from the ordinary high water mark and the required setback of 75' from the ordinary high water mark provided all of the following are met:
 - (a) The existing principal structure is located on adjacent lot to the proposed principal structure.
 - (b) The existing principal structure is located within 250' of the proposed principal structure.
 - (c) The existing principal structure is located less than 75' from the ordinary high water mark.
 - (d) The average setback shall not be reduced to less than 35' from the ordinary high water mark of any navigable water.

5.32 Setback reductions may also be permitted by the Board of Adjustment pursuant to Section 10.5 of this ordinance.

5.4 Increased Principal Structure Setbacks A setback greater than the required 75' from the ordinary high water mark shall be required for a proposed principal structure and determined as follows:

- (1) Where there are existing principal structures in both directions, the setback shall equal the average of the distances the two existing principal structures are set back from the ordinary high water mark provided all of the following are met:

- (a) Both of the existing principal structures are located on adjacent lot to the proposed principal structure.
- (b) Both of the existing principal structures are located within 200' of the proposed principal structure.
- (c) Both of the existing principal structures are located greater than 75' from the ordinary high water mark.
- (d) Both of the existing principal structures were required to be located at a setback greater than 75' from the ordinary high water mark.
- (e) The increased setback does not apply if the resulting setback limits the placement to an area on which the structure cannot be built.

5.35 Floodplain Structures

Buildings or structures to be constructed or placed in a floodplain shall be required to comply with Douglas County Floodplain Ordinance 8.3. Legal pre-existing structures within the floodplain may not be replaced, modified or additions constructed that do not comply with Section 87.30 WI Stats and WI Admin Code NR 116.

SECTION VI. REMOVAL OF SHORE COVER

6.1 Shoreline Cutting

(NR 115.05(1)(c)1.) To protect natural scenic beauty, fish and wildlife habitat, and water quality, a county shall regulate removal of vegetation in shoreland areas, consistent with the following: The county shall establish ordinance standards that consider sound forestry and soil conservation practices and the effect of vegetation removal on water quality, including soil erosion, and the flow of effluents, sediments and nutrients.

Tree and shrubbery cutting in an area parallel to the ordinary high water mark, and extending 35 feet inland from all points along the ordinary high water mark, shall be limited in accordance with the following provisions:

6.11 ~~No more than 30 feet in any 100 feet, as measured along the ordinary high water mark, may be clear cut to the depth of the 35 foot area.~~ Removal of trees and shrubs in the vegetative buffer zone to create access and viewing corridors is allowed. Per s. 59.692(1f)(b), Stats., the viewing corridor may be at least 35 feet wide for every 100 feet of shoreline frontage. The viewing corridor may run contiguously for the entire maximum width or shoreline frontage owned.

6.12 Natural shrubbery shall be preserved as far as practicable and, where removed, it shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion and preserving natural beauty.

6.2 Paths

Any path, road or passage within the ~~35-foot area~~ **access and viewing corridor** shall be constructed and surfaced so as to effectively control erosion.

6.3 Cutting Plan

As an alternative to Section 6.2, a special cutting plan allowing greater cutting may be permitted by the County Zoning Committee by issuance of a conditional-use permit, pursuant to Section 10.3. An application for such a permit shall include a sketch of the lot providing the following information: location of parking, topography of the land, existing vegetation, proposed cutting, and proposed replanting. The Committee may grant such a permit only if it finds that such special cutting plans:

6.31 Will not cause undue erosion or destruction of scenic beauty, and

6.32 Will provide substantial visual screening from the water of dwellings, accessory structures and parking areas. Where the plan calls for replacement planting, the Committee may require the submission of a bond which guarantees the performance of the planned tree or shrubbery replacement by the lot owner.

6.4 Cutting More Than 35 Feet Inland

From the inland edge of the 35-foot area to the outer limits of the shoreland, the cutting of trees and shrubbery shall be allowed when accomplished using accepted forest management and soil conservation practices which protect water quality.

SECTION VII. FILLING, GRADING, LAGOONING, DREDGING, DITCHING, AND EXCAVATING

7.1 General Standards

Filling, grading, lagooning, dredging, ditching or excavating which does not require a permit under Section 7.2 may be permitted in the shoreland area provided that:

7.11 It is done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat.

7.12 Filling, grading, lagooning, dredging or excavating in a shoreland-wetland district meets the requirements of Section 8.13 of this ordinance.

7.13 All applicable federal, state and local authority is obtained in addition to a permit under this ordinance.

7.14 Any fill placed in the shoreland area is protected against erosion by the use of rip-rap, vegetative cover or a bulk head.

7.2 Permit Required

Except as provided in Section 7.3 a zoning permit is required:

7.21 For any filling or grading of any area which is within 300 feet landward of the ordinary high water mark of navigable water and which has surface drainage toward the water and on which there is either:

- (1) Any filling or grading on slopes of more than 20%;
- (2) Filling or grading of more than 2,500 sq. ft. in addition to the minimum necessary for the construction of the principal building and the installation of on-site waste treatment systems on slopes of 12%-20%;
or
- (3) Filling or grading of more than 5,000 sq. ft. in addition to the minimum necessary for the construction of the principal building and the installation of on-site waste treatment systems on slopes of 0%-12%.

7.22 For any construction or dredging commenced on any artificial waterway, canal, ditch, lagoon, pond, lake or similar waterway which is within 300 feet landward of the ordinary high water mark of a navigable body of water or where the purpose is the ultimate connection with a navigable body of water.

7.3 Soil Conservation Practices

Soil conservation practices such as terraces, runoff diversions and grassed waterways which are used for erosion control shall not require a permit under Section 7.2 when designed and constructed to Soil Conservation Service technical standards.

7.4 Permit Conditions

In granting a zoning permit under Section 7.2, the County Zoning Administrator shall attach the following conditions, where appropriate:

- 7.41 The smallest amount of bare ground shall be exposed for as short a time as feasible.
- 7.42 Temporary ground cover (such as mulch or jute netting) shall be used and permanent vegetative cover shall be established.
- 7.43 Diversion berms or bales, silting basins, terraces, filter fabric fencing, and other methods shall be used to prevent erosion.
- 7.44 Lagoons shall be constructed to avoid fish trap conditions.
- 7.45 Fill shall be stabilized according to accepted engineering standards.
- 7.46 Filling shall comply with any local floodplain zoning ordinance and shall not restrict a floodway or destroy the flood storage capacity of a floodplain.
- 7.47 Channels or artificial watercourses shall be constructed with side slopes of two (2) units horizontal distance to one (1) unit vertical or flatter which shall be promptly vegetated, unless bulkheads or rip-rap are provided.

7.5 Impervious Surface Standards

7.51 Purpose: Establish impervious surface standards to protect water quality and fish and wildlife habitat and to protect against pollution of navigable waters. County impervious surface standards shall apply to the construction, reconstruction,

expansion, replacement or relocation of any impervious surface on a riparian lot or parcel and any non-riparian lot or parcel that is located entirely within 300 feet of the ordinary high-water mark of any navigable waterway.

- 7.52 Calculations of Percentage of Impervious Surface (Wis. Adm. Code NR 115.05(1)(e)) Percentage of impervious surface shall be calculated by dividing the surface area of the existing and proposed impervious surfaces on the portion of a lot or parcel that is within 300 feet of the ordinary high water mark by the total surface area of that lot or parcel, and multiplied by 100. Impervious surfaces described in 7.55 shall be excluded from the calculation of impervious surface on the lot or parcel. If an outlot lies between the ordinary high water mark and the developable lot or parcel and both are in common ownership, the lot or parcel and the outlot shall be considered one lot or parcel for the purposes of calculating the percentage of impervious surface.
- 7.53 General Impervious Surface Standard (NR 115.05(1)(e)2.) Up to 15% impervious surface is allowed on the portion of a lot or parcel that is within 300 feet of the ordinary high water mark.
- 7.54 Maximum Impervious Surface (NR 115.05(1)(e)3.) A property may exceed the impervious surface standard under 7.53 provided the following standards are met:
- (1) For properties where the general impervious surface standard applies under Section 7.53 a property owner may have more than 15% impervious surface but not more than 30% impervious surface on the portion of a lot or parcel that is within 300 feet of the ordinary high water mark.
 - (2) For properties that exceed the standard under 7.53 but do not exceed the maximum standard under 7.54(1), a permit can be issued for development with a mitigation plan that meets the standards found in Section 9.4
- 7.55 Excluded Impervious Surfaces (NR 115.05(1)(e) and s. 59.692(1k)(a)1.e.) Impervious surfaces that can be documented to show they meet either of the following standards shall be excluded from the impervious surface calculations under 7.52:
- (1) The impervious surface is treated by devices such as stormwater ponds, constructed wetlands, infiltration basins, rain gardens, bio-swales or other engineered systems.
 - (2) The runoff from the impervious surface discharges to an internally drained pervious area that retains the runoff on or off the parcel and allows infiltration into the soil.
- 7.56 Existing Impervious Surfaces (NR 115.05(1)(e)4.) For existing impervious surfaces that were lawfully placed when constructed but that do not comply with the impervious surface standard in Section 7.53 or the maximum impervious surface standard in Section 7.54, the property owner may do any of the following:
- (1) Maintain and repair the existing impervious surfaces.

- (2) Replace existing impervious surfaces with similar surfaces within the existing building envelope.
- (3) Relocate or modify an existing impervious surface with similar or different impervious surface, provided that the relocation or modification does not result in an increase in the percentage of impervious surface that existed on the effective date of the county shoreland ordinance, and the impervious surface meets the applicable setback requirements in s. Wis Admin. Code NR 115.05(1)(b).

SECTION VIII. SHORELAND-WETLAND OVERLAY DISTRICTS

8.1 Shoreland-Wetland Overlay District Designation

This district shall include all shorelands within the jurisdiction of this ordinance which are **designated as** wetlands of 5 acres or more (excluding point symbols) and which are shown on the Wisconsin Wetland Inventory maps that are adopted and made a part of this ordinance. ~~A portion of wetland which is less than 5 acres in size, and which is located in the unincorporated shoreland area within the county, shall be included in the shoreland-wetland district where the wetland as a whole is 5 acres or larger, but extends across the corporate limits of a municipality, across the county boundary or across the shoreland limits, so that the wetland is not regulated in its entirety by the county.~~ **on the most recent version of the Wisconsin Wetland Inventory as depicted on the Department of Natural Resources Surface Water Data Viewer.**

8.11 Locating Shoreland-Wetland Boundaries

Where an apparent discrepancy exists between the shoreland-wetland district boundary shown on the Wisconsin Wetland Inventory maps and actual field conditions, ~~at the time the maps were adopted,~~ the Zoning Administrator shall contact the ~~appropriate district office of the Department~~ to determine if the ~~shoreland-wetland district boundary as mapped~~ **the map** is in error. If Department staff concur with the Zoning Administrator that a particular area was incorrectly mapped as a wetland **or meets the wetland definition but was not shown as wetland on the map,** the Zoning Administrator shall have the authority to immediately grant or deny a zoning permit in accordance with the regulations applicable to the correct zoning district. ~~The Zoning Administrator shall initiate a map amendment to correct any mapping errors.~~ **In order to correct wetland mapping errors on the official zoning map, an official zoning map amendment must be initiated within a reasonable period of time.**

8.12 Purpose

This district is created to maintain safe and healthful conditions, to prevent water pollution, to protect fish spawning grounds and wildlife habitat, to preserve shore cover and natural beauty and to control building and development in wetlands

whenever possible. When development is permitted in a wetland, the development should occur in a manner that minimizes adverse impacts upon the wetland.

8.13 Permitted Uses

The following uses shall be allowed, subject to general shoreland zoning regulations contained in this ordinance, the provisions of Chs. 30 and 31 and 281.36, Wis. Stats. and the provisions of other applicable local, state and federal laws:

- (1) Activities and uses which do not require the issuance of a zoning permit, but which must be carried out without any filling, flooding, dredging, ditching, tiling or excavating as allowed under Section 8.13(2) or 8.13(3):
 - (a) Hiking, fishing, trapping, hunting, swimming, and boating;
 - (b) The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;
 - (c) The pasturing of livestock;
 - (d) The cultivation of agricultural crops;
 - (e) The practice of silviculture, including the planting, thinning, and harvesting of timber; and
 - (f) The construction or maintenance of duck blinds.

- (2) Uses which do not require the issuance of a zoning permit and which may include limited filling, flooding, draining, dredging, ditching, tiling, or excavating but only to the extent specifically provided below:
 - (a) Temporary water level stabilization measures necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on silvicultural activities if not corrected;
 - (b) The cultivation of cranberries including flooding, dike and dam construction or ditching necessary for the growth and harvesting of cranberries;
 - (c) The maintenance and repair of existing agriculture drainage systems where permissible by Section 30.20, Wis. Stats., including ditching, tiling, dredging, excavating and filling necessary to maintain the level of drainage required to continue the existing agriculture use.

This includes the minimum filling necessary for disposal of dredged spoil adjacent to the drainage system provided that the filling is permissible by Ch. 30 Wis. Stats. and that dredged spoil is placed on existing spoil banks where possible;

- (d) The construction or maintenance of fences for the pasturing of livestock, including excavating and filling necessary for such construction or maintenance;
 - (e) The construction or maintenance of piers, docks, or walkways built on pilings, including limited excavating and filling necessary for such construction and maintenance; and
 - (f) The maintenance, repair, replacement or reconstruction of existing town and county highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.
- (3) Uses which require the issuance of a zoning permit under Section 10.2 and which may include limited filling, flooding, draining, dredging, ditching, tiling, or excavating, but only to the extent ~~specially~~ specifically provided below:
- (a) The construction and maintenance of roads which are necessary to conduct silvicultural activities or agriculture cultivation provided that:
 - (i) The road cannot as a practical matter be located outside wetland;
 - (ii) The road is designed and constructed to minimize adverse impact upon the natural functions of the wetland enumerated in Section 8.152;
 - (iii) The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use; and
 - (iv) Road construction activities are carried out in the immediate area of the roadbed only.
 - (b) The construction or maintenance of nonresidential buildings provided that:
 - (i) The building is essential for and used solely in conjunction with the raising of waterfowl, minnows or other wetland or aquatic animals; or some other use permitted in the shoreland-wetland district;
 - (ii) The building cannot, as a practical matter, be located outside the wetland;
 - (iii) Such building is not designed for human habitation and does not exceed 500 sq. ft. in floor area; and

- (iv) Only limited filling or excavating necessary to provide structural support for the building is authorized.
- (c) The establishment of public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, fish hatcheries and public boat launching ramps and attendant access roads, provided that:
 - (i) Any private development is used exclusively for the permitted use and the applicant has received a permit or license under Ch. 29, Wis. Stats., where applicable;
 - (ii) Filling or excavating necessary for the construction or maintenance of public boat launching ramps or attendant access roads is allowed only where such construction or maintenance meets criteria in Section 8.13(3)(a)-(c); and
 - (iii) Ditching, excavating, dredging, or dike and dam construction in public and private parks and recreation areas, **natural and outdoor education areas**, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, and fish hatcheries is allowed only for the purpose of improving wildlife habitat and to otherwise enhance wetland values.
- (d) The construction or maintenance of electric, gas, telephone, water and sewer transmission and distribution facilities, by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power, or water to their members and the construction or maintenance of railroad lines provided that:
 - (i) The transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland; and
 - (ii) Such construction or maintenance is done in a manner designed to minimize adverse impact upon the natural functions of the wetland enumerated in Section 8.15(2).

8.14 Prohibited Uses

Any use not listed in Sections 8.13(1), 8.13(2), or 8.13(3) is prohibited, unless the wetland or portion of the wetland has been rezoned by amendment of this ordinance in accordance with Section 8.15 of this ordinance and Section 59.69(5)(e), Wis. Stats.

8.15 Rezoning of Lands in the Shoreland-Wetland District

- (1) For all proposed text and map amendments to the shoreland-wetland provisions of this ordinance, the appropriate district office of the Department shall be provided with the following:
 - (a) A copy of every petition for a text or map amendment to the shoreland-wetland provisions of this ordinance, within 5 days of the filing of such petition with the County Clerk. Such petition shall include a copy of the Wisconsin Wetland Inventory map adopted as part of this ordinance describing any proposed rezoning of a shoreland-wetland;
 - (b) Written notice of the public hearing to be held on a proposed amendment at least 10 days prior to such hearing;
 - (c) A copy of the county zoning agency's findings and recommendations on each proposed amendment within 10 days after the submission of those findings and recommendations to the County Board; and
 - (d) Written notice of the County Board's decision on the proposed amendment within 10 days after it is issued.

- (2) A wetland, or portion thereof, in the shoreland-wetland district shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:
 - (a) Storm and flood water storage capacity;
 - (b) Maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland;
 - (c) Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
 - (d) Shoreline protection against soil erosion;
 - (e) Fish spawning, breeding, nursery or feeding grounds;
 - (f) Wildlife habitat; or
 - (g) ~~Areas of special recreation, scenic or scientific interest, including scarce wetland types.~~ Wetlands both within the boundary of designated areas of special natural resource interest and those wetlands which are in proximity to or have a direct hydrologic connection to such designated areas as defined in NR 103.04 which can be accessed at the following web site: <http://www.legis.state.wi.us/rsb/code/nr/nr103.pdf>.

- (3) If the Department notifies the County Zoning Committee that proposed text or map amendment to the shoreland-wetland provisions of this ordinance may have a significant adverse impact upon any of the criteria listed in Section 8.15(2) of this ordinance, that amendment, if approved by the County Board, shall contain the following provision:

"This amendment shall not take effect until more than 30 days have

elapsed after written notice of the County Board's approval of this amendment is mailed to the Department of Natural Resources. During that 30-day period the Department of Natural Resources may notify the County Board that it will adopt a superseding shoreland ordinance for the county under Sections ~~59.69~~ and 59.692(6), Wis. Stats. If the Department does so notify the County Board, the effect of this amendment shall be stayed until the Sections ~~59.69~~ and 59.692(6), Wis. Stats., adoption procedure is completed or otherwise terminated."

~~8.2 Wild Lakes Overlay District~~

~~8.21. Designation and Intent~~

~~The Wild Lakes Overlay District includes all lakes in the unincorporated areas of the County which do not have a habitable residence within 300 feet of the ordinary high water mark as of the adoption date of this amendment. The district regulations are intended to provide a high level of protection for shorelands and waters which are the most environmentally sensitive, with very limited natural carrying capacity and which have no existing development.~~

~~8.22 Permitted Uses~~

~~Any principal or accessory permitted use in the underlying zoning district.~~

~~8.23 Conditional Uses~~

~~Any conditional use authorized in the underlying district.~~

~~8.24 Minimum Lot Size~~

~~10 acres per dwelling unit.~~

~~8.25 Minimum Lot Width~~

~~At the Ordinary High water Mark: 300 feet per dwelling unit.~~

~~At the Minimum Shoreline Setback: 300 feet per dwelling unit.~~

~~8.26 Minimum Shoreline Frontage for Multifamily with Lake Access~~

~~(See Section 3.2 for Planned Unit Developments):~~

~~300 feet per dwelling unit granted riparian or lake access rights.~~

~~8.27 Minimum Shoreline Setback~~

~~175 feet from the ordinary high water mark (OHWM) for all structures except piers; other yard setbacks are the same as the underlying zoning district.~~

~~8.28 Boathouses and Boat Shelters~~

~~Boathouses and boat shelters are not permitted on Wild Lakes.~~

~~8.29 Shoreland Impact Area~~

~~Within 150 feet of the ordinary high water mark, vegetation removal and land-disturbing activities are restricted as follows:~~

~~In the area parallel to the ordinary high water mark, and extending 50 feet inland from all points along the ordinary high water mark, no more than 30 feet may be selectively cut on a lot up to 300 feet in width. Clear cutting within this area is prohibited. The balance of this area shall not be disturbed except for the removal of dead or diseased trees or shrubs. In the area parallel to the ordinary high water mark, and extending from 50 feet inland to 150 feet inland from the OHWM, it is recommended that only selective cutting take place.~~

SECTION IX. LEGAL PRE-EXISTING ~~NONCONFORMING~~ USES AND LEGAL PRE-EXISTING STRUCTURES

- 9.1 The lawful use of a building, structure or property which existed at the time this ordinance, or an applicable amendment to this ordinance, took effect and which is not in conformity with the provisions of this ordinance, including the routine maintenance of such a building or structure, may be continued, subject to the conditions of this ordinance.
- 9.2 Shoreland Nonconforming Uses
- 9.21 Compliance with legal pre-existing principal building provisions. Any shoreland building, structure, premises or fixture that constitutes a nonconforming use and is also a legal pre-existing principal building must adhere to the provisions set forth in subsection for nonconforming shoreland structures.
- 9.22 Prohibited Expansion. The alteration of, or addition to, or repair in excess of fifty percent (50%) of the assessed value of any existing building, premises, structure or fixture for the purpose of carrying on a nonconforming use is prohibited. (see Wis. Stats. 59.69 (10) (am))
- 9.23 Exceptions to Prohibited Expansion. If the alteration, addition or repair of a legal pre-existing building or structure in the shoreland district with a nonconforming use is prohibited because it is for the purpose of carrying on a nonconforming use and is in excess of fifty percent (50%) of the assessed value of the existing building, premises, structure or fixture, the property owner may still make the proposed alteration, addition or repair if the property owner meets all provisions set forth in subsection 9.3 for legal pre-existing structures and:
- (1) The alteration, addition or repair is not for the purpose of carrying on a nonconforming use.
 - (2) A nonconforming use is permanently changed to a conforming use.

- (3) The property owner appeals the determination of the Zoning Administrator and County Board of Adjustment or the Circuit Court finds in favor of the property under Secs. 59.694(4) or 59.597(10), Wis. Stats.
- (4) The property owner successfully petitions to have the property rezoned by amendment of this Chapter and Sec. 59.69(5)(e), Wis. Stats.

9.24 Discontinuance. If a shoreland nonconforming use is discontinued for twelve (12) consecutive months, any future use of the building, structure or property shall conform to this Chapter.

9.25 Temporary Structures. If the shoreland nonconforming use of a temporary structure is discontinued, such nonconforming use may not be recommenced.

9.26 Nuisances. Uses that are nuisances shall not be permitted to continue as nonconforming uses.

9.3 Legal Pre-Existing Principal Structures and Buildings

9.31 Shoreland Setback. The minimum setback applied based on the classification of the water body to the ordinary high water mark of any navigable water body to the nearest part of a building or structure shall apply.

~~9.32 Legal Pre-existing Principal Structure Located Less than Thirty five (35) Feet from the Ordinary High Water Mark. With respect to such structures located less than thirty five (35) feet from the ordinary high water mark:~~

~~a. An existing structure that was lawfully placed when constructed, but that is located within the shoreland setback, may be maintained and repaired within its existing building envelope. Such internal improvements may be constructed without a land use permit.~~

~~b. Maintenance and repair includes such activities as interior remodeling, plumbing, insulation, and replacement of windows, doors, siding or roof. A flat roof may be replaced with a pitched roof subsequent to a land use permit and mitigation applies.~~

~~e. Repair or replacement of a foundation is considered maintenance and repair if:~~

~~1. The foundation is repaired or replaced to the size, including the footprint and total square footage and location that it had before the repair or replacement; and~~

~~2. If there is repair or replacement of 33% or more of the lineal perimeter of the foundation, the owner obtains a permit and complies with~~

~~mitigation requirements under Subsection 9.4.~~

- ~~d. Repair or replacement of a foundation or wall(s) which requires any land disturbance in the vegetation protection area shall require a land use permit and the mitigation requirements of Subsection 9.4 are complied with.~~
- 9.32 Maintenance, Repair, Replacement or Vertical Expansion of Nonconforming Structures (s 59.692(1k)(a)1.b. and d.) An existing structure that was lawfully placed when constructed but that does not comply with the required shoreland setback:
- (1) May be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the nonconforming structure.
 - (2) May be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level.
 - (3) Special review and consideration will be given to situations where expansion of the structure beyond the existing footprint is necessary to comply with applicable state or federal requirements.
- 9.33 Legal Pre-existing Principal Structure Located Thirty-five (35) Feet or More but Less than Seventy-five (75) Feet from the Ordinary High Water Mark. A legal pre-existing principal structure located thirty-five (35) or more feet, but less than seventy-five (75) feet, from the ordinary high water mark may be expanded **laterally** vertically, provided that:
- (1) The resulting structure shall not exceed thirty-five (35) feet in height, as defined in ch. NR 115.05(1)(f), Wis. Adm Code.
 - (2) **Lateral expansion is limited to 200 square feet over the life of the structure. No portion of the expansion may be any closer to the ordinary high-water mark than the closest point of the existing principal structure. The property owner obtains a land use permit and fulfills the mitigation requirements of Subsection 9.4 by the date specified in the permit.**
 - (3) All other provisions of the Douglas County Shoreland Zoning Ordinance shall be met.
 - (4) If use of the principal structure has been discontinued for a period of twelve (12) months or more, any further use of the structure shall conform to this chapter.
- ~~9.34 Legal Pre-existing Principal Structure Located Seventy-five (75) Feet or More from the Ordinary High Water Mark. An existing structure that was lawfully placed when constructed, but that does not comply with the required building setback, may be expanded horizontally, landward or vertically provided that the expanded area~~

~~meets the building setback requirements and all other provisions of the Douglas County Shoreland Zoning Ordinance are met. Expansion of a Nonconforming Principal Structure Beyond Setback (NR 115.05(1)(g)5m.) An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback under Section 5.1, may be expanded horizontally, landward or vertically provided that the expanded area meets the building setback requirements per Section 5.1 and that all other provisions of the shoreland ordinance are met. A mitigation plan is not required solely for expansion under this paragraph, but may be required per Section 7.5.~~

- 9.35 ~~Legal Pre-Existing Principal Structures Located on Class 3 Lakes or on Lots Adjoining or Including Rivers or Streams. Nonconforming principal structures located on lots on Class 3 lakes and streams which are set back at least seventy five (75) feet but less than one hundred twenty five (125) feet from the ordinary high water mark, may be improved and expanded upon the issuance of a land use permit to the same extent as if they were conforming structures provided that:~~ Relocation of nonconforming principal structure (NR 115.05(1)(g)6.) An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback per Sections 5.1 and 5.3 may be relocated on the property provided all of the following requirements are met:
- (1) The use of the structure has not been discontinued for a period of twelve months or more if a nonconforming use.
 - (2) The existing principal structure is at least 35 feet from the ordinary high-water mark.
 - (3) No portion of the relocated structure is located any closer to the ordinary high-water mark than the closest point of the existing principal structure.
 - (4) The county determines that no other location is available on the property to build a principal structure with the same square-footage footprint to the structure proposed for relocation that will result in compliance with the shoreland setback requirement per Section 5.1.
 - (5) The county shall issue a permit that requires a mitigation plan that shall be approved by the county and implemented by the property owner by the date specified in the permit. The mitigation plan shall meet the standards found in Section 9.4 to include enforceable obligations of the property owner to establish or maintain measures that the county determines are adequate to offset the impacts of the permitted expansion on water quality, near-shore aquatic habitat, upland sildlife habitat and natural scenic beauty. The mitigation measures shall be proportional to the amount and impacts of the replaced or relocated structure being permitted. The obligations of the property owner under the mitigation plan shall be evidenced by an instrument recorded in the office of the Douglas County Register of Deeds.
 - (6) All other provisions of the shoreland ordinance shall be met.

9.36 Maintenance, repair, replacement or vertical expansion of structures that were authorized by variance (s.59692(1k)(a)2. and (a)4.): A structure of which any part has been authorized to be located within the shoreland setback area by a variance granted before July 15, 2015 may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the authorized structure. Additionally, the structure may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level. Counties may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements. Shoreland mitigation measures are not required.

- ~~a. The mitigation requirements of Subsection 9.4 are complied with; and~~
- ~~b. Any addition is located no closer to the ordinary high water mark than the existing structure; and~~
- ~~c. If use of the principal structure has been discontinued for a period of twelve (12) months or more, any further use of the principal structure shall conform to this chapter.~~

~~(6) Additional Requirements for Certain Nonresidential Buildings on Shoreland Lots.~~

~~(7) Replacement or Relocation of Legal Pre-Existing Principal Building. An existing principal structure that was lawfully placed when constructed, but that does not comply with the required building setback, may be replaced or relocated on the property provided all of the following requirements are met (per 2011 WI Act 170 & NR 115 Wisconsin Administrative Code):~~

- ~~a. The use of the structure has not been discontinued for a period of twelve (12) months or more.~~
- ~~b. The existing structure is at least thirty five (35) feet from the ordinary high water mark.~~
- ~~c. No portion of the replaced or relocated structure is located any closer to the ordinary high water mark than the closest point of the existing principal structure.~~
- ~~d. The county determines that no other location is available on the property to build a structure of comparable size to the structure proposed for replacement or relocation that will result in compliance with the shoreland setback requirement.~~
- ~~e. Mitigation requirements are complied with.~~
- ~~f. The county shall issue a permit that requires all other structures on the lot or parcel that do not comply with the shoreland setback requirement, and are not exempt under NR 115.05(1)(b)1m, Wisconsin Administrative Code, to be removed by the date~~

~~specified in the permit.~~

~~g. All other provisions of the Douglas County Shoreland Zoning Ordinance shall be met.~~

~~(8) Class 3 Lakeshore Lots with Side Yard Setbacks. An existing principal structure located on a lot on a Class 3 water body which is greater than ten (10) feet from a side yard setback but less than the distance from the minimum side yard setback, and which is a legal pre-existing building solely for that reason, may be improved and expanded upon the issuance of a land use permit to the same extent as if it were a conforming structure, provided that:~~

~~a. The use of the structure has not been discontinued for a period of twelve (12) months or more.~~

~~b. The addition or expansion does not increase the nonconformity.~~

~~(9)(7) Compliance with Most Restrictive Zone Standards. Legal pre-existing principal structures, and buildings which are located in more than one **minimum** setback zone, shall comply with the standards of the more restrictive zone.~~

~~9.3 Impervious Surface Standards~~

~~The construction, reconstruction, expansion, replacement or relocation of any impervious surface within 300 feet of the ordinary high water mark of any navigable waterway must meet the following requirements:~~

~~(1) Lots or Parcels with 15% or Less Impervious Surface. Up to 15% of the portion of a lot or parcel that is within 300 feet of the ordinary high water mark may consist of impervious surface without the need for mitigation.~~

~~(2) Lots or Parcels with More than 15% but no more than 30% Impervious Surface. Between 15% and 30% of the portion of a lot or parcel that is within 300 feet of the ordinary high water mark may consist of impervious surface provided that the landowner obtains a permit and provided that the mitigation measures of Subsection 9.4 shall apply.~~

~~(3) Lots or Parcels with More than 30% Impervious Surface. No more than 30% of the portion of a lot or parcel that is within 300 feet of the ordinary high water mark may consist of impervious surface.~~

~~(4) Existing Impervious Surfaces. For existing impervious surfaces that were lawfully placed when constructed, but that do not comply with the current standards, the property owner may do any of the following:~~

~~a. Maintenance and repair of all impervious surfaces;~~

- ~~b. Replacement of existing impervious surfaces with similar surfaces within the existing building envelope;~~
- ~~c. Relocation or modification of existing impervious surfaces with similar or different impervious surfaces, provided that the relocation or modification does not result in an increase in the percentage of impervious surface that existed at the effective date of the Douglas County Shoreland Zoning Ordinance, and meets the applicable setback requirements in s. NR 115.05(1)(b), Wisconsin Administrative Code.~~

9.4 Mitigation Measures

9.41 Actions that trigger mitigation

- (1) Exceeding the maximum impervious surface area allowed (s. 7.54(2))
- (2) Lateral expansion of a nonconforming principal structure (s. 9.33(2))
- (3) Relocation of a nonconforming principal structure (9.35(5))
- (4) Vegetative buffer required as mitigation under open-sided structure provision (s. 5.22(4))

9.412 Required mitigation

A site plan and implementation schedule describing any required mitigation shall be submitted by the property owner or their authorized agent and approved by the Zoning Department prior to issuing the related land use permit(s). Mandatory practices for mitigation shall include:

- (1) Evaluation and if needed upgrading of any existing sanitary system on the subject property to meet current Douglas County and Department of Commerce regulations.
- (2) Implementation of standard erosion and storm water runoff control measures described in applicable sections of this ordinance.

9.423 Additional requirements: Shall accumulate at least two (2) points from among the following proposed or current practices:

- (1) Maintenance of an existing shoreland buffer area within 35 feet of the ordinary high water mark of ~~Class 1&2 Lakes and within 50 feet for Class 3~~ Lakes and Rivers/Streams (2 points).
- (2) Restoration of the shoreland buffer area within 35 feet of the ordinary high water mark of ~~Class 1&2 Lakes and within 50 feet for Class 3~~ Lakes and Rivers/Streams (2 points).
- (3) Restoration of native vegetation along both sideyards, minimum of 5 feet wide measured perpendicular to the lot line for the entire length of the lot.

(1/2 point).

- (4) Removal of legal pre-existing accessory buildings from within the shoreland setback area (1 point per building).
- (5) Use of exterior building materials or treatments that are inconspicuous and blend with the natural setting of the site (1/2 point).
- (6) Removal of waterward improvements (seawalls, dockage, artificial sand beach etc. and / or restoration of emergent aquatic vegetation (4/4 1 point for each distinct removal / restoration effort).
- (7) Any other mitigation that is deemed appropriate by the Zoning Administrator may be used to meet the mitigation requirement of Section 9.4.

9.434 A Shoreland Mitigation/Preservation Affidavit shall be signed and recorded with the Register of Deeds prior to the issuance of a zoning permit ~~for the expansion or improvement of a legal pre-existing principal building which requires mitigation under Section 9.3.~~

9.445 Type of Shoreland Buffer

The type of shoreland buffer restoration ~~required~~ chosen under Section 9.42 ~~or required under Section 5.22(4)~~ will be determined by the Zoning Department and/or the Land Conservation Department. The buffer type shall be either woodland, prairie, or wetland. The woodland and prairie buffers shall comply with the standards set forth in Section 9.45 Table 1. Wetland buffers will also be permitted where deemed appropriate by the Zoning Department and/or the Land Conservation Department.

9.456 Table 1. Shoreland Buffer Planting Standards

Layer	Woodland Buffer		Prairie Buffer		Area Credits
	Minimum number of species	Density per 100 square feet	Minimum number of species	Density per 100 square feet	
Tree Canopy	3	1	2	0.2	Existing tree canopy edge viewing corridor

Shrub Understory	4	1.5	2	0.5	Existing shrub understory wet edge viewing corridor
Groundcover Plant Plugs	1	70	5	70	Existing well vegetated native ground cover
Groundcover seeding	1	Varies	5	Varies	Existing well vegetated native ground cover
<p>WI Biology Technical Note 1: Shoreland Habitat; Interim Standard # 643A, Shoreland Habitat provides specific criteria for Shoreland Habitat establishment and for determining the dimensions of the practice (Section V). It identifies the necessary components of a Shoreland Habitat establishment plan (Section VII), and lists criteria for operation and maintenance of the practice (Section VIII).</p>					

9.46 Type of Vegetation Recovery

- (1) **Natural Recovery**
Shoreland buffer areas that are suited for natural recovery will be allowed only after Zoning and /or County Land Conservation approval.
- (2) **Accelerated (planted) Recovery**
Areas not suited to natural recovery will require plantings to establish native vegetation and must be planted. Areas such as lawns or eroded sites with no seed source will require plantings. Dense turf grass growths that have been maintained for several years will need to be removed and native plantings installed. Planted buffers must meet the required plant densities based on square footage of buffer area and the type of buffer (Table 1). Planting credits will be allowed for the viewing corridor, areas of existing native vegetation, and areas suited for natural recovery.

9.47 Douglas County Native Plant List

Species of plants must be selected from the Douglas County Native Plant List and approved for shoreline buffers by the Zoning and /or Land Conservationist. Substitutions must be approved by the Zoning and /or Land Conservationist. Substitutions to the list will be allowed in the event of lack of plant stock or seed availability on a case-by-case basis. All plants may be transplanted from areas outside of the buffer zone.

9.48 Planting Densities

Planting densities are based on the total area of the required buffer. Area credits calculated are subtracted from the total required density on an equal square footage of coverage basis. Trees must be at least 2 years old and greater than 1 foot tall to qualify as a credit or planting.

9.49 Shoreland Buffer Plan Requirements

A shoreland restoration plan shall be completed for all required shoreland

mitigation or preservations. Plans must be approved by the Zoning and Land Conservationist.

(1) Shoreland Buffer Restoration Site Plans must include:

- (a) Name and address of property owner
- (b) Property address and legal description
- (c) Extent of the shoreland buffer
- (d) Scale (e.g. 1 inch = 10 feet)
- (e) North arrow
- (f) Ordinary high water mark (OHWM) location
- (g) Location of all structures in the shoreland buffer zone
- (h) Viewing and access corridor
- (i) Boundary of the shoreland buffer zone
- (j) Existing trees, shrubs, and native ground cover
- (k) Areas to be planted with trees, shrubs, and groundcovers
- (l) Implementation schedule
- (m) A plant species list; indicate if you are requesting substitutions from the prepared list
- (n) Erosion control practices (to be installed prior to and during buffer establishment)
- (o) Water diversions and channelized flow areas
- (p) Buffer Maintenance (weeding, replanting)

(2) Implementation schedule. The approved Shoreland Buffer Restoration Site Plan must be started within one year from the issue date of applicable permit. All plantings and any other required activities in the Shoreland Buffer Restoration Site Plan must be completed within two years of the permit issue date.

9.5 Replacement Of Existing Structures

~~(1) Voluntarily Demolished.~~

~~Unless paragraph 2. applies, a structure may not be rebuilt or replaced closer than the applicable OHWM setback if it has been voluntarily demolished such that any of the following apply:~~

~~(a) Replacement of 50% or more of the building.~~

~~(b) The existing use of the structure has been discontinued for twelve consecutive months as a result of the demolition.~~

~~(2) Damaged or Destroyed by Violent Wind, Fire, Flood, Vandalism, Ice, Snow, Mold and Infestation As required by Section 59.692(1s), Wis. Stats., if an existing structure has been destroyed or damaged after October 14, 1997 by violent wind, fire, flood, vandalism, ice, snow, mold and infestation, the structure may be~~

~~reconstructed or repaired to the size, location and use it had immediately before the damage occurred, subject to the following conditions:~~

- ~~(a) A structure that is destroyed or damaged due to a deliberate act by the landowner or by his or her agent, or due to general deterioration or dilapidated condition, may not be reconstructed or repaired, except in conformance with the standards of this ordinance.~~
- ~~(b) Except as provided in Section 87.30 (1d), Wis. Stats., a building located closer than seventy-five feet (75') from the ordinary high water mark that is subject to regulation under a floodplain zoning ordinance _____ may not be reconstructed or repaired except in compliance with the floodplain zoning ordinance.~~
- ~~(c) The landowner shall bear the burden of proof as to the size, location or use a destroyed or damaged structure had immediately before the destruction or damage occurred.~~
- ~~(d) Repairs are authorized under this provision only to the extent that they are necessary to repair the specific damage caused by violent wind, vandalism, fire or flood, and only that portion of the structure that has been destroyed may be reconstructed.~~
- ~~(e) The private onsite wastewater treatment (septic) system serving the principle structure shall meet current standards for new construction.~~

9.65 Legal Pre-Existing Nonconforming Uses

9.51 Burden of Proof. A property owner claiming a legal pre-existing **nonconforming** use and exemption from applicable regulations shall prove by a preponderance of the evidence that:

- (1) The use was legally established;
- (2) The use predated zoning provisions with which it does not comply;
- (3) The use was active and actual prior to adoption of such provisions and not merely casual and occasional or incidental to the principal use of the property in which case no vested right to continue the use shall have been acquired.

9.52 No Expansion. A legal pre-existing **nonconforming** use of a structure or premises shall not be expanded or enlarged. No such use shall be expanded within a structure which, on the date the use became legal pre-existing **nonconforming**, was only partially devoted to such use.

- 9.53 Discontinuance. If a ~~legal pre-existing~~ **nonconforming** use is discontinued for twelve (12) consecutive months, any future use of the building, structure, or property shall conform to this ordinance. If the ~~legal pre-existing~~ **nonconforming** use of a temporary structure is discontinued, such ~~legal pre-existing~~ **nonconforming** use may not be recommenced.
- 9.54 Nuisance. ~~legal pre-existing~~ **Nonconforming** uses which are nuisances shall not be permitted to continue.

SECTION X. ADMINISTRATIVE PROVISIONS

10.1 Zoning Administrator

The Zoning Administrator shall have the following duties and powers:

- 10.11 ~~Advise applicants as to the provisions of this ordinance and assist them in preparing permit applications and appeal forms.~~ **Develop and administer a system of permits for new construction, development, reconstruction, structural alteration or moving of buildings and structures. A permit application shall be required to be submitted to the Zoning Office.**
- 10.12 ~~Issue permits and inspect properties for compliance with this ordinance.~~ **Regular inspection of permitted work in progress to insure conformity of the finished structures with the terms of the ordinance.**
- 10.13 ~~Keep records of all permits issued, inspections made, work approved and other official actions.~~ **A variance procedure which authorizes the board of adjustment to grant such variance from the terms of the ordinance as will not be contrary to the public interest where, owing to special conditions and the adoption of the shoreland zoning ordinance, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship.**
- 10.14 ~~Submit copies of variances, conditional uses and decisions on appeals for map or text interpretations and map or text amendments within 10 days after they are granted or denied to the appropriate district office of the Department.~~ **A special exception (conditional use) procedure under Section 10.3 herein.**
- 10.15 ~~Investigate and report violations of this ordinance to the appropriate county-zoning committee and the District Attorney or Corporation Counsel.~~ **The county shall keep a complete record of all proceedings before the board of adjustment, zoning agency and planning agency.**
- 10.16 **Written notice to the appropriate office of the Department at least 10 days prior to any hearing on a proposed variance, special exception or conditional use permit, appeal for a map or text interpretation, map or text amendment, and copies of all proposed land divisions submitted to the county for review under Ordinance 8.2.**

- 10.17 Submission to the appropriate office of the Department, within 10 days after grant or denial any decision on a variance, special exception or conditional use permit, or appeal for a map or text interpretation, and any decision to amend a map or text of an ordinance.
- 10.18 Mapped zoning districts and the recording, on an official copy of such map, of all district boundary amendments.
- 10.19 The establishment of appropriate penalties for violations of various provisions of the ordinance, including forfeitures. Compliance with the ordinance shall be enforceable by the use of injunctions to prevent or abate a violation, as provided in WI Stats. 59.69 (11).
- 10.20 The prosecution of violations of the shoreland ordinance.

10.2 Zoning Permits.

- 10.21 When Required. Except where another section of this ordinance specifically exempts certain types of development from this requirement (~~as in Sections 8.31 and 8.32~~), a zoning permit shall be obtained from the Zoning Administrator before any new development, as defined in Section 13.2, or any change in the use of an existing building or structure, is initiated.
- 10.22 Application. An application for a zoning permit shall be made to the Zoning Administrator upon forms furnished by the county and shall include for the purpose of proper enforcement of these regulations, the following ~~data~~ information:
 - (1) Name and address of applicant and property owner;
 - (2) Legal description of the property and type of proposed use;
 - (3) A ~~to-scale~~ sketch of the dimensions of the lot and location of ~~buildings~~ all existing and proposed structures and impervious surface calculations relative to the lot lines, center line of abutting highways and the ordinary high water mark of any abutting ~~watercourse and the water level on a date specified~~ waterways.
 - (4) Location and description of any existing private water supply or sewage system or notification of plans for any such installation.
 - (5) Plans for appropriate mitigation (when required).
 - (6) Payment of the appropriate fee.
 - (7) Additional information required by the Zoning Administrator.
- 10.23 Expiration of Permit. Zoning permits shall expire 12 months from date issued if no substantial work has commenced.

10.3 Conditional-Use Permits

10.31 Application for a Conditional-Use Permit. Any use listed as a conditional-use in this ordinance shall be permitted only after an application has been submitted to the Zoning Administrator and a conditional-use permit has been granted by the County Zoning Committee.

10.32 Standards Applicable to All Conditional-Uses. In passing upon a conditional-use permit, the County Zoning Committee shall evaluate the effect of the proposed use upon:

- (1) The maintenance of safe and healthful conditions;
- (2) The prevention and control of water pollution including sedimentation;
- (3) Compliance with local floodplain zoning ordinances and opportunity for damage to adjacent properties due to altered surface water drainage;
- (4) The erosion potential of the site based upon degree and direction of slope, soil type, and vegetative cover.;
- (5) The location of the site with respect to existing or future access roads;
- (6) The need of the proposed use for a shoreland location;
- (7) Its compatibility with uses on adjacent land;
- (8) The amount of liquid and solid wastes to be generated and the adequacy of the proposed disposal systems; and
- (9) Location factors under which:
 - (a) Domestic uses shall be generally preferred;
 - (b) Uses not inherently a source of pollution within an area shall be preferred over uses that are or may be a pollution source; and
 - (c) Use locations within an area tending to minimize the possibility of pollution shall be preferred over use locations tending to increase that possibility.

10.33 Use Conditions. Upon consideration of the factors listed above, the County Zoning Committee shall attach such conditions, in addition to those required elsewhere in this ordinance, as are necessary to further the purposes of this ordinance. Violations of any of these conditions shall be deemed a violation of this ordinance. Violations of any of these conditions may include specifications

for, without limitation because of specific enumeration: type of shore cover; specific sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational control; sureties; deed restrictions; location of piers, docks, parking and signs; and type of construction. To secure information upon which to base its determination, the County Zoning Committee may require the applicant to furnish the following information:

- (1) A plan of the area showing surface contours, soil types, ordinary high water marks, ground water conditions, subsurface geology and vegetative cover.
- (2) Location of buildings, parking areas, traffic access, driveways, walkways, piers, open space and landscaping.
- (3) Plans of building, sewage disposal facilities, water supply systems and arrangement operations.
- (4) Specifications for areas of proposed filling, grading, lagooning or dredging.
- (5) Other pertinent information necessary to determine if the proposed use meets the requirements of this ordinance.
- (6) Rationale for why the proposed conditional use meets all of the conditional use criteria listed in the ordinance.

10.34 Notice, Public Hearing and Decision. Before ~~passing~~ **deciding** upon an application for a conditional-use permit, the County Zoning Committee shall hold a public hearing. Notice of such public hearing, specifying time, place and matters to come before the Committee, shall be given a Class 2 notice under Ch. 985, Wis. Stats. Such notice shall be mailed to the appropriate ~~district~~ office of the Department at least 10 days prior to the hearing. The Zoning Committee shall state in writing the grounds for granting or refusing a conditional-use permit.

10.35 Recording. When a conditional-use permit is approved, an appropriate record shall be made of the land use and structures permitted and such permit shall be applicable solely to the structures, use and property so described. A copy of any decisions on a conditional-use permit shall be mailed to the appropriate ~~district~~ office of the Department within 10 days after it is granted or denied.

10.36 Revocation. Where the conditions of a conditional-use permit are violated, the conditional-use permit shall be revoked by the County Zoning Committee.

10.4 Variances

The Board of Adjustment may grant upon appeal a variance from the dimensional standards of this ordinance where an applicant convincingly demonstrates that literal enforcement of the provisions of the ordinance will:

- (1) Result in unnecessary hardship on the applicant,
- (2) Due to special conditions unique to the property, and
- (3) That such variance is not contrary to the public interest.

10.41 Notice, Hearing and Decision. Before passing on an application for a variance, the Board of Adjustment shall hold a public hearing. Notice of such hearing specifying the time, place and matters of concern, shall be given a Class 2 notice under Ch. 985, Wis. Stats. Such notice shall be mailed to the appropriate district office of the Department at least 10 days prior to the hearing. The Board shall state in writing the reasons for granting or refusing a variance and shall mail a copy of such decision to the appropriate Department district office within 10 days of the decision.

10.5 Board of Adjustment

The Chairman of the County Board shall appoint a Board of Adjustment consisting of 5 voting and 2 alternate members under Section 59.694, Wis. Stats. The County Board shall adopt such rules for the conduct of the business of the Board of Adjustment as required by Section 59.694, Wis. Stats.

10.51 Powers and Duties.

- (1) The Board of Adjustment shall adopt such additional rules as it deems necessary and may exercise all of the powers conferred on such boards by Section 59.694, Wis. Stats.
- (2) It shall hear and decide appeals where it is alleged there is error in any order, requirements, decisions or determination made by an administrative official in the enforcement or administration of this ordinance.
- (3) It may grant a variance from the dimensional standards of this ordinance pursuant to Section 10.4.
- (4) 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 is silent as to the extent of restriction, the Board may impose any reasonable permit conditions to effect the purpose of this ordinance.

10.52 Appeals to the Board. Appeals to the Board of Adjustment may be made by any person aggrieved or by an officer, department, board or bureau of the county affected by any decision of the Zoning Administrator or other administrative officer. Such appeal shall be made within a reasonable time, as provided by the rules of the Board, by filing with the officer whose decision is in question, and with the Board of Adjustment, a notice of appeal specifying the reasons for the

appeal. The Zoning Administrator or other officer whose decision is in question shall promptly transmit to the Board all the papers constituting the record concerning the matter appealed.

10.53 Hearing Appeals and Applications for Variances

- (1) The Board of Adjustment shall fix a reasonable time for hearing on the appeal or application. The Board shall give public notice thereof by publishing a Class 2 notice under Ch. 985, Wis. Stats., specifying the date, time and place of the hearing and the matters to come before the Board. Notice shall be given to the appropriate district office of the Department at least 10 days prior to hearings on proposed shoreland variances and appeals for map or text interpretations.
- (2) A decision regarding the appeal or application shall be made as soon as practical. Copies of all decisions on shoreland variances and appeals for map or text interpretations shall be submitted to the appropriate district office of the Department within 10 days after they are granted or denied.
- (3) The final disposition of an appeal or application to the Board of Adjustment shall be in the form of written resolution or order signed by the chairman and secretary of the Board. Such resolution shall state the specific facts 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 the application.
- (4) At the public hearing, any party may appear in person or by agent or by attorney.

10.6 Fees

General: The County Board may, by resolution, adopt fees including, but not limited to, the following:

- (1) Land use permits;
- (2) Conditional-use permits;
- (3) Planned Residential Unit Development reviews;
- (4) Public hearings; and
- (5) Legal notice publications.
- (6) Variances and administrative appeals

SECTION XI CHANGES AND AMENDMENTS

The County may, from time to time, alter, supplement or change the boundaries of use districts and the regulations contained in this ordinance in accordance with the requirements of Section 59.69 and 59.692, Wis. Stats., and Wis. Adm. Code Ch NR 115, and ~~Section 8.5 of this ordinance~~ where applicable.

- 11.1 Amendments to this ordinance may be made on petition of any interested party as provided in Section 59.69(5), Wis. Stats.
- 11.2 Every petition for a text or map amendment filed with the County Clerk shall be referred to the County Zoning Committee. A copy of each petition shall be mailed to the appropriate district office of the Department within 5 days of the filing of the petition with the County Clerk. Written notice of the public hearing to be held on a proposed amendment shall be mailed to the appropriate district office of the Department at least 10 days prior to the hearing.
- 11.3 A copy of the County Board's decision on each proposed amendment shall be forwarded to the appropriate district office of the Department within 10 days after the decision is issued.

SECTION XII. ENFORCEMENT AND PENALTIES

Any development, any building or structure constructed, moved or structurally altered, or any use established after the effective date of this ordinance in violation of the provisions of this ordinance, by any person, firm, association, corporation (including building contractors or their agents) shall be deemed a violation. The Zoning Administrator or the county zoning agency shall refer violations to the District Attorney or Corporation Counsel who shall expeditiously prosecute violations. Any person, firm, association, or corporation who violates or refuses to comply with any of the provisions of this ordinance shall be subject to a forfeiture of not less than Fifty (\$50.00) dollars nor more than Two Hundred (\$200.00) dollars per offense, together with the taxable costs of action. Each day which the violation exists shall constitute a separate offense. Every violation of this ordinance is a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be abated pursuant to Sections 59.69, 59.69(11) and 66.0113, Wis. Stats.

SECTION XIII. DEFINITIONS

- 13.1 For the purpose of administering and enforcing this ordinance, the terms or words used herein shall be interpreted as follows: Words used in the present tense include the future; words in the singular number include the plural number; and words in the plural number include the singular number. The word "shall" is mandatory, not permissive. All distances, unless otherwise specified, shall be measured horizontally.

13.2 The following terms used in this ordinance mean:

Access & Viewing Corridor

a strip of vegetated land that allows safe pedestrian access to the shore through the vegetative buffer zone (NR 115.03(1d))

Accessory Structure or Use

a detached subordinate structure or a use which is clearly incidental to, and customarily found in connection with, the principal structure or use to which it is related, and which is located on the same lot as the principal structure or use. Accessory structures include, but are not limited to, detached garages, barns, gazebos, patios, decks, swimming pools, hot tubs, fences, retaining walls, driveways, parking lots, sidewalks, detached stairways and lifts.

Accessory Construction

construction, replacement, placement, or modification of, but not limited to, decks, porches (open or screened), and walkways

Boathouse

any permanent structure designed solely for the purpose of protecting or storing boats and related equipment for noncommercial purposes

Building Envelope

is the three dimensional space within which a structure is built (NR 115.03(1p))

Conditional Use

a use which is permitted by this ordinance provided that certain conditions specified in the ordinance are met and that a permit is granted by the Planning and Zoning Committee

County Zoning Agency

that committee or commission created or designated by the County Board under Section 59.69(2), Wis. Stats., to act in all matters pertaining to county planning and zoning

Department

the Wisconsin Department of Natural Resources

Development

any man-made change to improve real estate, including but not limited to the construction of buildings, structures or accessory structures; the construction or additions or substantial alterations to buildings, structures or accessory structures; the placement of mobile homes; ditching, lagooning, dredging, filling, grading, paving, excavation or drilling operations; and the deposition or extraction of earthen materials

Drainage System

one or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey it to a point of discharge

Existing Development Pattern

when principal structures exist within 250 feet of a proposed principal structure in both directions along the shoreline (NR 115.03(3m))

Expansion

any structural modification, which increases the existing structure envelope or footprint

Exterior Improvement

upgrades in aesthetics, function, or worth of the outside surface(s) or components of a structure. Such improvements may include, but are not limited to, structural alteration for the expansion or addition of doors, windows, replacement of basement/foundation walls and footings

Facility

any property or equipment of a public utility, as defined in s. 196.01(5), or a cooperative association organized under ch. 185 for the purpose of producing or furnishing heat, light, or power to its members only, that is used for the transmission, delivery, or furnishing of natural gas, heat, light or power.

Floodplain

the land which has been or may be hereafter covered by floodwater during a regional flood occurrence. The floodplain includes the floodway and flood fringe as those terms are defined in Wis. Adm. Code NR116.03(16)

Footprint

the land area covered by a structure at ground level measured on a horizontal plane. The footprint of a dwelling or building includes the horizontal plane bounded by the furthest exterior wall and eave (if present), projected to natural grade. For structures without walls (decks, stairways, patios, carports, etc) a single horizontal plan bounded by the furthest portion of the structure projected to natural grade. For the purposes of replacing or reconstructing a nonconforming building with walls, the footprint shall not be expanded by enclosing the area that is located within the horizontal plane from the exterior wall to the eaves or deck projected to natural grade. This would constitute lateral expansion under NR 115 and would need to follow NR 115.05(1)(g)5.

Generally Accepted Forestry Management Practices

forestry management practices that promote sound management of a forest (NR 1.25(2)(b)) as outlined in the most recent version of the department publication known as Wisconsin Forest Management Guidelines and identified as PUB FR-226

Impervious Surface (NR 115.03(4g))

an area that releases as runoff all or a majority of the precipitation that falls on it.

Excludes (among other things): frozen soil and decks that have at least a ¼ inch space between deck boards with a pervious surface below.

Includes (among other things): rooftops, sidewalks, driveways, parking lots, shingles, concrete, asphalt and streets (unless specifically designed, constructed, and maintained to be pervious). Roadways as defined in s. 340.01(54) or sidewalks as defined in s. 340.01(58) are not considered impervious surfaces.

Interior Improvement

upgrades in aesthetics, function, or worth of the interior surface(s) or components of a structure. Such improvements may include, but are not limited to, replacement or the addition of interior doors, cabinets, drywall, insulation, or plumbing, heating, and electrical system components. No land use permit is required for these activities.

Legal Pre-Existing Structure

a dwelling or other building, structure or accessory building that existed lawfully before the current zoning ordinance was enacted or amended, but that does not conform with one or more of the development regulations in the current zoning ordinance

Lot

a continuous parcel of land, not divided by a public right-of-way, and sufficient in size to meet the lot width and lot area provisions of this ordinance

Lot Area

the area of a horizontal plane bounded by the front, side and rear lot lines of a lot, but not including the area of any land below the ordinary high water mark of navigable waters

Mitigation

(NR 115.03(4r)) means balancing measures that are designed, implemented and function to restore natural functions and values that are otherwise lost through development and human activities.

Navigable Waters

Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state (NR 115.03(5)). Under s. 281.31(2)(d), Wis Stats, notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under s. 59.692, Wis Stats, and ch. NR 115, Wis Adm Code, do not apply to lands adjacent to:

- (a) Farm drainage ditches where such lands are not adjacent to a natural navigable stream or river and such lands were not navigable streams before ditching; and
- (b) Artificially constructed drainage ditches, ponds or stormwater retention basins that are not hydrologically connected to a natural navigable water body.

Nonconforming Use

a use of land, a dwelling, or a building that existed lawfully before the current zoning ordinance was enacted or amended, but that does not conform to the use restrictions in the current ordinance

Ordinary High Water Mark

the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristics (NR 115.03(6))

Ordinary Maintenance and Repair

ordinary and routine actions necessary to continue or restore the safe and healthy use of a structure which has been damaged or has deteriorated through natural aging and wear and which does not result in a substantial structure improvement or a significant increase in value. Such actions may include, but are not limited to, painting and staining, and the repair of the following; exterior windows, skylights, doors, vents, siding, insulation, shutters, gutters, flooring, shingles, roofing materials, walls or the foundation, and internal improvements within the structural envelope without doing a structural alteration

Principal Building or Principal Structure

a structure that is designed for independent human habitation and includes sanitary and/or food preparation facilities whether such structure is attached to another structure(s) or stands alone

Regional Flood

a flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular stream because of like physical characteristics, once in every 100 years

Renovation and Remodeling

See "Ordinary Maintenance and Repair"

Routine Maintenance of Vegetation

normally accepted horticultural practices that do not result in the loss of any layer of existing vegetation and do not require earth disturbance (NR 115.03(7m))

Shoreland Setback (Area)

an area in a shoreland that is within a certain distance of the ordinary high water mark in which the construction or placement of structures has been limited or prohibited under an ordinance enacted under section Wis Stats 59.692

Shoreland-Wetland District

the zoning district, created as a part of this shoreland zoning ordinance, comprised of shorelands that are designated as wetlands on the wetland maps which have been adopted and made part of this ordinance

Shorelands

lands within the following distances from the ordinary high water mark of navigable waters: 1,000 feet from a lake, pond or flowage; and 300 feet from a river or stream or to the landward side of the floodplain whichever distance is greater

Structural Alteration

any activity not considered ordinary maintenance and repair that results in a change to the integral framework, or the exterior silhouette or footprint of a structure

Structure

a principal structure or any accessory structure including a garage, shed, boathouse, sidewalk, walkway, patio, deck, retaining wall, porch or firepit (s.59.692(1)(e) Wis Stats)

Substandard Lot

a legally created lot or parcel that met minimum area and minimum average width requirements when created, but does not meet current lot size requirements for a new lot

Unnecessary Hardship

those circumstances where special conditions, which were not self-created, affect a particular property and make strict conformity with restrictions governing area, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of this ordinance

Variance

an authorization granted by the Board of Adjustment to construct, alter or use a building or structure in a manner that deviates from the dimensional and use standards of this ordinance

Wetlands

those areas where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which have soils indicative of wet conditions

Adoption: October 3, 1985

Amendments: July 31, 1996
August 15, 1996
August 21, 1997
February 17, 2000
November 20, 2003
May 18, 2006
November 15, 2007
December 20, 2012
Date here, 2016

DRAFT #9

ZONING SCHEDULE - DIMENSIONAL REQUIREMENTS

	R-1	R-2	RR-1	A-1	C-1	I-1	F-1
Building Height Limit	35	35	35	35	35	60	35
Required Lot Area (Acres or sq. ft.)							
With Public Sewer	10,000 ²	5 acres	20,000 ²	5 acres	10,000 ²	1 acre	10 acres
Without Public Sewer	15,000	5 acres	20,000 ³	5 acres	20,000 ³	1 acre	10 acres
Minimum Lot Width							
With Public Sewer	75	300	150	300	75	200	300
Without Public Sewer	100	300	150	300	100	200	300
Lotline Setbacks Required							
Front	30	50	30	50	10	50	30
Side							
principal building	10	20	10	20	10	20	10
accessory building	5	10	5	10	5	10	5
Rear	40	50	40	50	20	50	40
principal building	40	50	40	50	20	50	40
accessory building	20	50	40	50	20	50	40
Floor Area, Residence (sq. ft.)							
3 or more bedrooms	1,000	1,000	700	1,000	700	700	700
2 bedrooms	900	900	600	900	600	600	600
1 bedroom	800	800	500	800	500	500	500
Floor Area, Mobile Home (sq. ft.)							
3 or more bedrooms	800	800	700	800	800	Not Allowed	Not Allowed
2 bedrooms	700	700	600	700	700		
1 bedroom	600	600	500	600	600		

¹Unless specified elsewhere in this ordinance or on the official zoning map, the dimensional requirements of this schedule shall apply to the respective listed districts. ~~Requirements for the W-1: Resource Conservation, SP-1: Protection and PUD: Planned Unit Development are contained on the Official Zoning Map.~~

²Minimum for one-family dwellings; add 5,000 sq. ft. for each additional unit over one.

³Plus additional area required by Wis. Admin. Code Ch. ~~Comm-85~~ **SPS 385**

⁴No lot shall be created with a length to width ratio greater than three (3) to one (1).

SETBACK REQUIREMENTS ON HIGHWAY AND ROADS, AS STATED IN SECTION 4.2, DOUGLAS COUNTY ORDINANCE:

The distance that is greater (measured from the centerline and from the right-of-way line), shall apply.

- (a) ALL STATE AND U.S. NUMBERED HIGHWAYS - 130 ft. from centerline or 66 ft. from right-of-way line.
- (b) ALL COUNTY TRUNK HIGHWAYS - 75 ft. from centerline or 42 ft. from right-of-way line.
- (c) ALL TOWN ROADS - 63 ft. from centerline or 30 ft. from right-of-way line.

SETBACK REQUIREMENTS FOR LAKES AND STREAMS 75 ft. from the high water mark of lakes or streams, except for St. Croix, Brule and Eau Claire Rivers, which is 200 ft.



Stephen Rannenberg
Administrator

Keith Wiley
Assistant Administrator



DOUGLAS COUNTY

Planning, Zoning & Land Information Offices

1313 Belknap Street, Room 206
Superior, WI 54880

Date: May 12, 2016
To: Vickie Eastwood
PO Box 68
Gordon, WI 54838
From: Steve Rannenberg, Planning and Zoning Administrator
Subject: Town Board action requested

Conditional Use

DC Zoning Committee: 06-08-2016

RECEIVED MAY 16 2016

Applicant: Cafilisch, Russ & Terry
Petition: 1st Structure (Acc Bldg), F-1 Zone District
Parcel ID / S-T-R / Zone Dist: GO-012-00923-00 / 16-44N-11W / Zone District = F-1

- We have received the attached application related to a proposed land use change in your town.
- This proposed land use change is in the form of one or more of the following:

Petition to Rezone	<input type="checkbox"/>	Variance / appeal	<input type="checkbox"/>
Conditional Use Permit	<input checked="" type="checkbox"/>	Subdivision plat review	<input type="checkbox"/>
- Please place this item on the next Town Board agenda for action by the board.
- We would appreciate a response prior to our public hearing scheduled for June 8, 2016.

5. Objection: _____ No Objection: X

6. Comments The board met 5/17 and has no objection to this request.

7. Signature: Vickie Eastwood Date: 5/17/2016



DOUGLAS COUNTY PLANNING, ZONING & LAND INFORMATION OFFICE

1313 BELKNAP STREET, ROOM 206

SUPERIOR, WI 54880

715 - 395-1380 / FAX 715 - 395-7643

ZC Hrg: 06-08-2016

APPLICATION FOR LAND-USE & CONDITIONAL-USE PERMITS

APPLICATION WILL NOT BE PROCESSED WITHOUT SIGNATURE & DATE ON FRONT AND BACK OF THIS PAGE.

TO WHOM IT MAY CONCERN: The undersigned hereby applies for a permit to do work herein described in this application. The undersigned agrees that all work will be done in accordance with the Douglas County Zoning, Shoreland Zoning, Subdivision Control, Floodplain Ordinances and with all laws of the State of Wisconsin applicable to said premises. Do not start any construction until this office has issued a permit. Failure to obtain the necessary permits will result in a double permit fee and/or citation.

CONDITIONAL-USE PERMIT APPLICATIONS: PLEASE CONTACT TOWN CLERK - APPLICATIONS REQUIRE REVIEW BY YOUR TOWN BOARD PRIOR TO SCHEDULED ZONING COMMITTEE PUBLIC HEARING

Property Owner's Name: PRUSS & TERRY CARLISCH
Mailing Address: 7768 200th St N City, State, Zip FOREST LAKE, MN 55025
Telephone: 612-704-1623 E-mail Address: rcarlisch@constructionmaterialsinc.com

PROPERTY DESCRIPTION: Information must be complete and accurate. If applicable state lot number, block number, subdivision name, government lot number, quarter sections, etc. (Note: This may be copied from your tax notice or deed.)

Tax Parcel #: 60-012-00923-00 Section 16 Town 44 N Range 11 W
Town of: Gordon Parcel Acreage or Size: 20 ACRES

Property Address: 13093 FLAT LAKE ROAD

Legal Description: E-851.82' of NW 1/4 SE 1/4 S of Lwr Ox Creek, Also easement per S-1060

Name of Adjacent Lake or Stream: Little Ox Creek Lake Class Zone District F-1

Type of construction: New Building (new building, manufactured home, addition to seasonal dwelling, alteration to accessory building, relocate structure)

Proposed Use: Accessory Building (year-round or seasonal dwelling, accessory building, commercial building, change use of structure)

Table with 9 columns: Length, Width, Area (sq ft), Height, Stories, # Bedrooms, # Occupants, Est Cost - \$

Please stake building site prior to submitting this application.

Has any portion of the project been started? Yes No X Sanitary Permit #: N/A

Signature of owner or agent: Russ C Carlisch Date: 5/4/16

Agent address & phone number:

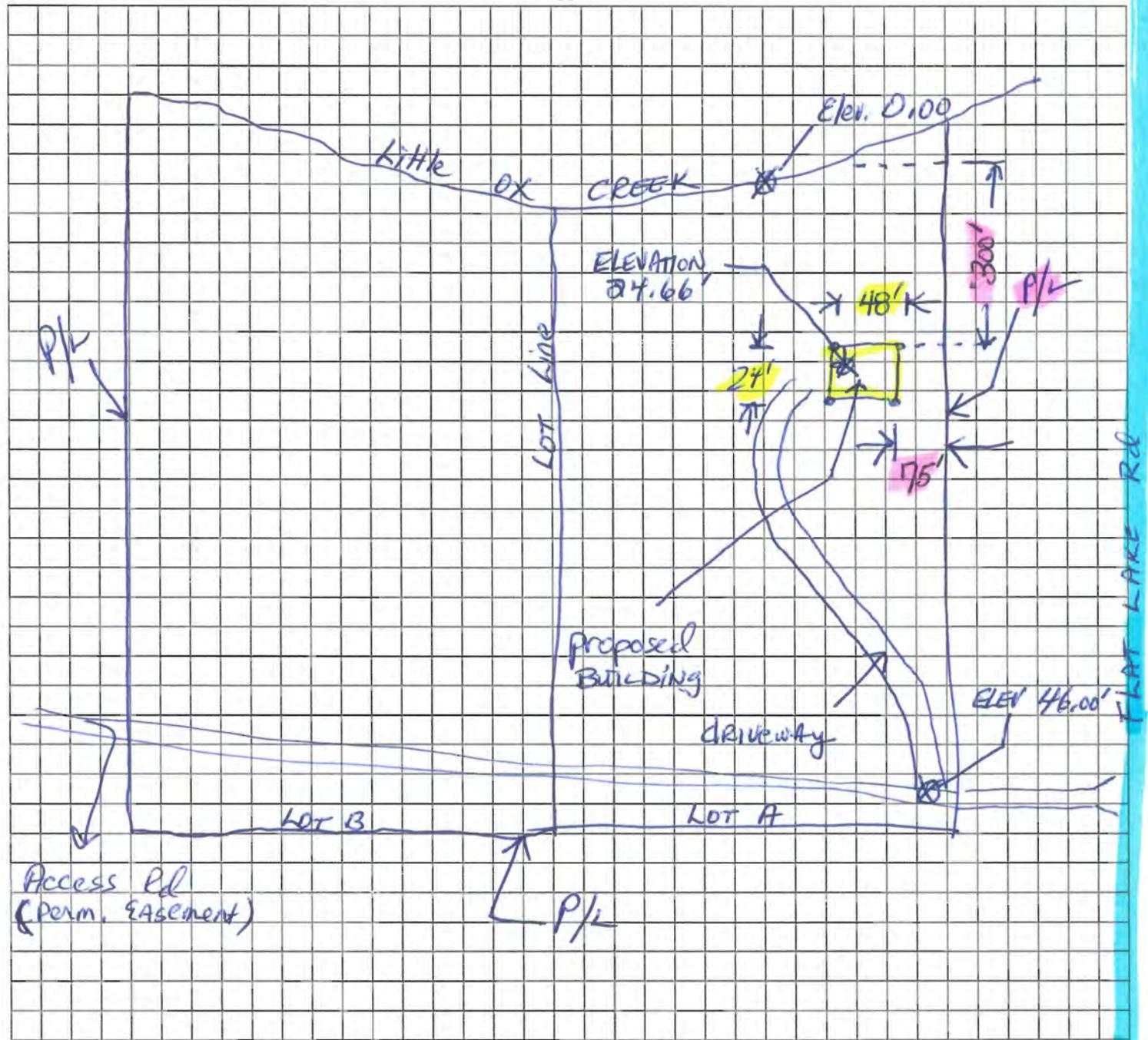
By signing this application, I give my/our permission to allow a site inspection to be made of the site by Zoning staff and allow photographs to be taken if necessary.

Table with 4 columns: Type, Amount, Date Paid, Receipt #

Vertical boxes for VARIANCE NO., ZONE CHANGE NO., DATE ISSUED, PERMIT NO.

LOT LAYOUT DIAGRAM

SCALE: 1 Block = NTS feet
 If drawing is not to scale show all dimensions
 N



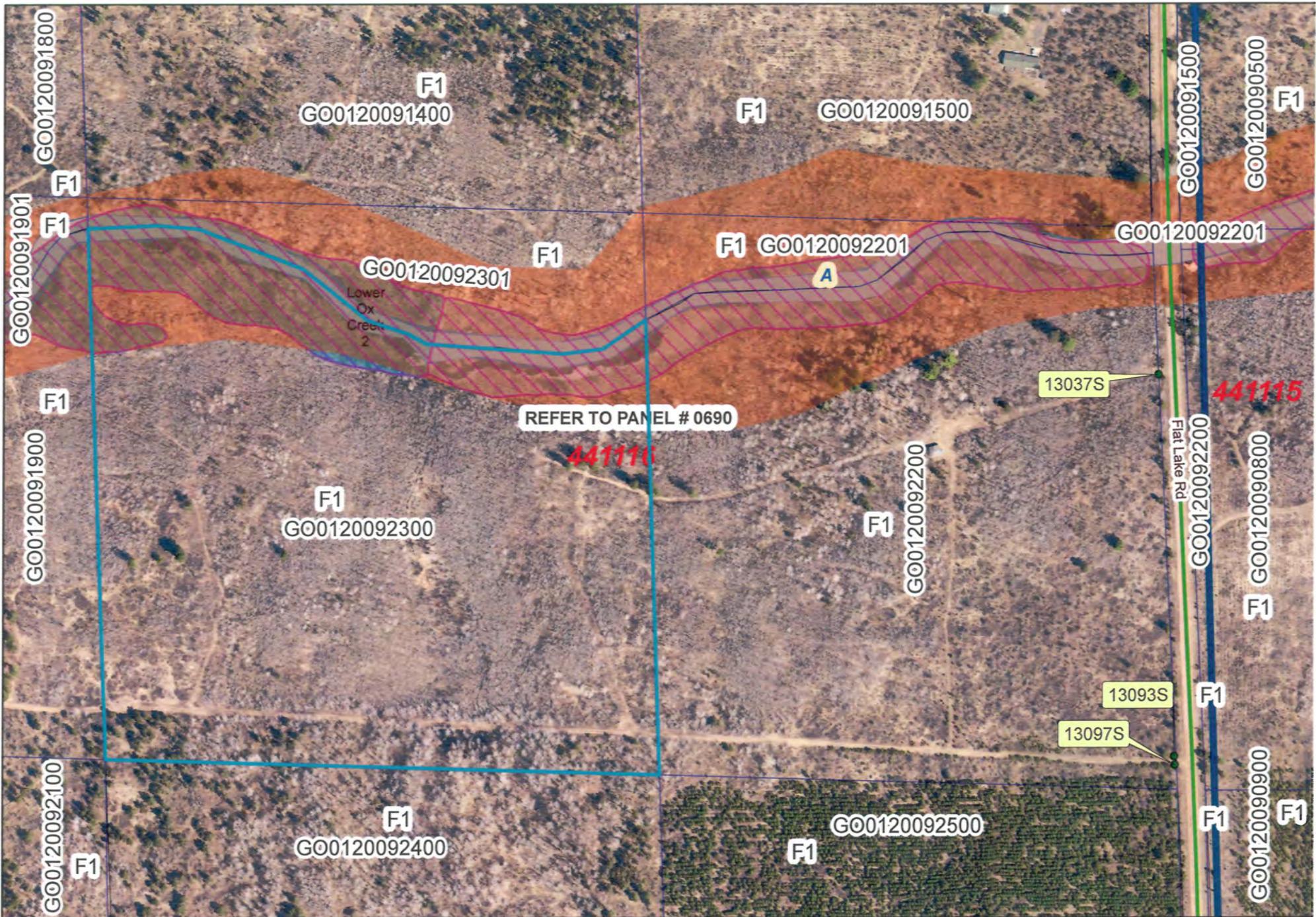
You are responsible for complying with State and Federal laws concerning construction near or on wetlands, lakes, and streams. Wetlands that are not associated with open water can be difficult to identify. Failure to comply may result in removal or modification of construction that violates the law or other penalties or costs. For more information, visit the [Department of Natural Resources wetlands identification page](#) or contact a Department of Natural Resources Service Center.

Additional responsibilities for owners of projects disturbing one or more acre(s) of soil

I understand that this project is subject to regulations regarding erosion control and storm water management and I will comply with those standards. For more information, visit the [Department of Natural Resources](#) or contact a Department of Natural Resources Service Center.

Applicant's Signature: Russ C. Coffey

Date: 5/4/16



Map Printed: 5/12/2016

MAP PRODUCED BY SHELLY WISNIEWSKI
DOUGLAS COUNTY ZONING

CU - Caflich, Russ & Terry
Acc Bldg, 1st structure, F-1 ZD, 06-08-2016 Hrg

1 inch = 300 feet

LINES AND DIMENSIONS ARE APPROXIMATE





DOUGLAS COUNTY

Planning, Zoning & Land Information Offices

1313 Belknap Street, Room 206
Superior, WI 54880

b2

Stephen Rannenberg
Administrator

Keith Wiley
Assistant Administrator

Ben Klitzke
County Surveyor

Date: May 4, 2016
To: Denise Selden
15178 S State Road 35
Dairyland, WI 54830
From: Steve Rannenberg, Planning and Zoning Administrator
Subject: Town Board action requested

Conditional Use
DC Zoning Committee: 06-08-2016

Applicant: Hogie, Kevin & Joni
Petition: First Structure in the F-1 Zone District
Parcel ID / S-T-R / Zone Dist: DA-010-00484-00 / 04-43N-15W / Zone District = F-1

- We have received the attached application related to a proposed land use change in your town.
- This proposed land use change is in the form of one or more of the following:

Petition to Rezone	___	Variance / appeal	___
Conditional Use Permit	<u> X </u>	Subdivision plat review	___
- Please place this item on the next Town Board agenda for action by the board.
- We would appreciate a response prior to our public hearing scheduled for **June 8, 2016**.

5. Objection: _____ No Objection: X _____

6. Comments _____

7. Signature: D Selden Date: 5/9/16



DOUGLAS COUNTY PLANNING, ZONING & LAND INFORMATION OFFICE
1313 BELKNAP STREET, ROOM 206
SUPERIOR, WI 54880
715 - 395-1380 / FAX 715 - 395-7643

ZC Hrg: 06-08-2016

APPLICATION FOR LAND-USE & CONDITIONAL-USE PERMITS

APPLICATION WILL NOT BE PROCESSED WITHOUT SIGNATURE & DATE ON FRONT AND BACK OF THIS PAGE.

TO WHOM IT MAY CONCERN: The undersigned hereby applies for a permit to do work herein described in this application. The undersigned agrees that all work will be done in accordance with the Douglas County Zoning, Shoreland Zoning, Subdivision Control, Floodplain Ordinances and with all laws of the State of Wisconsin applicable to said premises. Do not start any construction until this office has issued a permit. Failure to obtain the necessary permits will result in a double permit fee and/or citation.

CONDITIONAL-USE PERMIT APPLICATIONS: PLEASE CONTACT TOWN CLERK - APPLICATIONS REQUIRE REVIEW BY YOUR TOWN BOARD PRIOR TO SCHEDULED ZONING COMMITTEE PUBLIC HEARING

Property Owner's Name: KEVIN & JONI HOGIE
 Mailing Address: 9047 LAKE BLVD City, State, Zip CHISAGO CITY, MN 55013
 Telephone: 651-261-5131 E-mail Address: KHOGIE@FRONTIERNET.NET

PROPERTY DESCRIPTION: Information must be complete and accurate. If applicable state lot number, block number, subdivision name, government lot number, quarter sections, etc. (Note: This may be copied from your tax notice or deed.)

Tax Parcel #: DA0100048400 Section 04 Town 43 N Range 15 W
 Town of: DAIRYLAND Parcel Acreage or Size: 80
 Property Address: 14788 S SWEDISH HWY
 Legal Description: S-1/2 SW - 1/4 4-43-15
 Name of Adjacent Lake or Stream: N/A Lake Class _____ Zone District F-1

Type of construction: TRAILER - Semi
(new building, manufactured home, addition to seasonal dwelling, alteration to accessory building, relocate structure)

Proposed Use: Accessory Building
(year-round or seasonal dwelling, accessory building, commercial building, change use of structure)

	Length	Width	Area (sq ft)	Height	Stories	# Bedrooms	# Occupants	Est Cost - \$
Dwelling								<u>12</u>
Accessory Bldg	<u>40</u>	<u>90</u>	<u>3600</u>	<u>14</u>	<u>1</u>	<u>N/A</u>	<u>N/A</u>	<u>35,000</u>
Accessory Bldg	<u>8</u>	<u>53</u>	<u>424</u>					<u>2,000</u>

Please stake building site prior to submitting this application.

Has any portion of the project been started? Yes _____ No X Sanitary Permit #: _____

Signature of owner or agent: [Signature] Date: 4/16/16

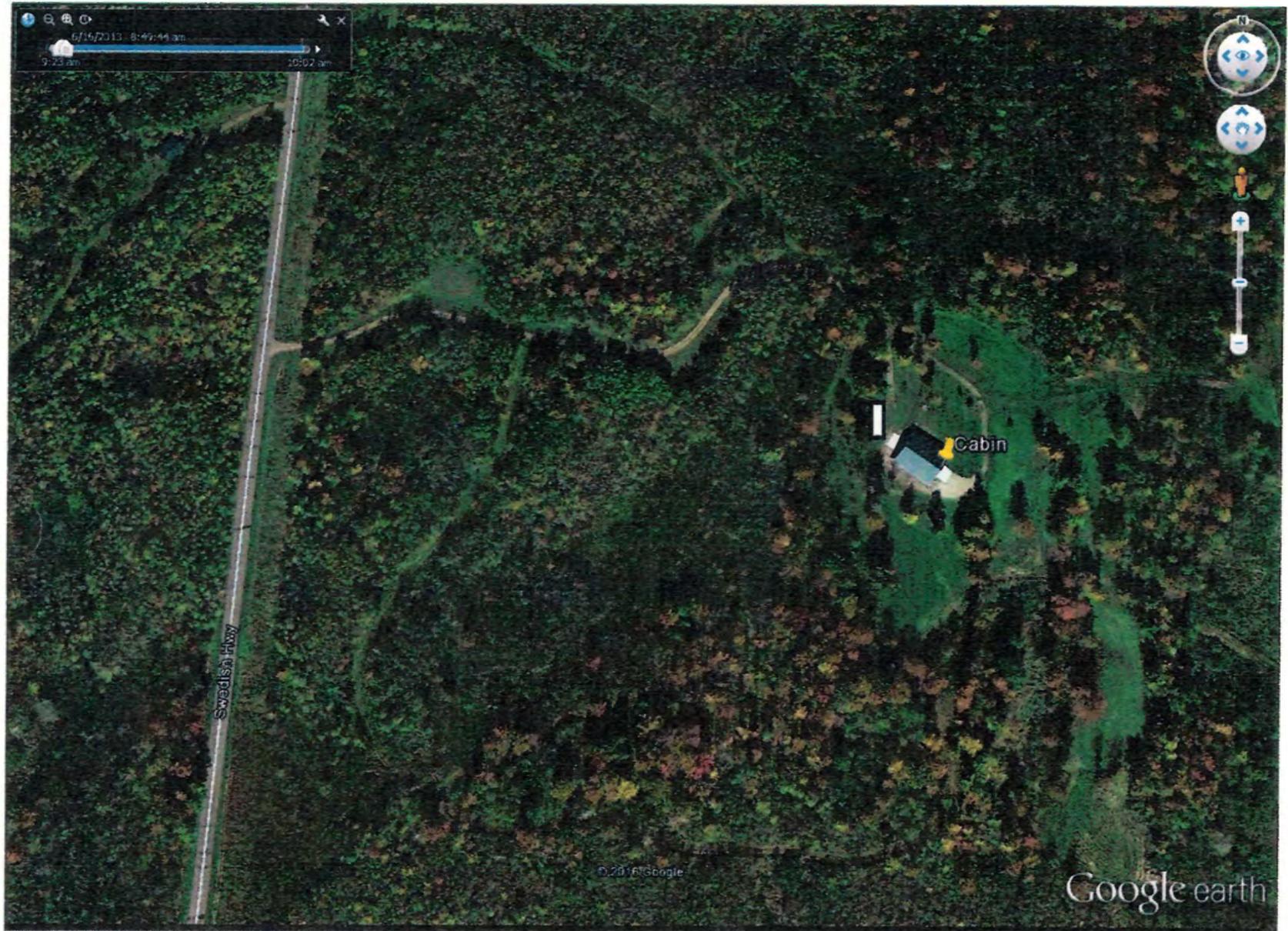
Agent address & phone number: _____

By signing this application, I give my/our permission to allow a site inspection to be made of the site by Zoning staff and allow photographs to be taken if necessary.

Type	Amount	Date Paid	Receipt #
Land Use	\$ <u>105-</u>	<u>05-04-2016</u>	<u>11371</u>
Land Use	\$ <u>105-</u>	<u>05-04-2016</u>	<u>11371</u>
Cond. Use	\$ <u>125-</u>	<u>05-04-2016</u>	<u>11371</u>
A-T-F Double	\$		
Vendor #	<u>1518581</u>	<u>8335-</u>	<u>total</u>

VARIANCE NO: _____
 ZONE CHANGE NO: _____
 DATE ISSUED: _____
 PERMIT NO: _____

4/16 Hogie - Rough Trailer location



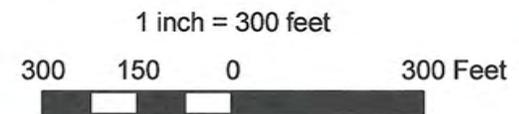


Map Printed: 5/4/2016

MAP PRODUCED BY SHELLY WISNIEWSKI
DOUGLAS COUNTY ZONING

LINES AND DIMENSIONS ARE APPROXIMATE

CU - Hoagie, Kevin & Joni
1st Structure, F-1 ZD, 06-08-2016 Hrg





DOUGLAS COUNTY PLANNING, ZONING & LAND INFORMATION OFFICE
1313 BELKNAP STREET, ROOM 206
SUPERIOR, WI 54880
715 - 395-1380 / FAX 715 - 395-7643

b3

ZC Hrgi 06-08-2016

APPLICATION FOR LAND-USE & CONDITIONAL-USE PERMITS

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TO WHOM IT MAY CONCERN: The undersigned hereby applies for a permit to do work herein described in this application. The undersigned agrees that all work will be done in accordance with the Douglas County Zoning, Shoreland Zoning, Subdivision Control, Floodplain Ordinances and with all laws of the State of Wisconsin applicable to said premises. Do not start any construction until this office has issued a permit. Failure to obtain the necessary permits will result in a double permit fee and/or citation.

CONDITIONAL-USE PERMIT APPLICATIONS: PLEASE CONTACT TOWN CLERK - APPLICATIONS REQUIRE REVIEW BY YOUR TOWN BOARD PRIOR TO SCHEDULED ZONING COMMITTEE PUBLIC HEARING

Property Owner's Name: TYLER & SERENA RICHARDSON
 Mailing Address: N7767 507th ST City, State, Zip MENOMONIE, WI 54751
 Telephone: 715-514-8984(S) 715-279-0085(S) E-mail Address: renarichardson@rocketmail.com

PROPERTY DESCRIPTION: Information must be complete and accurate. If applicable state lot number, block number, subdivision name, government lot number, quarter sections, etc. (Note: This may be copied from your tax notice or deed.)

Tax Parcel #: WA 032-00156-01 Section 18 Town 43 N Range 10 W

Town of: WASCOTT Parcel Acreage or Size: 20 ACRES

Property Address: 12116 E CROOKED LAKE RD, GORDON WI 54838

Legal Description: W 1/2 NE SW 18-43-10

Name of Adjacent Lake or Stream: N/A Lake Class N/A Zone District F-1

Type of construction: NEW BUILDING
(new building, manufactured home, addition to seasonal dwelling, alteration to accessory building, relocate structure)

Proposed Use: ACCESSORY BUILDING
(year-round or seasonal dwelling, accessory building, commercial building, change use of structure)

	Length	Width	Area (sq ft)	Height	Stories	# Bedrooms	# Occupants	Est Cost - \$
Dwelling								
Accessory Bldg	40ft	30ft	1200	10ft	1			\$16,000
Accessory Bldg								

Please stake building site prior to submitting this application.

Has any portion of the project been started? Yes _____ No X Sanitary Permit #: _____

Signature of owner or agent: Serena Richardson Date: 5-6-16

Agent address & phone number: _____

By signing this application, I give my/our permission to allow a site inspection to be made of the site by Zoning staff and allow photographs to be taken if necessary.

Type	Amount	Date Paid	Receipt #
Land Use	\$ 190 cash	5/10/16	11392
Land Use	\$		
Cond. Use	\$ 125 cash	5/10/16	11392
A-T-F Double	\$		
Vendor #	1810021		

VARIANCE NO: _____

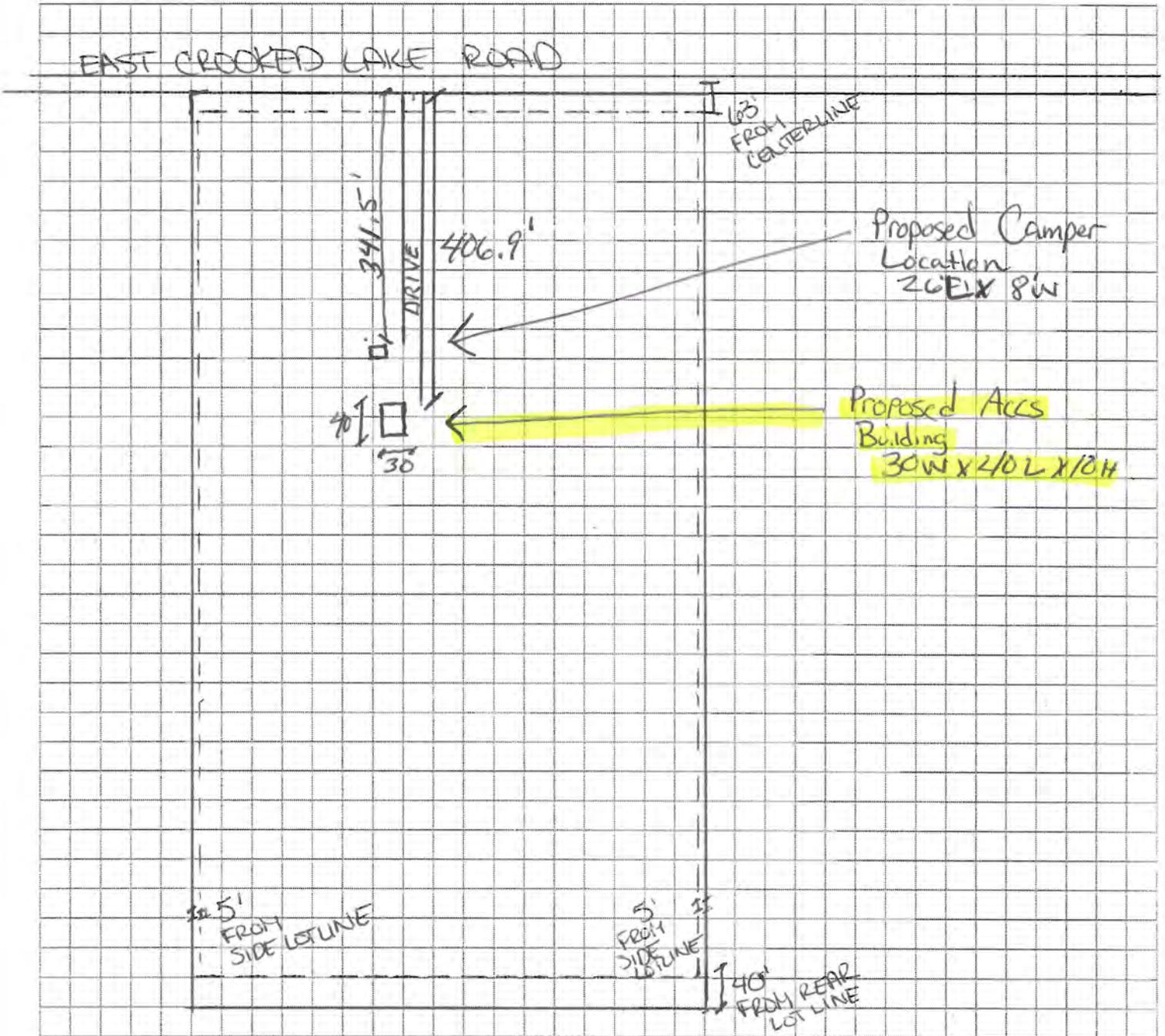
ZONE CHANGE NO: _____

DATE ISSUED: _____

PERMIT NO: _____

LOT LAYOUT DIAGRAM

SCALE: 1 Block = 40×40 feet
If drawing is not to scale show all dimensions
N



You are responsible for complying with State and Federal laws concerning construction near or on wetlands, lakes, and streams. Wetlands that are not associated with open water can be difficult to identify. Failure to comply may result in removal or modification of construction that violates the law or other penalties or costs. For more information, visit the [Department of Natural Resources wetlands identification page](#) or contact a Department of Natural Resources Service Center.

Additional responsibilities for owners of projects disturbing one or more acre(s) of soil

I understand that this project is subject to regulations regarding erosion control and storm water management and I will comply with those standards. For more information, visit the [Department of Natural Resources](#) or contact a Department of Natural Resources Service Center.

Applicant's Signature:

Brenda Q. Richardson

Date:

5-6-16

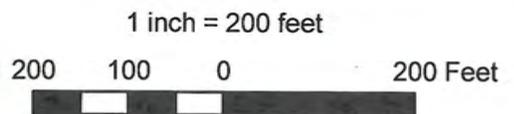


Map Printed: 5/12/2016

MAP PRODUCED BY SHELLY WISNIEWSKI
DOUGLAS COUNTY ZONING

CU - Richardson, Tyler & Serena
Acc Bldg, 1st structure, F-1 ZD, 06-08-2016 Hrg

LINES AND DIMENSIONS ARE APPROXIMATE



b4



DOUGLAS COUNTY PLANNING, ZONING & LAND INFORMATION OFFICE
1313 BELKNAP STREET, ROOM 206
SUPERIOR, WI 54880
715 - 395-1380 / FAX 715 - 395-7643

ZC Hrg: 06-08-2016

APPLICATION FOR LAND-USE & CONDITIONAL-USE PERMITS

APPLICATION WILL NOT BE PROCESSED WITHOUT SIGNATURE & DATE ON FRONT AND BACK OF THIS PAGE.

TO WHOM IT MAY CONCERN: The undersigned hereby applies for a permit to do work herein described in this application. The undersigned agrees that all work will be done in accordance with the Douglas County Zoning, Shoreland Zoning, Subdivision Control, Floodplain Ordinances and with all laws of the State of Wisconsin applicable to said premises. Do not start any construction until this office has issued a permit. Failure to obtain the necessary permits will result in a double permit fee and/or citation.

CONDITIONAL-USE PERMIT APPLICATIONS: PLEASE CONTACT TOWN CLERK - APPLICATIONS REQUIRE REVIEW BY YOUR TOWN BOARD PRIOR TO SCHEDULED ZONING COMMITTEE PUBLIC HEARING

Property Owner's Name: EDWARD J. VALEK
Mailing Address: 32808 GREEN VW City, State, Zip BULVERDE, TX 78163
Telephone: 832-373-7878 E-mail Address: edyjo7@gmail.com

PROPERTY DESCRIPTION: Information must be complete and accurate. If applicable state lot number, block number, subdivision name, government lot number, quarter sections, etc. (Note: This may be copied from your tax notice or deed.)

Tax Parcel #: WA-032-00331-00 Section 2 Town 43 N Range 11 W

Town of: WASCOTT Parcel Acreage or Size: 40 ACRES

Property Address: FIRE NUMBER NOT ASSIGNED; WEMISSEM RD

Legal Description: SE 1/4, NE 1/4, 2-43-11

Name of Adjacent Lake or Stream: EAU CLAIRE RIVER Lake Class floodplain exists. Zone District F1

Type of construction: NEW BUILDING
(new building, manufactured home, addition to seasonal dwelling, alteration to accessory building, relocate structure)

Proposed Use: ACCESSORY BUILDING - POLE-BARN, COLO STORAGE
(year-round or seasonal dwelling, accessory building, commercial building, change use of structure)

	Length	Width	Area (sq ft)	Height	Stories	# Bedrooms	# Occupants	Est Cost - \$
Dwelling								
Accessory Bldg	30'	40'	1200 ft ²	10'6"	1			\$21,000.00
Accessory Bldg								

Please stake building site prior to submitting this application.

Has any portion of the project been started? Yes _____ No X Sanitary Permit #: _____

Signature of owner or agent: E. Valek Date: 4/19/16

Agent address & phone number: _____

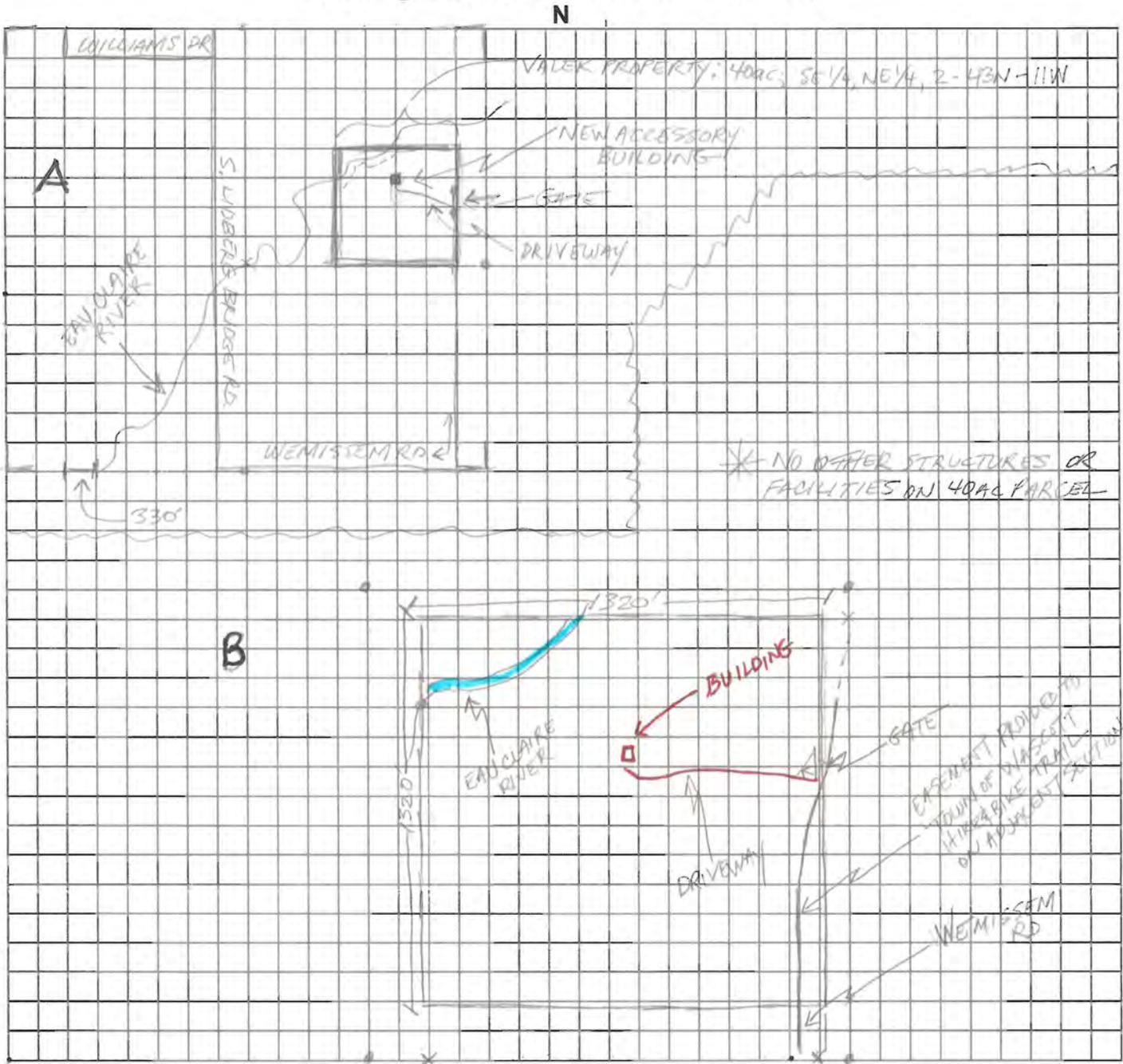
By signing this application, I give my/our permission to allow a site inspection to be made of the site by Zoning staff and allow photographs to be taken if necessary.

Type	Amount	Date Paid	Receipt #
Land Use	\$ 190	4/22/16	11335
Land Use	\$		
Cond. Use	\$ 125	5/2/16	11365
A-T-F Double	\$		
Vendor #	1808941		

VARIANCE NO: _____
 ZONE CHANGE NO: _____
 DATE ISSUED: _____
 PERMIT NO: _____

LOT LAYOUT DIAGRAM

SCALE: 1 Block = $\frac{A=330'}{B=100'}$ feet
 If drawing is not to scale show all dimensions

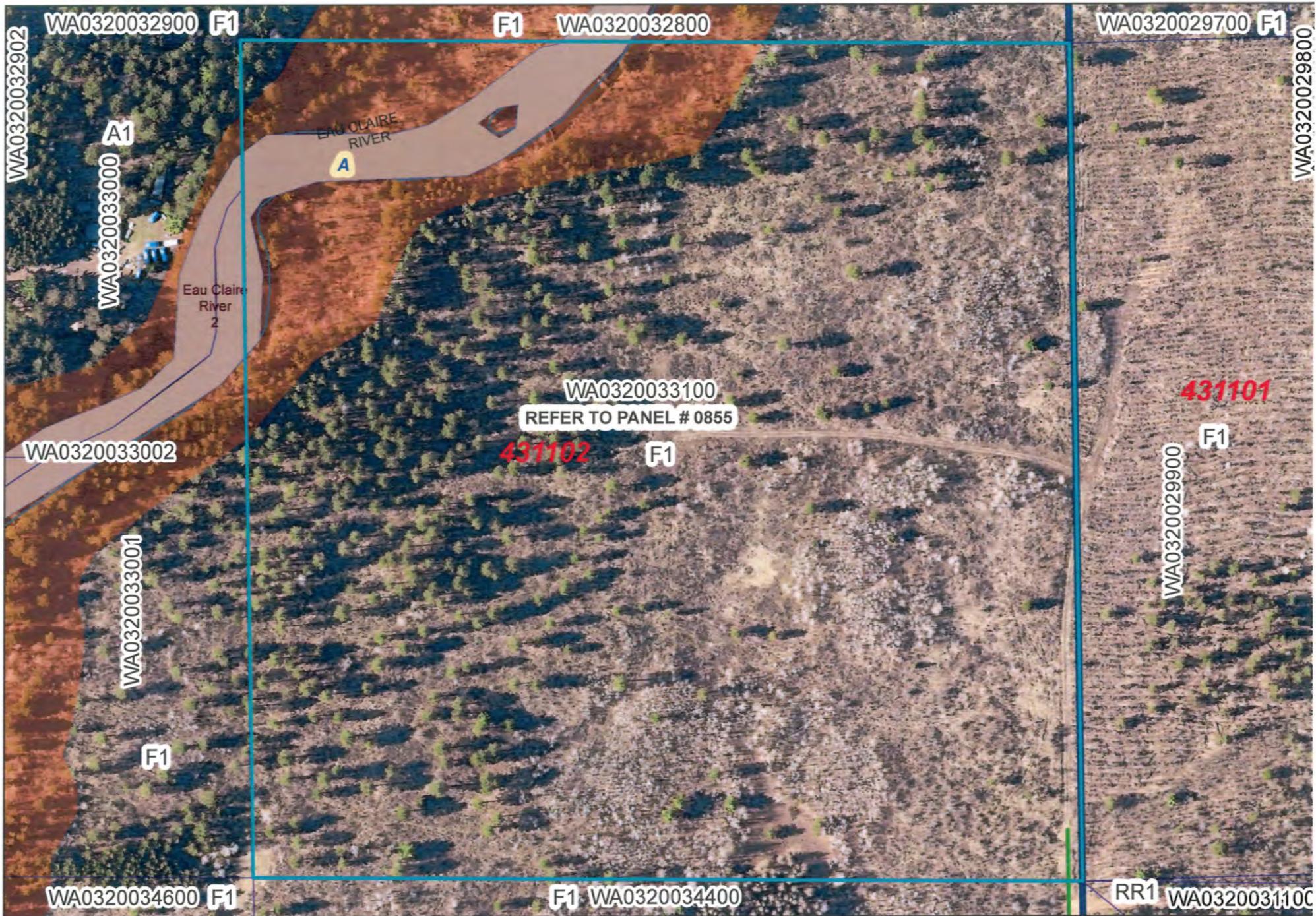


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Additional responsibilities for owners of projects disturbing one or more acre(s) of soil

I understand that this project is subject to regulations regarding erosion control and storm water management and I will comply with those standards. For more information, visit the [Department of Natural Resources](#) or contact a Department of Natural Resources Service Center.

Applicant's Signature: *E. Valek* Date: 4/19/16



Map Printed: 5/2/2016

MAP PRODUCED BY SHELLY WISNIEWSKI
DOUGLAS COUNTY ZONING

LINES AND DIMENSIONS ARE APPROXIMATE

CU - Valek, Edward J.
1st Structure, F-1 ZD, 06-08-2016 Hrg





DOUGLAS COUNTY PLANNING, ZONING & LAND INFORMATION OFFICE
1313 BELKNAP STREET, ROOM 206
SUPERIOR, WI 54880
715 - 395-1380 / FAX 715 - 395-7643

b5

2C Hrg! 06-08-2016

APPLICATION FOR PERMIT: **LAND-USE** **CONDITIONAL-USE**

APPLICATION WILL NOT BE PROCESSED WITHOUT SIGNATURE & DATE ON FRONT AND BACK OF THIS PAGE.

TO WHOM IT MAY CONCERN: The undersigned hereby applies for a permit to do work herein described in this application. The undersigned agrees that all work will be done in accordance with the Douglas County Zoning, Shoreland Zoning, Subdivision Control, Floodplain Ordinances and with all laws of the State of Wisconsin applicable to said premises. Do not start any construction until this office has issued a permit. Failure to obtain the necessary permits will result in a double permit fee and/or citation.

CONDITIONAL-USE PERMIT APPLICATIONS: PLEASE CONTACT TOWN CLERK - APPLICATIONS REQUIRE REVIEW BY YOUR TOWN BOARD PRIOR TO SCHEDULED ZONING COMMITTEE PUBLIC HEARING

Property Owner's Name: Robert G. Downs Jr
Mailing Address: P.O. Box 81 City, State, Zip: Wascott WI, 54890
Telephone: 218-348-1358 E-mail Address: d downs 42@Centurylink.net

PROPERTY DESCRIPTION: Information must be complete and accurate. If applicable state lot number, block number, subdivision name, government lot number, quarter sections, etc. (Note: This may be copied from your tax notice or deed.)

Tax Parcel #: WA-032-01218-00 Section 21 Town 43 N Range 12 W

Town of: Wascott Parcel Acreage or Size: 2.7 Ac

Property Address: 15955 S Downs Rd.

Legal Description: Pt Govt Lot 2, Lot 2, CSM # 51 Vol 1, pg 52

Name of Adjacent Lake or Stream: Bond Lake Wetlands: Yes No Zone District RR-1

Type of construction: Change of use
(accessory building, dwelling, addition to seasonal dwelling, alteration to accessory building, relocate structure)

Proposed Use: Seasonal dwelling > year-round dwelling
(year-round or seasonal dwelling, storage, commercial use, change use of structure)

	Length	Width	Area (sq ft)	Height	Stories	# Bedrooms	# Occupants	Est Cost - \$
Dwelling	36	24	864	26	3	3	2	0
Accessory Bldg								
Accessory Bldg								

Please stake building site prior to submitting this application.

Has any portion of the project been started? Yes No Sanitary Permit #: _____

Signature of owner or agent: [Signature] Date: 4-18-16

Agent address & phone number: _____

By signing this application, I give my/our permission to allow a site inspection to be made of the site by Zoning staff and allow photographs to be taken if necessary.

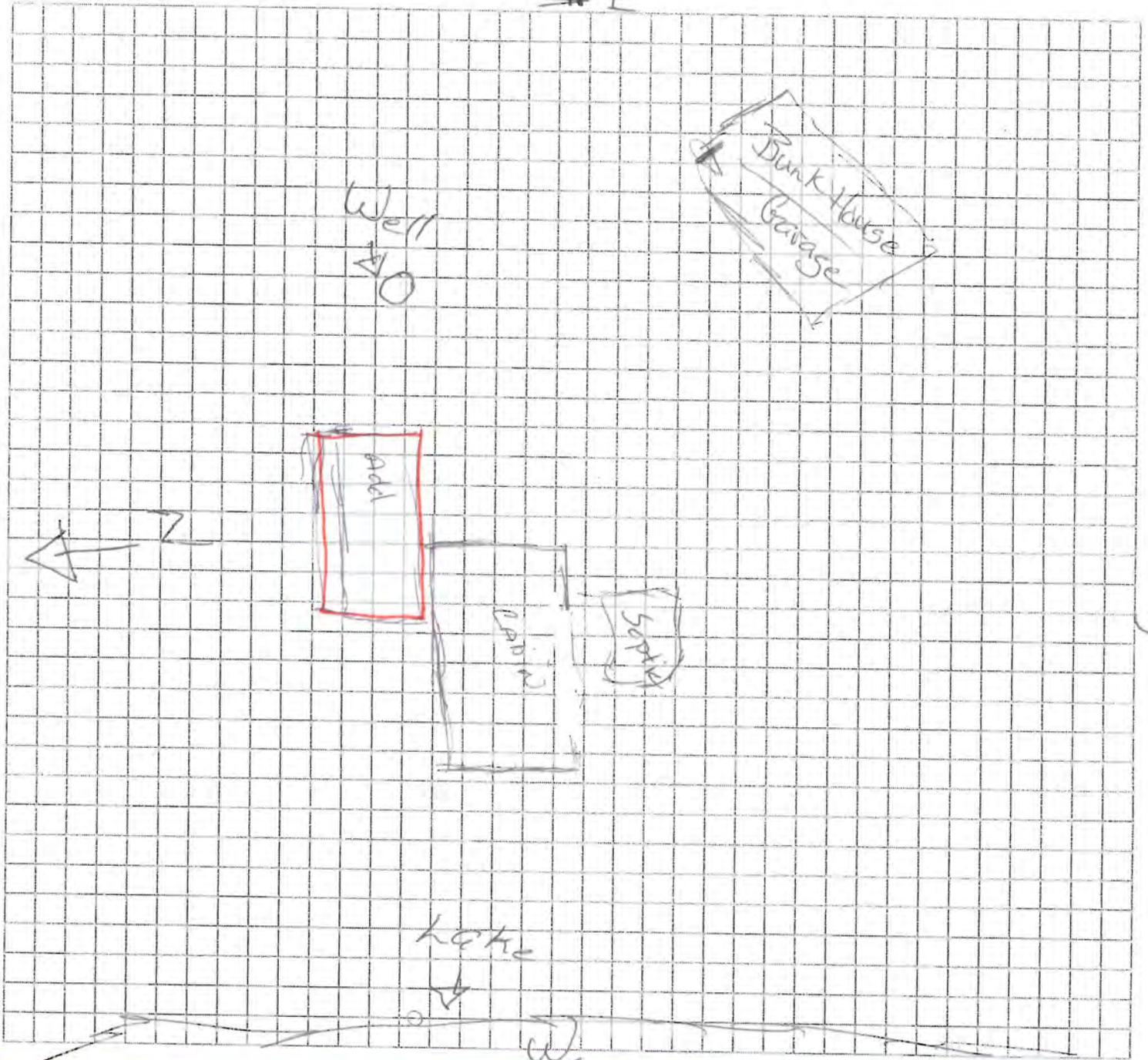
Type	Amount	Date Paid	Receipt #
Land Use	\$		
Land Use	\$		
Cond. Use	\$ <u>125-</u>	<u>04-18-2016</u>	<u>11312</u>
A-T-F Double	\$		
Vendor #	<u>1908722</u>		

VARIANCE NO:	ZONE CHANGE NO:	DATE ISSUED:	PERMIT NO:
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LOT LAYOUT DIAGRAM

SCALE: 1 Block = _____ feet
If drawing is not to scale show all dimensions

~~N~~ E



You are responsible for complying with State and Federal laws concerning construction near or on wetlands, lakes, and streams. Wetlands that are not associated with open water can be difficult to identify. Failure to comply may result in removal or modification of construction that violates the law or other penalties or costs. For more information, visit the Department of Natural Resources wetlands identification page or contact a Department of Natural Resources Service Center.

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Applicant's Signature: _____

Date: 4-18-16

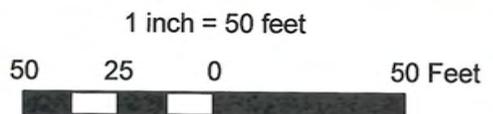


Map Printed: 4/18/2016

MAP PRODUCED BY SHELLY WISNIEWSKI
DOUGLAS COUNTY ZONING

LINES AND DIMENSIONS ARE APPROXIMATE

CU - Downs Jr., Robert G
Chg Use: Seas > YR Dwell, 06-08-2016 Hrg





DOUGLAS COUNTY PLANNING, ZONING & LAND INFORMATION OFFICE
1313 BELKNAP STREET, ROOM 206
SUPERIOR, WI 54880
715 - 395-1380 / FAX 715 - 395-7643

blo

ZC Hrg: 06-08-2016

APPLICATION FOR PERMIT: **LAND-USE** **CONDITIONAL-USE**

APPLICATION WILL NOT BE PROCESSED WITHOUT SIGNATURE & DATE ON FRONT AND BACK OF THIS PAGE.

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CONDITIONAL-USE PERMIT APPLICATIONS: PLEASE CONTACT TOWN CLERK - APPLICATIONS REQUIRE REVIEW BY YOUR TOWN BOARD PRIOR TO SCHEDULED ZONING COMMITTEE PUBLIC HEARING

Property Owner's Name: Andrew J Stensland
Mailing Address: PO Box 1025 City, State, Zip Superior, WI 54880
Telephone: 218-391-1133 E-mail Address: andrew.stensland@dot.wi.gov

PROPERTY DESCRIPTION: Information must be complete and accurate. If applicable state lot number, block number, subdivision name, government lot number, quarter sections, etc. (Note: This may be copied from your tax notice or deed.)

Tax Parcel #: WA-032-01792-00 Section 23 Town 43 N Range 13 W
Town of: Wascott Parcel Acreage or Size: 2.8 Ac

Property Address: 15836 S South Main Rd.

Legal Description: Pt Govt Lot 6 Lyng SE of Town Rd 23-43-13

Name of Adjacent Lake or Stream: Crystal Lake Wetlands: Yes No Zone District RR-1

Type of construction: Change use: Seasonal > year-round dwelling
(accessory building, dwelling, addition to seasonal dwelling, alteration to accessory building, relocate structure)

Proposed Use: See LU Permit # 23949, SAN # 572206
(year-round or seasonal dwelling, storage, commercial use, change use of structure)

	Length	Width	Area (sq ft)	Height	Stories	# Bedrooms	# Occupants	Est Cost - \$
Dwelling								
Accessory Bldg								
Accessory Bldg								

Please stake building site prior to submitting this application.

Has any portion of the project been started? Yes No Sanitary Permit #: 572206

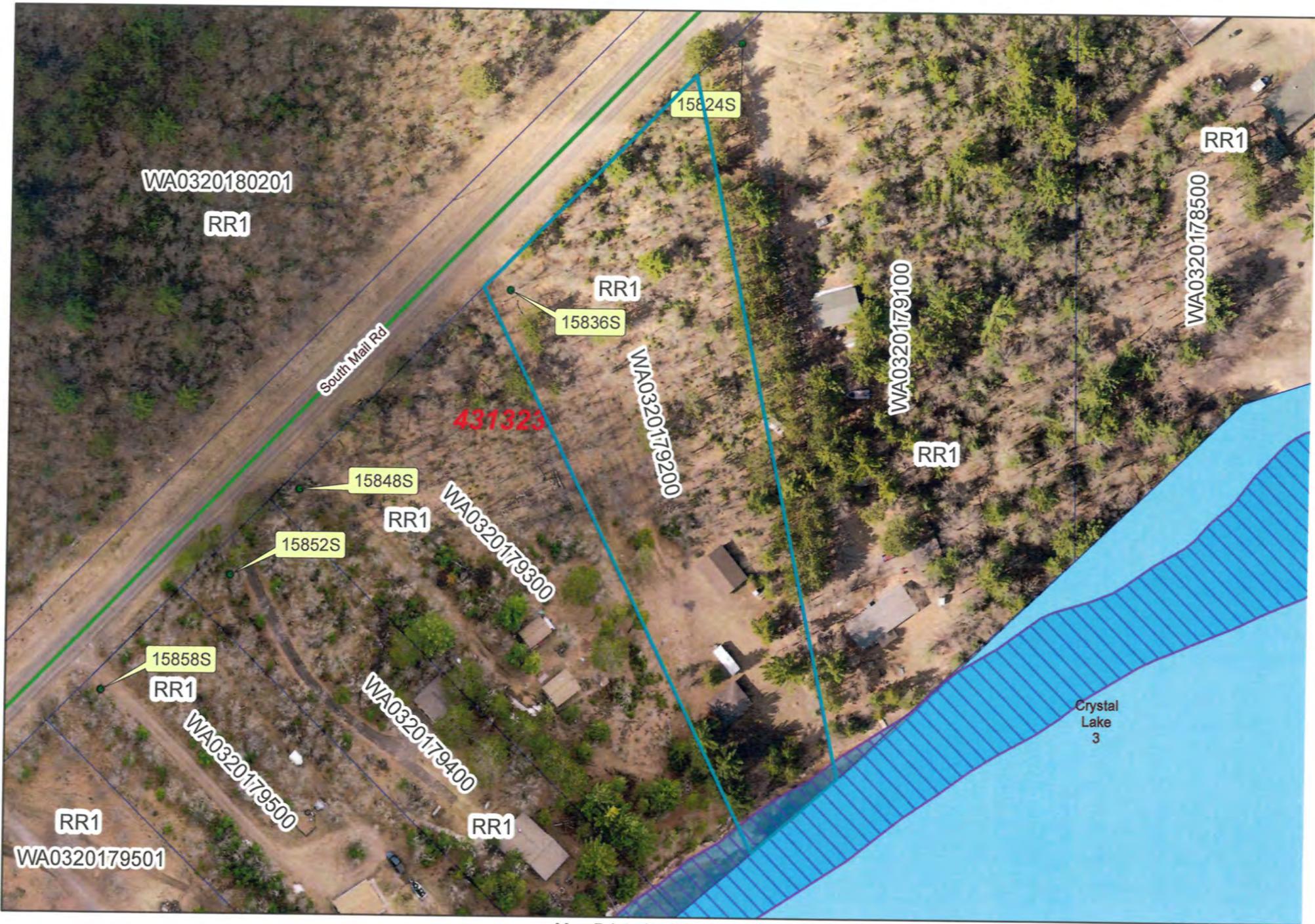
Signature of owner or agent: Andrew J. Stensland Date: 4/26/16

Agent address & phone number: _____

By signing this application, I give my/our permission to allow a site inspection to be made of the site by Zoning staff and allow photographs to be taken if necessary.

Type	Amount	Date Paid	Receipt #
Land Use	\$ <u>125-</u>	<u>4/27/16</u>	<u>11351</u>
Land Use	\$		
Cond. Use	\$		
A-T-F Double	\$		
Vendor #	<u>892 601</u>	<u>CK# 8828</u>	

VARIANCE NO:	ZONE CHANGE NO:	DATE ISSUED:	PERMIT NO:
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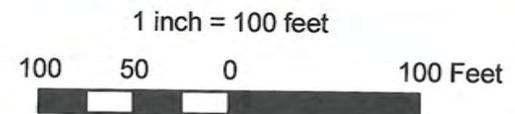


Map Printed: 4/28/2016

MAP PRODUCED BY SHELLY WISNIEWSKI
DOUGLAS COUNTY ZONING

LINES AND DIMENSIONS ARE APPROXIMATE

CU - Stensland, Andrew J.
Change Use, RR-1 ZD, 06-08-2016 Hrg





DOUGLAS COUNTY PLANNING, ZONING & LAND INFORMATION OFFICE
1313 BELKNAP STREET, ROOM 206
SUPERIOR, WI 54880
715 - 395-1380 / FAX 715 - 395-7643

b7

ZC Hqs: 06-08-2016

APPLICATION FOR PERMIT: **LAND-USE** **CONDITIONAL-USE**

APPLICATION WILL NOT BE PROCESSED WITHOUT SIGNATURE & DATE ON FRONT AND BACK OF THIS PAGE

TO WHOM IT MAY CONCERN: The undersigned hereby applies for a permit to do work herein described in this application. The undersigned agrees that all work will be done in accordance with the Douglas County Zoning, Shoreland Zoning, Subdivision Control, Floodplain Ordinances and with all laws of the State of Wisconsin applicable to said premises. Do not start any construction until this office has issued a permit. Failure to obtain the necessary permits will result in a double permit fee and/or citation.

CONDITIONAL-USE PERMIT APPLICATIONS: PLEASE CONTACT TOWN CLERK - APPLICATIONS REQUIRE REVIEW BY YOUR TOWN BOARD PRIOR TO SCHEDULED ZONING COMMITTEE PUBLIC HEARING

Property Owner's Name: Penny A Barrett
 Mailing Address: 9261 S Old 11 Rd City, State, Zip Bolan Springs WI 5487
 Telephone: 715-319-1454 E-mail Address: Old 11 Acres@gmail.com

PROPERTY DESCRIPTION: Information must be complete and accurate. If applicable state lot number, block number, subdivision name, government lot number, quarter sections, etc. (Note: This may be copied from your tax notice or deed.)

Tax Parcel #: BE-004-00921-00 Section 35 Town 46 N Range 12 W
 Town of: Bennett Parcel Acreage or Size: 40

Property Address: 9261 S Old 11 Rd
 Legal Description: PT NE NW + NW NE, 35-46-12, BGN NW CNR NE NW OF SEC 35 TH E- 990.8' TO CTRLN OLD ST HWY 11, TH SE'LY ALG CTRLN TO S LN NW NE, TH W ALG S LN TO SW CNR NE NW, TH N ALG W LN TO POB
 Name of Adjacent Lake or Stream: _____ Wetlands: Yes No Zone District R2

Type of construction: Chicken Coop / Hobby Farm
 (accessory building, dwelling, addition to seasonal dwelling, alteration to accessory building, relocate structure)
 Proposed Use: Chickens (50 chickens)
 (year-round or seasonal dwelling, storage, commercial use, change use of structure)

	Length	Width	Area (sq ft)	Height	Stories	# Bedrooms	# Occupants	Est Cost - \$
<u>Chicken Coop</u>	<u>12</u>	<u>8</u>	<u>96</u>					
Dwelling								
Accessory Bldg								
Accessory Bldg								

Please stake building site prior to submitting this application.

Has any portion of the project been started? Yes X marked off No _____ Sanitary Permit #: _____
 Signature of owner or agent: Penny A Barrett Date: 4/24/2016
 Agent address & phone number: _____

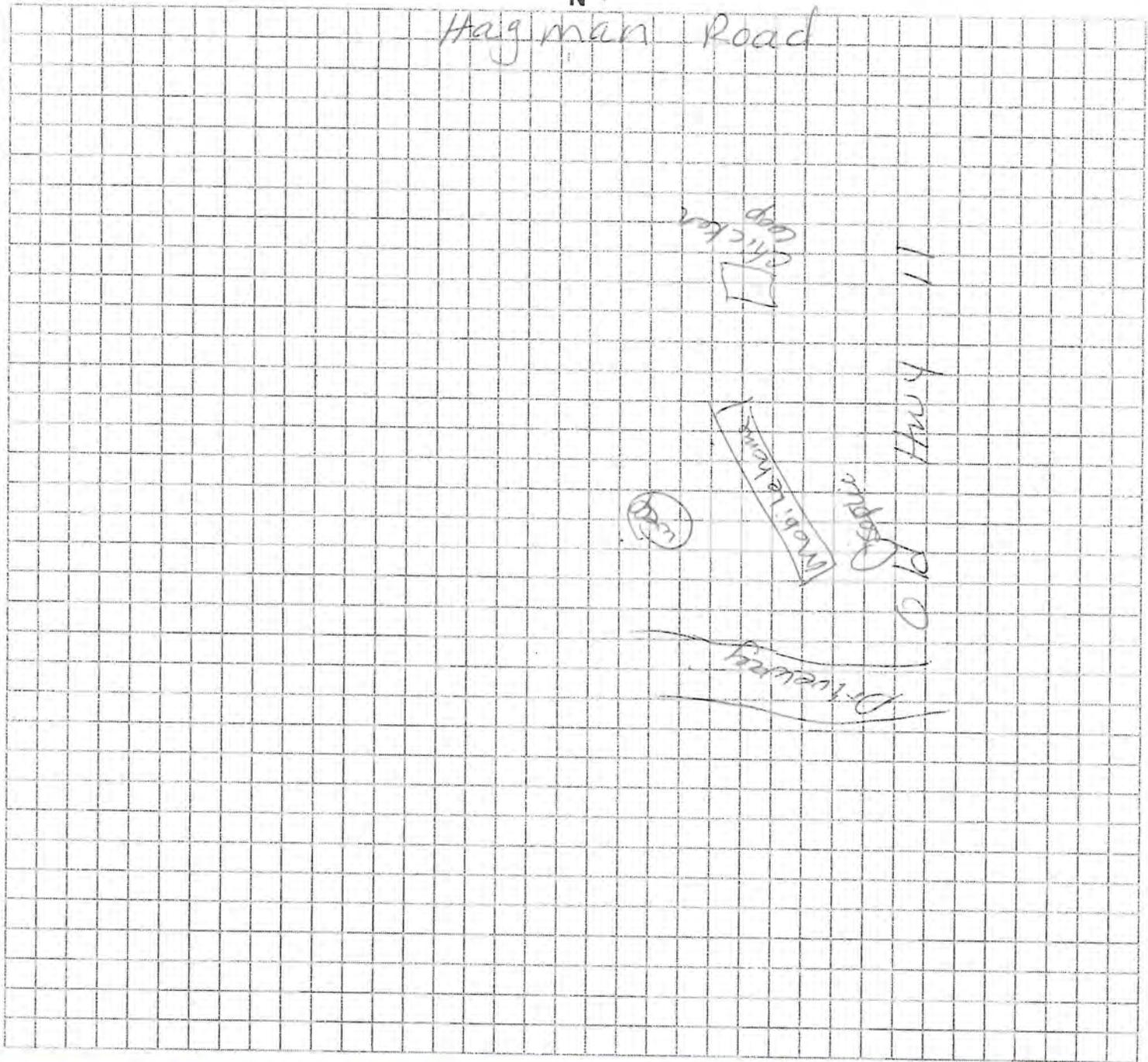
By signing this application, I give my/our permission to allow a site inspection to be made of the site by Zoning staff and allow photographs to be taken if necessary.

Type	Amount	Date Paid	Receipt #
Land Use	\$ <u>80</u>	<u>5/10/16</u>	<u>11388</u>
Land Use	\$		
Cond. Use	\$ <u>275</u>	<u>5/10/16</u>	<u>11388</u>
A-T-F Double	\$		
Vendor #	<u>1794586 - Darlene Barrett #6677</u>		

VARIANCE NO: _____
 ZONE CHANGE NO: _____
 DATE ISSUED: _____
 PERMIT NO: _____

LOT LAYOUT DIAGRAM

SCALE: 1 Block = _____ feet
If drawing is not to scale show all dimensions
N



You are responsible for complying with State and Federal laws concerning construction near or on wetlands, lakes, and streams. Wetlands that are not associated with open water can be difficult to identify. Failure to comply may result in removal or modification of construction that violates the law or other penalties or costs. For more information, visit the [Department of Natural Resources wetlands identification page](#) or contact a Department of Natural Resources Service Center.

Additional responsibilities for owners of projects disturbing one or more acre(s) of soil

I understand that this project is subject to regulations regarding erosion control and storm water management and I will comply with those standards. For more information, visit the [Department of Natural Resources](#) or contact a Department of Natural Resources Service Center.

Applicant's Signature: Romy Barrett

Date: 4/24/14

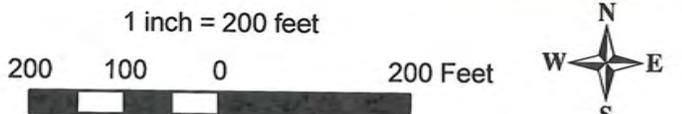


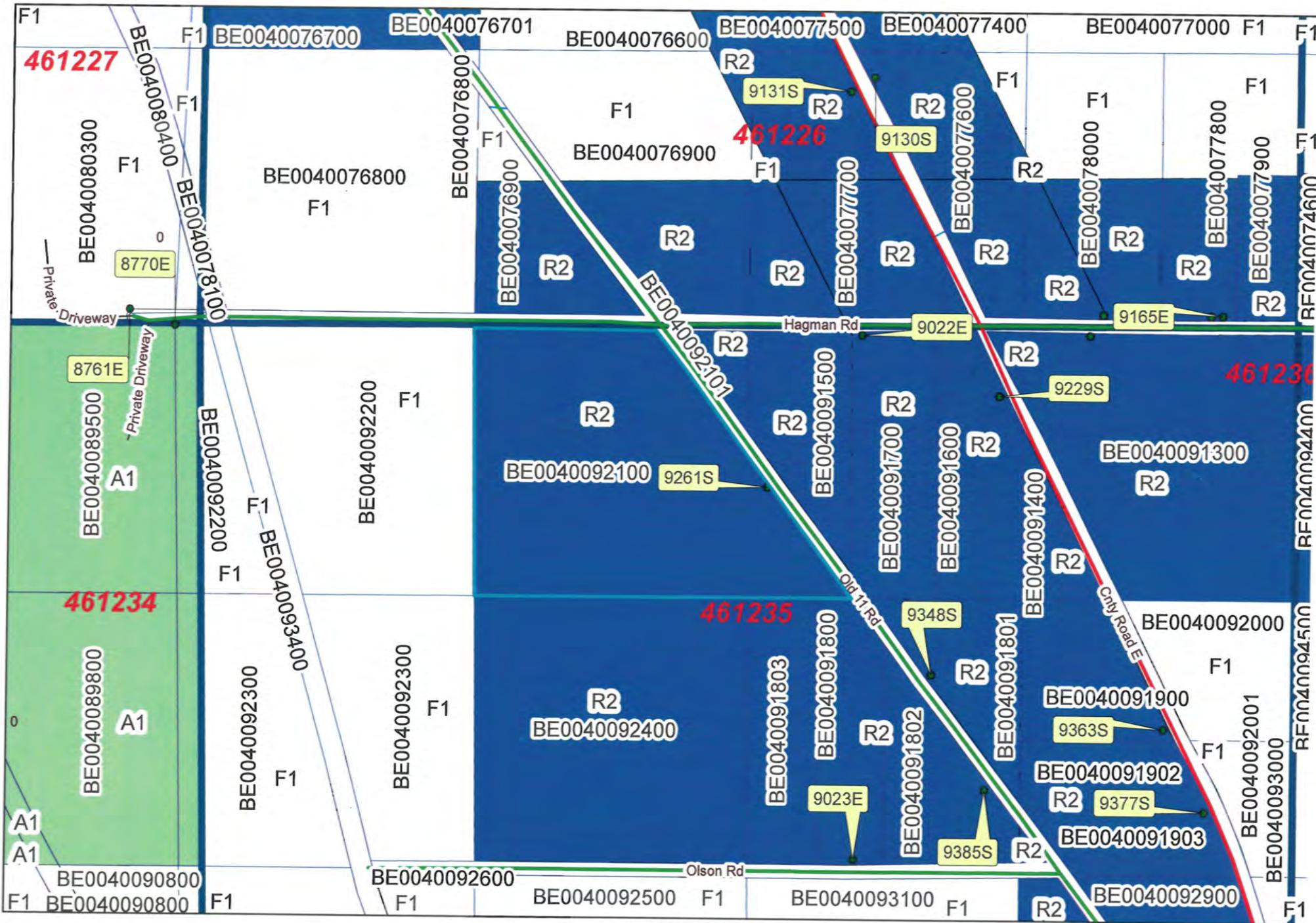
Map Printed: 5/11/2016

MAP PRODUCED BY SHELLY WISNIEWSKI
DOUGLAS COUNTY ZONING

LINES AND DIMENSIONS ARE APPROXIMATE

CU - Barrett, Penny
Hobby Farm, R-2 ZD, 06-08-2016 Hrg



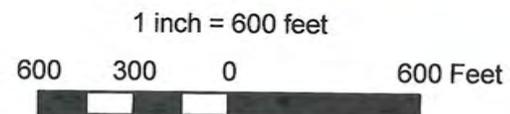


Map Printed: 5/11/2016

MAP PRODUCED BY SHELLY WISNIEWSKI
DOUGLAS COUNTY ZONING

LINES AND DIMENSIONS ARE APPROXIMATE

CU - Barrett, Penny
Hobby Farm, R-2 ZD, 06-08-2016 Hrg





DOUGLAS COUNTY PLANNING, ZONING & LAND INFORMATION OFFICE
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SUPERIOR, WI 54880
715 - 395-1380 / FAX 715 - 395-7643

b8

* JUNE 8 Mtg

APPLICATION FOR PERMIT: **LAND-USE** **CONDITIONAL-USE**

APPLICATION WILL NOT BE PROCESSED WITHOUT SIGNATURE & DATE ON FRONT AND BACK OF THIS PAGE.

TO WHOM IT MAY CONCERN: The undersigned hereby applies for a permit to do work herein described in this application. The undersigned agrees that all work will be done in accordance with the Douglas County Zoning, Shoreland Zoning, Subdivision Control, Floodplain Ordinances and with all laws of the State of Wisconsin applicable to said premises. Do not start any construction until this office has issued a permit. Failure to obtain the necessary permits will result in a double permit fee and/or citation.

CONDITIONAL-USE PERMIT APPLICATIONS: PLEASE CONTACT TOWN CLERK - APPLICATIONS REQUIRE REVIEW BY YOUR TOWN BOARD PRIOR TO SCHEDULED ZONING COMMITTEE PUBLIC HEARING

Property Owner's Name: DOUGLAS COUNTY FL (OWNER) / TOWN OF DAIRYLAND (OPERATOR)
Mailing Address: 15178 S. St Rd 35 City, State, Zip Dairyland, WI 54830
Telephone: 715-205-7753 E-mail Address: frontesm35@yahoo.com
Trent Sprague

PROPERTY DESCRIPTION: Information must be complete and accurate. If applicable state lot number, block number, subdivision name, government lot number, quarter sections, etc. (Note: This may be copied from your tax notice or deed.)

Tax Parcel #: DA-010-00296-00 Section 20 Town 43 N Range 14 W

Town of: DAIRYLAND Parcel Acreage or Size: 640.00 AC

Property Address: (to be assigned)

Legal Description: ENTIRE SECTION 20-43-14

Name of Adjacent Lake or Stream: _____ Wetlands: Yes No Zone District F-1

Type of construction: NON-METALLIC PIPE
(accessory building, dwelling, addition to seasonal dwelling, alteration to accessory building, relocate structure)

Proposed Use: (EXISTING INACTIVE SITE)
(year-round or seasonal dwelling, storage, commercial use, change use of structure)

	Length	Width	Area (sq ft)	Height	Stories	# Bedrooms	# Occupants	Est Cost - \$
Dwelling								
Accessory Bldg								
Accessory Bldg								

Please stake building site prior to submitting this application.

Has any portion of the project been started? Yes _____ No Sanitary Permit #: _____

Signature of owner or agent: Trent Sprague Date: 5/9/16

Agent address & phone number: _____

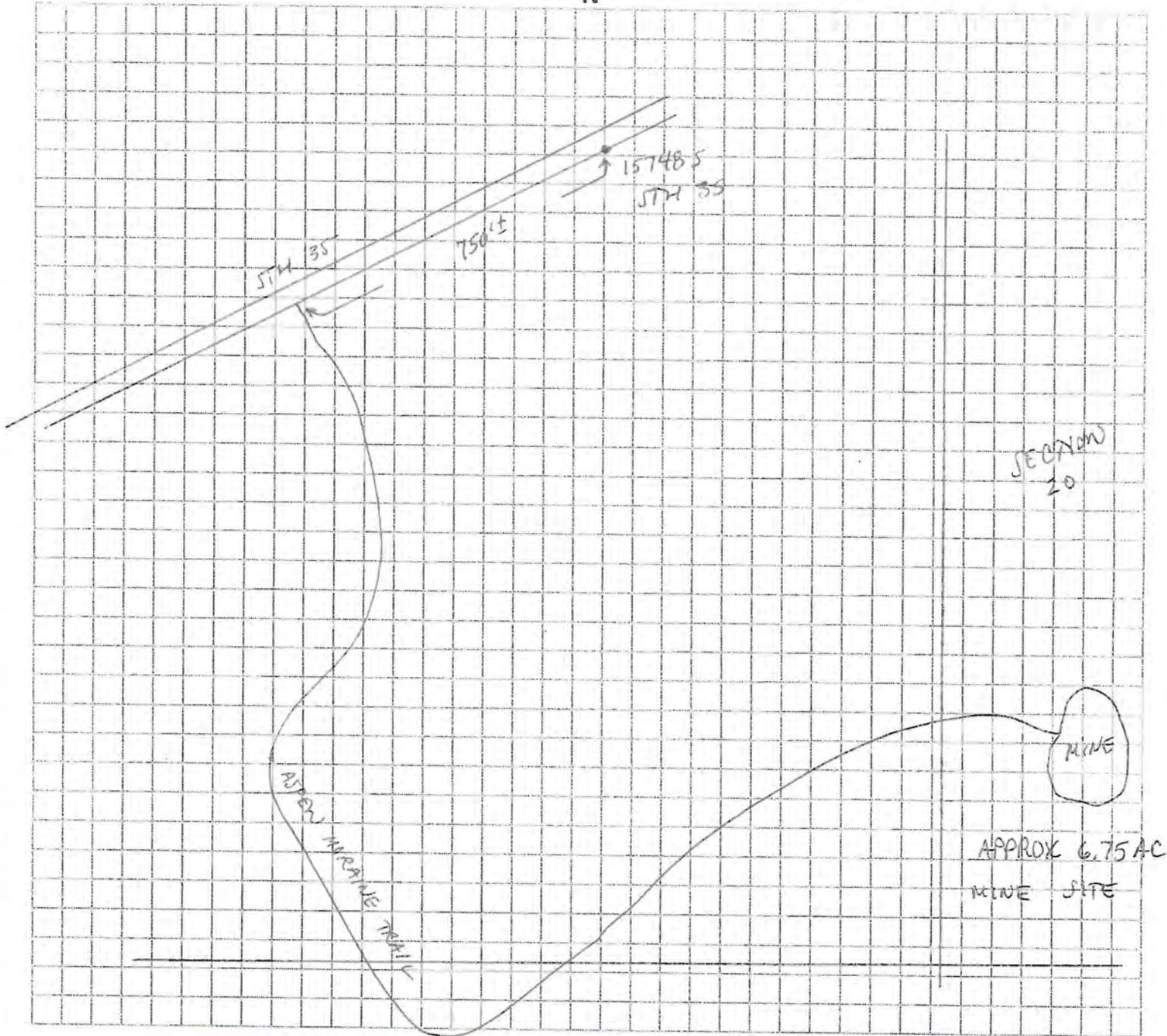
By signing this application, I give my/our permission to allow a site inspection to be made of the site by Zoning staff and allow photographs to be taken if necessary.

Type	Amount	Date Paid	Receipt #
Land Use	\$		
Land Use	\$		
Cond. Use	\$ 275	05-10-2016	11385
A-T-F Double	\$		
Vendor #	100335		

VARIANCE NO:	ZONE CHANGE NO:	DATE ISSUED:	PERMIT NO:
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LOT LAYOUT DIAGRAM

SCALE: 1 Block = _____ feet
If drawing is not to scale show all dimensions
N



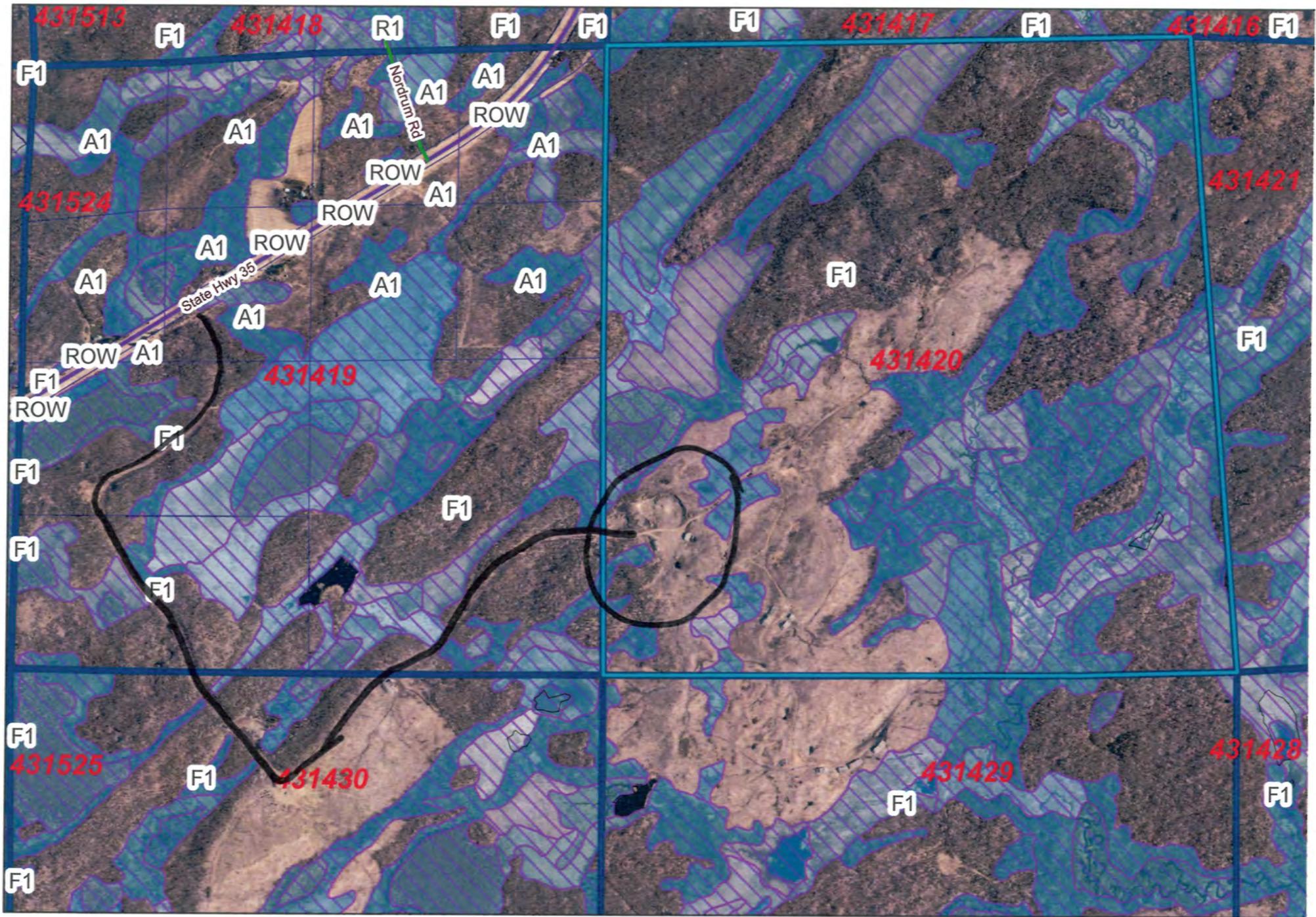
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Additional responsibilities for owners of projects disturbing one or more acre(s) of soil

I understand that this project is subject to regulations regarding erosion control and storm water management and I will comply with those standards. For more information, visit the [Department of Natural Resources](#) or contact a Department of Natural Resources Service Center.

Applicant's Signature: Scott E. Spague

Date: 5/9/16



Map Printed: 5/10/2016

MAP PRODUCED BY SHELLY WISNIEWSKI
DOUGLAS COUNTY ZONING

LINES AND DIMENSIONS ARE APPROXIMATE

CU - Town of Dairyland
Nonmetallic Mine, F-1 ZD, 06-08-2016 Hrg

