

Richland County

Shoreland Ordinance

No. 1985-2

**RICHLAND COUNTY
SHORELAND ZONING ORDINANCE**

Index	Page
Section 1.0 Statutory Authorization, Finding of Fact, Statement of Purpose and Title	
1.1 Statutory Authorization	1
1.2 Finding of Fact	1
1.3 Purpose	1
1.4 Title	2
2.0 General Provisions	
2.1 Regulated Shoreland Areas	2
2.2 Compliance	2
2.3 State Agencies Regulated	3
2.4 Abrogation and Greater Restrictions	3
2.5 Interpretation	3
2.6 Severability	3
3.0 Dimensions of Building Sites	
3.1 Lots Not Served by Public Sanitary Sewer	4
3.2 Lots Served by Public Sanitary Sewer	4
3.3 Substandard Lots	4
3.4 Lots in Cluster Subdivisions	5
4.0 Setbacks	
4.1 Highway Setbacks	5
4.2 Setbacks from the Water	6
4.3 Reduced Building Setbacks	6
5.0 Removal of Shore Cover	
5.1 Purpose	6
5.2 Shoreline Cutting	6
5.3 Paths	7
5.4 Cutting Plan	7
5.5 Cutting More than 35 Feet Inland	7
6.0 Filling, Grading, Lagooning, Dredging, Ditching and Excavating	
6.1 General Standards	7
6.2 Permit Required	8
6.3 Soil Conservation Practices	8
6.4 Permit Conditions	8
7.0 Nonconforming Uses	9
8.0 Shoreland Zoning District Boundaries	
8.1 Shoreland Zoning Districts	10

8.2 Official Shoreland Zoning Maps 10

9.0 Shoreland-Wetland District

9.1 Designation 10
9.2 Purpose 10
9.3 Permitted Uses 11
9.4 Prohibited Uses 13
9.5 Rezoning of Lands in the
Shoreland-Wetland District 13

10.0 Recreational-Residential District

10.1 Designation 14
10.2 Purpose 14
10.3 Permitted Uses 14
10.4 Special Exceptions 16
10.5 Shore Cover Regulations 18

11.0 General Purpose District

11.1 Designation 18
11.2 Purpose 18
11.3 Permitted Uses 18
11.4 Special Exceptions 18
11.5 Shore Cover Regulations 18

12.0 Off-Street Parking and Loading

12.1 Loading Space 19
12.2 Off-Street Parking 19

13.0 Limited Rezoning to Achieve Small Lot
Sizes and Setbacks

13.1 Purpose 19
13.2 Requirements for Planned Residential Unit
Development 20
13.3 Procedure for Establishing a Planned
Residential Unit Development District 21

14.0 Administrative Provisions

14.1 Zoning Administrator 21
14.2 Zoning Permits 21
14.3 Certificates of Compliance 22
14.4 Special Exception Permits 23
14.5 Board of Adjustment 25

15.0 Changes and Amendments 26

16.0 Enforcement and Penalties 26

17.0 Definitions27

RICHLAND COUNTY SHORELAND ORDINANCE
No. 1985-2

The Richland County Board of Supervisors does hereby ordain as follows:

1.0 STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE AND TITLE.

1.1 STATUTORY AUTHORIZATION. This ordinance is adopted pursuant to the authorization in sections 59.97, 59.971, 87.30 and 144.26, Wisconsin Statutes.

1.2 FINDING OF FACT. Uncontrolled use of the shorelands and pollution of the navigable waters of Richland 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, and this responsibility is hereby recognized by Richland County, Wisconsin.

1.3 PURPOSE. For the purpose of promoting the public health, safety, convenience and welfare, 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 area for private sewage disposal facilities.
- (3) Controlling filling and grading to prevent serious soil erosion problems.

1.32 PROTECT SPAWNING GROUNDS, FISH AND AQUATIC LIFE THROUGH:

- (1) Preserving wetlands and other fish and aquatic habitat.
- (2) Regulating pollution sources.
- (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) Prohibiting certain uses detrimental to the shoreland area.
- (3) Setting minimum lot sizes and widths.
- (4) Regulating side yards and building setbacks from roadways and waterways.

1.34 PRESERVE SHORE COVER AND NATURAL 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.
- (4) Regulating the use and placement of boathouses and other structures.
- (5) Controlling the use and placement of signs.

1.4 TITLE. Shoreland Zoning Ordinance for Richland County, Wisconsin. _

2.0 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 Richland County which are:

2.11 Within one thousand (1,000) feet of the ordinary high-water mark of navigable lakes, ponds or flowages. Lakes, ponds or flowages in Richland County shall be presumed to be navigable if they are listed in the Wisconsin Department of Natural Resources publication "Surface Water Resources of Richland County" or are shown on the United States Geological Survey quadrangle maps.

2.12 Within three hundred (300) feet of the ordinary highwater mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater. Rivers and streams in Richland County shall be presumed to be navigable if they are designated as continuous waterways on the United States Geological Survey quadrangle maps. Flood Hazard Boundary Maps, Flood Insurance Rate Maps, Flood Boundary-Floodway Maps, County Soil Survey Maps or other existing county floodplain zoning maps used to delineate floodplain areas which have been adopted by Richland County. shall be used to determine the extent of the floodplain of navigable rivers or streams in Richland County.

2.13 Determinations of navigability and ordinary highwater mark 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 highwater mark.

2.2 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 7.0 for standards applicable to nonconforming uses.) Buildings, signs, private water supply, land use and sewage disposal systems shall require a permit unless otherwise expressly excluded by a provision of this ordinance. Property owners, builders and contractors are responsible for building code and ordinance compliance and reasonable care in construction.

2.3 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), Wisconsin Statutes,

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), Wisconsin Statutes, applies.

2.4 ABROGATION AND GREATER RESTRICTIONS. The shoreland provisions of this Ordinance supersede all the provisions of any county zoning ordinance adopted under s. 59.97, Wisconsin Statutes, which relate to shorelands. However, where an ordinance adopted under a statute other than s. 59.97, Wisconsin Statutes, is more restrictive than this Ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

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

2.42 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 the greater restrictions but not otherwise, except that uses in shoreland-wetland districts shall be uniform.

2.43 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.

2.5 INTERPRETATION. In their interpretation and application, the provisions of this chapter 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 the Wisconsin Statutes. Where a provision of this ordinance is required by a standard in chapter NR 115, Wisconsin Administrative Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the chapter 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.

2.6 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 thereby.

3.0 DIMENSIONS OF BUILDING SITES.

3.1 LOTS NOT SERVED BY PUBLIC SANITARY SEWER.

3.11 Minimum Area and Width for Each Main Building. The minimum lot area shall be 20,000 sq. ft. and the minimum average lot width shall be 100 feet with at least 100 feet of frontage at the water's edge.

3.12 Side Yards. There shall be a side yard for each main building. The minimum width of one side yard shall be 10 feet. The minimum aggregate width of both side yards shall be 25 feet.

3.2 LOTS SERVED BY PUBLIC SANITARY SEWER.

3.21 Minimum Area and Width for Each Main Building. The minimum lot area shall be 10,000 sq. ft. and the minimum average lot width shall be 65 feet with at least 65 feet of frontage at the water's edge.

3.22 Side Yard for Each Main Building Required. The minimum width of one side yard shall be 8 feet. The minimum aggregate width of both side yards shall be 20 feet.

3.3 SUBSTANDARD LOTS.

3.31 Substandard Lots Served By a Public Sanitary Sewer. A substandard lot served by a public sanitary sewer which is at least 7,500 sq. ft. in area and is at least 50 feet in width at the building setback line and at least 50 feet in width at the waterline may be used as a building site for a single family dwelling upon issuance of a zoning permit by the zoning administrator if it meets all of the following requirements:

- (1) Such use is permitted in the zoning district.
- (2) The lot was on record in the county Register of Deeds office prior to the effective date of this ordinance.
- (3) The lot was in separate ownership from abutting lands prior to the effective date of this ordinance. If abutting lands and the substandard lot were owned by the same owner as of the effective date of this ordinance, the substandard lot shall not be sold or used without full compliance with the terms of this ordinance, including minimum area and width requirements found in Section 3.1 and 3.2.
- (4) All the dimensional requirements of this ordinance (including side yard and setback requirements) will be complied with insofar as practical.

3.32 Substandard Lots Not Served By Public Sanitary Sewer. A substandard lot not served by public sanitary sewer which is at least 10,000 sq. ft. in area and at least 65 feet in width at the building setback line and at least 65 feet in width at the water's edge may be used as a building site upon issuance of a zoning permit by the zoning administrator if it meets all of the requirements of Section 3.31(1)-(3).

3.33 Other Substandard Lots. Except for lots which meet the requirements of Section 3.31 or 3.32, a building permit for the improvement of a lot having lesser dimensions than those stated in Sections 3.1 and 3.2 shall be issued only after granting of a variance by the Board of Adjustment.

3.4 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 13.0.

4.0 SETBACKS.

4.1 HIGHWAY SETBACKS. For the purpose of determining the distance that buildings and other structures shall be set back from streets and highways of the county are divided into the following classes:

4.11 Class A Highways.

- (1) All state and federal highways are designated as Class A Highways.
- (2) The setback from Class A highways shall be 110 feet from the center line of the highway or 50 feet from the right-of-way line, whichever is greater.

4.12 Class B Highways.

- (1) All county trunks are hereby designated as Class B highways. For the purpose of this ordinance, any road shall be considered a county trunk after it has been placed on the county trunk system by the County Board and approved by the Division of Highways.
- (2) The setback from Class B highways shall be 75 feet from the center line of such highway or 42 feet from the right-of-way line, whichever is greater.

4.13 Class C Highways.

- (1) All Town roads, public streets and highways not otherwise classified are designated Class C highways.
- (2) The setback from Class C highways shall be 63 feet from the center line of such highway or 30 feet from the right-of-way line, whichever is greater.

4.14 Visual Clearance Triangle. In each quadrant of every public street intersection, there shall be a visual clearance triangle bounded by the street centerlines and a line connecting points on them 300 feet from a Class A highway intersection, 200 feet from a Class B highway intersection and 150 feet from a Class C highway intersection.

4.15 Objects Permitted within Highway Setback Lines and Visual Clearance Triangles.

- (1) Open fences.
- (2) Telephone, telegraph and power transmission poles, lines and portable equipment.
- (3) Field crops, shrubbery and trees, except that no trees, shrubbery or crops may be planted within a visual clearance triangle so as to obstruct the view.

4.2 SETBACKS FROM THE WATER.

4.21 Lots that Abut on Navigable Waters. All buildings and structures, except piers, boat hoists and, boathouses which may require a lesser setback, shall be set back at least 75 feet from the ordinary high-water mark of navigable waters.

4.22 The use of a boathouse for human habitation and the construction or placing of a boathouse beyond the ordinary highwater mark of any navigable waters are prohibited.

Boathouses shall be designed solely for boat storage and storage of related equipment. The highest point of the roof elevation of the boathouse shall not be more than 10 feet vertical measurement above the ordinary high-water mark. Railings may be placed on top of the boathouse in excess of the 10-foot height standard provided the railing is not solid in appearance and not greater than 3.5 feet in height. Boathouses shall not be established where the existing slope is more than 20 per cent.

4.3 REDUCED BUILDING SETBACKS. A setback of less than that required by Sections 4.1 and 4.2 may be permitted by the zoning administrator where there is at least one main building on either side of the applicant's lot, within 200 feet of the proposed site that is built to less than the required setback. In such case, the setback shall be the average of the setbacks of the nearest main building on each side of the proposed site or, if there is an existing main building on only one side, the setback shall be the average of the existing buildings and the required setback. Any other setback may be permitted by the Board of Adjustment, according to Section 14.51(4), upon a written finding of unnecessary hardship.

5.0 REMOVAL OF SHORE COVER.

5.1 PURPOSE. The purpose of tree and shrubbery cutting regulations applicable to the shoreland area is to protect scenic beauty, control erosion and reduce effluent and nutrient flow from the shoreland. The provisions shall not apply to the removal of dead, diseased or dying trees or shrubbery at the discretion of the landowner, or to silvicultural thinning upon recommendation of a forester.

5.2 SHORELINE CUTTING. Tree and shrubbery cutting in a strip paralleling the shoreline and extending 35 feet inland from all points along the ordinary high-water mark of the shoreline shall be limited in accordance with the following provisions.

5.21 No more than 30 feet in any 100 feet, as measured along the ordinary high-water mark, shall be clear cut to the depth of the 35 foot strip.

5.22 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.

5.3 PATHS. Any path, road or passage within the 35 foot strip shall be constructed and surfaced as to effectively control erosion.

5.4 CUTTING PLAN. As an alternative to Section 5.2, a special cutting plan allowing greater cutting may be permitted by the Board of Adjustment by issuance of a special exception permit, under Section 14.4. In applying for such a permit, the Board shall require the lot owner to submit a sketch of his lot, including the following information: location of parking, gradient of the land, existing vegetation, proposed cutting, and proposed replanting. The Board may grant such a permit only if it finds that such special cutting plans:

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

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

5.5 CUTTING MORE THAN 35 FEET INLAND. From the inland edge of the 35 foot strip to the outer limits of the shoreland, the cutting of trees and shrubbery shall be allowed when accomplished using accepted forest management practices and sound soil conservation practices which protect water quality.

6.0 FILLING, GRADING, LAGOONING, DREDGING, DITCHING AND EXCAVATING.

6.1 Only filling, grading, lagooning, dredging, ditching or excavating that is done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat may be permitted in the shoreland area.

6.11 Filling, grading, lagooning, dredging, ditching or excavating in a shoreland-wetland district may be permitted only if the requirements of sections 9.32 and 9.33 of this Ordinance are met.

6.12 A state or federal permit may be required, in addition to a permit under this Ordinance, if state or federal laws are applicable to the filling, grading, lagooning, dredging, ditching or excavating that is proposed.

6.2 PERMIT REQUIRED. Except as provided in Section 6.3, a special exception permit is required:

6.21 For any filling or grading of the bed of a navigable body of water.

6.22 For any filling or grading of any area which is within 300 feet of the ordinary high-water mark of a 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 per cent.
- (2) Filling or grading of more than 1,000 sq. ft. on slopes of 12 per cent to 20 per cent.
- (2) Filling or grading of more than 2,000 sq. ft. on slopes less than 12 per cent.

6.23 Before constructing, dredging or commencing work on any artificial waterway, canal, ditch, lagoon, pond, lake or similar waterway which is within 300 feet 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.

6.3 SOIL CONSERVATION PRACTICES. Soil conservation practices such as terraces, runoff diversions and grassed waterways which are used for sediment retardation shall not require a permit under Section 6.2.

6.4 PERMIT CONDITIONS. In granting a special exception permit under Section 6.2, the

Board of Adjustment shall attach the following conditions where appropriate, in addition to those provisions specified in Sections 14.42 and 14.43.

6.41 The smallest amount of bare ground shall be exposed for as short a time as feasible.

6.42 Temporary ground cover (such as mulch) shall be used and permanent cover (such as sod) shall be planted.

6.43 Diversion, silting basin, terraces and other methods shall be used to trap sediment.

6.44 Lagooning shall be conducted in such a manner as to avoid creation of fish trap conditions.

6.45 Fill shall be stabilized according to accepted engineering standards.

6.46 Fill shall not restrict a floodway or destroy the storage capacity of a floodplain.

6.47 Sides of a channel or artificial water course shall be stabilized to prevent slumping.

6.48 Sides of channels or artificial watercourses shall be constructed with slopes (side) of 2 unit horizontal distance to one unit vertical or flatter, unless bulkheads or rip-rapping are provided.

7.0 NON-CONFORMING USES AND STRUCTURES.

7.1 The lawful use of a building, structure or property existing at the time this Ordinance or an amendment to this ordinance takes effect, 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 following conditions:

7.11 If such use is discontinued for twelve (12) consecutive months, any future use of the building, structure, or property shall conform to this ordinance.

7.12 The maintenance and repair of nonconforming boathouses that extend beyond the ordinary high-water mark of any navigable waters shall comply with the requirements of section 30.121, Wisconsin Statutes.

7.13 The continuance of the nonconforming use of a temporary structure may be prohibited.

7.14 Uses which are nuisances shall not be permitted to continue as nonconforming uses.

7.15 No structural alteration, addition or repair to any nonconforming building or structure, over the life of the building or structure, shall exceed 50 per cent of its current estimated fair market value unless it is permanently changed to a conforming use.

7.16 If the alteration, addition or repair of an existing nonconforming building or structure is prohibited because it is in excess of 50 per cent of the current estimated fair market value, the

property owner may still make the proposed alteration, addition or repair if:

- (1) The nonconforming building or structure is permanently changed to conforming use;
- (2) The property owner appeals the determination of the Zoning Administrator and either the County Board of Adjustment or the Circuit Court find in the property owner's favor under section 59.99(4) or 59.99(10), Wisconsin Statutes; or
- (3) The property owner successfully petitions to have the property rezoned by amendment of this Ordinance in accordance with section 9.5 of this Ordinance and section 59.97(5)(e), Wisconsin Statutes.

8.0 SHORELAND ZONING DISTRICT BOUNDARIES.

8.1 SHORELAND ZONING DISTRICTS. The shorelands of Richland County are hereby divided into the following districts:

- (a) Shoreland-Wetland District.
- (b) Recreational-Residential District.
- (c) General Purpose District.

8.2 OFFICIAL SHORELAND ZONING MAPS. The following maps have been adopted and made a part of this ordinance and are on file in the office of the zoning administrator for Richland County.

- (a) United States Geological Survey Quadrangle Maps.
- (b) Wisconsin Wetland Inventory Maps stamped "FINAL" on December 22, 1983.
- (c) Flood Hazard Boundary Maps, Richland County, Wisconsin, Unincorporated Areas, U.S. Department of Housing and Urban Development, May 26, 1978.
- (d) Soil Survey Richland County Wisconsin, Series 1949, No. 9.

9.0 SHORELAND-WETLAND DISTRICT.

9.1 DESIGNATION. This district shall include all shorelands within the jurisdiction of this Ordinance which have wetlands of five acres or more excluding point symbols, on the Wisconsin Wetland Inventory maps, stamped "FINAL" on December 22, 1983 that are hereby adopted and made a part of this Ordinance and are on file in the office of the Zoning Administrator for Richland County. That portion of a wetland located in the shoreland area that extends across the corporate limits of a municipality, across the County boundary or across the shoreland limits in the unincorporated area of the County, shall be included in this district if the wetland would otherwise be regulated if it were wholly within the shoreland area under County jurisdiction.

9.1(1) 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 is in error. If the Department staff concur with the zoning administrator that a particular area was incorrectly mapped as a wetland, the zoning administrator shall have the

authority to immediately grant or deny a land use or building permit in accordance with the regulations applicable to the correct zoning district.

9.2 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.

9.3 PERMITTED USES. The following uses shall be allowed, subject to general shoreland zoning regulations in section 5 through 6 of this Ordinance, the provisions of Chapters 30 and 31, Wisconsin Statutes, and the provisions of other local, state and federal laws, if applicable.

9.31 Activities and uses which do not require the issuance of a zoning permit, provided that no filling, flooding, draining, dredging, ditching, tiling or excavating is done:

- (1) Hiking, fishing, trapping, hunting, swimming, and boating;
- (2) 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;
- (3) The pasturing of livestock;
- (4) The cultivation of agricultural crops;
- (5) The practice of silviculture, including the planting, thinning, and harvesting of timber; and
- (6) The construction or maintenance of duck blinds.

9.32 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:

(1) 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;

(2) The maintenance and repair of existing agricultural drainage systems including ditching, tiling, dredging, excavating and filling necessary to maintain the level of drainage required to continue the existing agricultural use. This includes the minimum filling necessary for disposal of dredged spoil adjacent to the drainage system, provided that dredged spoil is placed on existing spoil banks where possible;

(3) The construction or maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance;

(4) The construction or maintenance of piers, docks or walkways built on pilings, including limited excavating and filling necessary for such construction and maintenance; and

(5) 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.

9.33 Uses which 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:

(1) The construction and maintenance of roads which are necessary to conduct silvicultural activities or are necessary for agricultural cultivation, provided that:

- (a) The road cannot as a practical matter be located outside the wetland;
- (b) The road is designed and constructed to minimize the adverse impact upon the natural functions of the wetland;
- (c) The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use;
- (d) Road construction activities are carried out in the immediate area of the roadbed only; and
- (e) Only limited filling, flooding, draining, dredging, ditching, tiling or excavating necessary for the construction or maintenance of the road is allowed.

(2) The construction or maintenance of nonresidential buildings provided that:

- (a) The building is essential for and used solely in conjunction with a use permitted in the shoreland-wetland district;
- (b) The building cannot, as a practical matter, be located outside the wetland;
- (c) Such building is not designed for human habitation and does not exceed 500 square feet in floor area; and
- (d) Only limited filling or excavating necessary to provide structural support for the building is allowed.

(3) 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:

- (a) Any private development is used exclusively for the permitted use and the applicant has received a permit or license under chapter 29, Wisconsin Statutes, where applicable.
- (b) Filling or excavating necessary for the construction or maintenance of public boat launching ramps or attendant access loads is allowed only where such construction or maintenance meets the criteria in section 9.33(1a-1e).
- (c) Ditching, excavating, dredging, or dike and dam construction in public and private wildlife refuges, game bird and animal farms, fur animal farms, and fish hatcheries is allowed only for the purpose of improving wildlife habitat or to otherwise enhance wetland values.

(4) The construction or 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, provided that:

- (a) The transmission and distribution lines and related facilities cannot, as a practical matter, be located outside the wetland;
 - (b) Such construction or maintenance is done in a manner designed to minimize the adverse impact upon the natural functions of the wetland; and
 - (c) Only limited filling or excavating necessary for such construction or maintenance is allowed.
- (5) The construction or maintenance of railroad lines, provided that:

- (a) The railroad lines cannot, as a practical matter, be located outside the wetland;
- (b) Such construction or maintenance is done in a manner designed to minimize the adverse impact upon the natural functions of the wetland.
- (c) Only limited filling, draining, dredging, ditching or excavating necessary for such construction and maintenance is allowed.

9.4 PROHIBITED USES. Any use not listed in sections 9.31, 9.32 or 9.33 is prohibited, unless the wetland or a portion of the wetland has been rezoned by amendment of this Ordinance in accordance with section 9.5 of this Ordinance and Section 59.9(5)(e), Wisconsin Statutes.

9.5 REZONING OF LANDS IN THE SHORELAND-WETLAND DISTRICT.

9.51 For all proposed text and map amendments to the shoreland-wetland district, the appropriate district office of the Department shall be provided with the following:

- (1) A copy of every petition for a text or map amendment to the shoreland-wetland district, within 5 days of the filing of such petition with the County Clerk;
- (2) Written notice of the public hearing to be held on a proposed amendment, at least 10 days prior to such hearing;
- (3) 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
- (4) Written notice of the County Board's decision on the proposed amendment, with 10 days after it is issued.

9.52 A wetland or a 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:

- (1) Storm and flood water storage capacity;
- (2) 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;
- (3) Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
- (4) Shoreline protection against soil erosion;

(5) Fish spawning, breeding, nursery or feeding grounds;

(6) Wildlife habitat; or

(7) Areas of special recreational, scenic or scientific interest, including scarce wetland types.

9.53 If the Department notifies the County Zoning Agency that a proposed amendment to the shoreland-wetland district may have a significant adverse impact upon any of the criteria listed in section 9.52 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 since written notice of the County Board's approval of this amendment was 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 section 59.971(6) of the Wisconsin Statutes. If the Department does so notify the County Board, the effect of this amendment shall be stayed until the section 59.971(6) adoption procedure is completed or otherwise terminated.

10.0 RECREATIONAL-RESIDENTIAL DISTRICT.

10.1 DESIGNATION. This district includes all shorelands subject to regulation under Section 2.1 which are designated as RECREATIONAL-RESIDENTIAL on the shoreland zoning maps listed in Section 8.2.

10.2 PURPOSE. The purpose of the Recreational-Residential District is to protect waters by providing for safe and orderly shoreland development. Recreational-residential shorelands are particularly suited for residential and recreational uses. In this district, residential, recreational and conservancy uses are permitted, and a limited number of commercial uses serving recreational needs are allowed as special exceptions. These uses are consistent with maximum recreational use of the water and its shorelands. All permitted uses or special exceptions are subject to the general provisions of this ordinance, and all other applicable laws and regulations.

10.3 PERMITTED USES.

10.31 Any use permitted under Section 9.3.

10.32 Year-round single family dwellings for owner occupancy, rent or lease.

10.33 Seasonal single family dwellings for owner occupancy, rent or lease.

10.34 Accessory uses.

10.35 Signs of the following type, size and location, provided that any sign intended to be read from the water shall be set back 75 feet from the ordinary high-water mark, shall be attached to a

building and shall not exceed 30 sq. ft. in gross area. No sign shall be located, erected, moved, reconstructed, extended, enlarged or structurally altered until a zoning permit has been issued, except that signs listed in paragraphs (2), (3), and (6) shall not require a permit:

(1) Directory signs advertising a business or activity conducted, an area of interest or a service available at a specific location within the county. Such signs shall not be more than 12 sq. ft. in gross area. There shall not be more than two such signs relating to any one use in the approaching direction along any one highway. No such sign shall be more than 10 miles away from the location to which it relates or within 300 feet of an existing residence. Such signs may be placed at the right of way line of the highway.

(2) Signs advertising a customary home occupation or professional office. Such signs shall not exceed six sq. ft. in gross area, shall be attached to the building and if illuminated, shall be indirectly lighted.

(3) Signs advertising the sale, rent or lease of the property on which the sign is placed or other temporary signs. Such sign shall not exceed eight sq. ft. in gross area and may be placed at the right-of-way line of the highway.

(4) Signs attached to commercial and industrial buildings advertising a business conducted or a service available on the premises. No sign shall exceed 40 sq. ft. in gross area, be higher than four feet above the top of the roof line and exceed the maximum height limitation permitted in the district.

(5) On-premise signs advertising a public or semi-public use. Such signs shall not exceed 12 sq. ft. in gross area. There shall be no more than one sign for each highway upon which the property faces. Such signs may be placed at the right-of-way line of the highway.

(6) Recreational directory signs indicating the direction to a cottage, resort, residence or similar use. Such signs shall not be more than four sq. ft. in gross area. Where a common posting standard is provided, all such signs shall attach to the standard. Recreational directory signs may be placed on the right-of-way line of the highway.

(7) Larger signs or a greater number of signs may be permitted upon the issuance of a special exception permit by the Board of Adjustment under Section 10.48.

(8) Prohibited Characteristics of Signs:

- (a) No sign shall be so placed as to interfere with the visibility or effectiveness of any official traffic sign or signal, or with driver vision at any access point or intersection.
- (b) No sign shall contain, include or be illuminated by a flashing light or by any light directed toward a neighboring residence or toward the water.
- (c) No sign shall contain, include or be composed of any conspicuous animated part.

10.4 SPECIAL EXCEPTIONS. The following uses are permitted upon the issuance of a special exception permit according to the procedure set forth in Section 14.4. Unless a greater

distance is specified, any structure shall be at least 100 feet from a residence other than that of the owner of the establishment, his agent or employee, 75 feet from a residential property line or 25 feet from any lot line.

10.41 Hotels, resort (including two or more seasonal single family dwellings for rent or lease), motels, restaurants, dinner clubs, taverns and other private clubs.

10.42 Institutions of a philanthropic or educational nature.

10.43 Recreational camps and campgrounds, provided all buildings shall be more than 100 feet from the side lot line. Recreational camps shall conform to chapter H75, Wisconsin Administrative Code, mobile home parks shall conform to chapter H77, Wisconsin Administrative Code, and campgrounds shall conform to chapter H78, Wisconsin Administrative Code.

10.44 Gift and specialty shops customarily found in recreational areas.

10.45 Marinas, boat liveries, sale of bait, fishing equipment, boats and motors, fish farms, forest industries.

10.46 Mobile home parks, provided that:

- (1) The minimum size of mobile home parks shall be five acres.
- (2) The maximum number of mobile homes shall be eight per acre.
- (3) Minimum dimensions of a mobile home site shall be 50 feet wide by 100 feet long.
- (4) All drives, parking areas and walkways shall be hard surfaced or graveled, maintained in good condition, have natural drainage and the driveways shall be lighted at night.
- (5) In addition to the requirements of Section 4.0, there shall be a minimum setback of 40 feet from all other lot lines.
- (6) The park shall conform to the requirements of chapter H77, Wisconsin Administrative Code.
- (7) No mobile home site shall be rented for a period of less than 30 days.
- (8) Each mobile home site shall be separated from other mobile home sites by a yard not less than 15 feet wide.
- (9) There shall be two surfaced automobile parking spaces for each mobile home.
- (10) Unless adequately screened by existing vegetation cover, the mobile home park shall be screened by a temporary planting of fast growing material, capable of reaching a height of 15 feet or more, the individual trees to be of such a number and so arranged that, within 10 years, they

shall have formed a screen equivalent in screening capacity to a solid fence or wall. Such permanent planting shall be grown or maintained to a height of not less than 15 feet.

(11) The mobile home park site shall meet all applicable town and county subdivision regulations.

(12) Any mobile home site shall not have individual onsite soil absorption sewage disposal systems unless it meets the minimum lot size specifications as stated in Section 3.1.

10.47 Travel trailer parks, provided that:

(1)The minimum size of a travel trailer park shall be five acres.

(2)The maximum number of travel trailers shall be 15 per acre.

(3)Minimum dimensions of a travel trailer site shall be 25 feet wide by 40 feet long.

(4)Each travel trailer site be separated from other travel trailer sites by a yard not less than 15 feet wide.

(5)There shall be a 1V2 automobile parking spaces for each trailer site.

(6)In addition to the requirements of Section 4.0, there shall be a minimum setback of 40 feet from all other exterior lot lines.

(7)The park shall conform to the requirements of chapter (7), Wisconsin Administrative Code.

(8)The screening provisions for mobile home parks shall be met.

(9)The travel trailer park site shall meet all applicable town and county subdivision regulations.

10.48 Signs which are larger or in greater number than are permitted in Section 10.35, provided that such signs are found to be necessary to adequately inform the public.

10.49 Boathouses, provided they meet the standards in Section 4.22.

10.5 SHORE COVER REGULATIONS. Shore cover regulations set forth in Section 5.0 shall apply to the Recreational-Residential District.

11.0 GENERAL PURPOSE DISTRICT.

11.1 DESIGNATION. The district includes all shorelands subject to regulation under Section 2.1 which are designated as GENERAL PURPOSE DISTRICT on the shoreland zoning maps listed in Section 8.2.

11.2 PURPOSE. Areas other than those contained in the Shoreland-Wetland District and the Recreational-Residential District are potentially suited to a wide range of uses, including industrial, commercial, agricultural, residential, forestry and recreational uses. Selecting prospective locations for these uses and designating specific zones for each of them along navigable waters will require detailed county-wide comprehensive planning. Until such planning is undertaken and more detailed amendments to this ordinance can be enacted, a General purpose District shall be used to allow a wide range of uses, subject to the general provisions of this ordinance which are designed to: further the maintenance of safe and healthful conditions; protect spawning grounds, fish and aquatic life; and preserve shore cover and natural beauty. Minimum separating distances are provided to reduce conflicting land uses between potentially incompatible uses.

11.3 PERMITTED USES: Commercial, agricultural, residential, forestry and recreational uses are permitted, provided that they comply with the general provisions of this ordinance and provided that any nonresidential structure is located at least 50 feet from a property line. Farm animals shall be housed at least 100 feet from any residential dwelling on a nonfarm lot. All new construction of farm buildings housing animals, and all new barnyards or feed lots, shall be located at least 300 feet from any navigable water.

11.4 SPECIAL EXCEPTIONS.

11.41 Industrial uses may be permitted upon issuance of a special exception permit by the Board of Adjustment as provided in Section 14.4.

11.42 Solid waste disposal may be permitted upon issuance of a permit from the Department of Natural Resources, and a special exception permit by the Board of Adjustment.

11.5 SHORE COVER REGULATIONS. Shorecover regulations set forth in Section 5.0 shall apply to the General Purpose District.

12.0 OFF-STREET PARKING AND LOADING.

12.1 LOADING SPACE. All commercial and industrial uses shall provide sufficient maneuvering, loading and parking space on the premises for pick-up, delivery and service vehicles necessary for normal operations.

12.2 OFF-STREET PARKING. Each parking space shall be at least 200 sq. ft. in area. Each use shall provide the following minimum off-street parking spaces.

12.21 Dwellings — One space for each dwelling unit.

12.22 Restaurants, Taverns, and Similar Establishments — One space for each 50 sq. ft. of floor space devoted to patrons.

12.23 Drive-in Eating Stands Offering In-Car Service — five spaces for each person employed to serve customers.

12.24 Motels and Tourist Cabins — one space for each unit.

12.25 Retail Business and Service Establishment — one space for each 200 sq. ft. of floor area.

12.26 Industrial Uses and Warehouses — one space for each two employees on the premises at a maximum employment on the main shift.

12.27 Service Stations — parking for all vehicles used directly in the conduct of the business, plus two spaces for each gas pump, plus three spaces for each grease rack.

13.0 LIMITED REZONING TO ACHIEVE SMALL LOT SIZES AND SETBACKS.

13.1 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 14.51(4), 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 the 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.

13.2 REQUIREMENTS FOR PLANNED RESIDENTIAL UNIT DEVELOPMENT. The County Board may in 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:

13.21 Area. The area proposed for the Planned Residential Unit Development is at least 40 acres in size.

13.22 Pollution Control. The location and nature of the septic systems which shall serve the homesites individually or collectively is such as to assure that effluent from the septic tank(s) will not reach the ground or surface waters in a condition which shall contribute to health hazards, taste, odor, turbidity, fertility or impair the aesthetic character of the adjacent or nearby navigable waters.

13.23 Preservation of Ground Cover. The location of homesites and the restrictions placed on part of the land for use by the public or residents of the Planned Residential Unit Development are such as to preserve the ground cover of the shoreland and the scenic beauty of the navigable water and 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 any one who has or acquires an interest in the land subject to the restriction.

13.25 Density. The number of platted homesites 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 should be determined by dividing the total area of the subdivision, excluding streets, by the minimum lot sizes required by Section 3.1.

13.25 Lot Sizes, Widths, Setbacks, and Tree-cutting. The lot sizes, widths, and setbacks shall not be less than those provided for in chapter H65, Wisconsin Administrative Code, 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 5.0 shall apply except that maximum width of a lake frontage opening shall be 100 feet.

13.26 Water Supply and Sewage Disposal. Water supply and sewage disposal shall meet the minimum standards of the Department of Natural Resources and the Department of Industry, Health, and Human Relations.

13.3 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:

13.31 Petition. A petition setting forth all of the facts required in Section 13.2 shall be submitted to the County Clerk with sufficient copies to provide for distribution by the Clerk as required by Section 13.32.

13.32 Review and Hearing: The petition shall be submitted to the county zoning agency established as required by section 59.97(3)(d), Wisconsin Statutes, 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 District office of the Department of Natural Resources. The county zoning agency's report to the County Board shall reflect the recommendations of any federal or State 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.

13.33 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 13.2. If the petition is granted in whole or part, the County Board's approval shall attach such written conditions to the approval as shall be required by or be consistent with Section 13.2. 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 tanks and the preservation of ground cover and open space.

13.34 Planning Studies. A landowner or petitioner may at his own expense develop the facts required to establish compliance with the provisions of Section 13.2 or may be required to 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.

14.0 ADMINISTRATIVE PROVISIONS.

14.1 ZONING ADMINISTRATOR. The zoning administrator shall have the following duties and powers:

14.11 Advise applicants as to the provisions of this ordinance and assist them in preparing permit applications and appeal forms.

14.12 Issue permits and certificates of compliance and inspect properties for compliance with this ordinance.

14.13 Keep records of all permits issued, inspections made, work approved and other official actions.

14.14 Have access to any structure or premises between 8:00 a.m. and 6:00 p.m. for purpose of performing these duties.

14.15 Submit copies of variances, special exceptions 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 of Natural Resources.

14.16 Investigation and report violations of this ordinance to the appropriate county zoning committee and the District Attorney or Corporation Counsel.

14.2 ZONING PERMITS.

14.21 When Required. Except where another section of this ordinance specifically exempts certain types of development from this requirement (as in Sections 9.31 and 9.32, a zoning permit shall be obtained from the zoning administrator before any new development, as defined in Section 17.2(2), or any change in the use of an existing building or structure is initiated.

14.22 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:

- (1) Name and address of applicant and property owner.
- (2) Legal description of the property and type of proposed use.
- (3) A sketch of the dimensions of the lot and location of buildings from the lot lines, center line of abutting highways and the high-water mark of any abutting watercourses and water mark at the day of the sketch.
- (4) Whether or not a private water or sewage system is to be installed.

14.3 CERTIFICATES OF COMPLIANCE.

14.31 No land shall be occupied or used, and no building hereafter erected, altered or moved shall be occupied, until a certificate of compliance is issued by the zoning administrator.

- (1) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use thereof, conform to the provisions of this ordinance.
- (2) Application of such certificate shall be concurrent with the application for a zoning permit.
- (3) The certificate of compliance shall be issued within 10 days after the completion of the work specified in the zoning permit, if the building or premises or proposed use thereof conforms with all the provisions of this ordinance.

14.32 The zoning administrator may issue a temporary certificate of compliance for part of a building, pursuant to rules and regulations established therefore by the County Board.

14.33 Upon written request from the owner, the zoning administrator shall issue a certificate of compliance for any building or premises existing at the time of the adoption of this ordinance, certifying after inspection the extent and type of use made of the building or premises and whether or not such use conforms to the provisions of this ordinance.

14.4 SPECIAL EXCEPTION PERMITS.

14.41 Application for a Special Exception Permit. Any use listed as a special exception in this ordinance shall be permitted only after an application has been submitted to the zoning administrator and a special exception permit has been granted by the Board of Adjustment.

14.42 Standards Applicable to All Special Exceptions. In passing upon a special exception permit, the Board of Adjustment 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) The location of the site with respect to floodplains and floodways of rivers or streams.
- (5) The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.
- (6) The location of the site with respect to existing or future access roads.
- (7) The need of the proposed use for a shoreland location.

- (8) Its compatibility with uses on adjacent land.
- (9) The amount of liquid wastes to be generated and the adequacy of proposed disposal systems.
- (10) 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;
 - (c) Use locations within an area tending to minimize the possibility of pollution shall be preferred over use locations tending to increase that possibility.

14.43 Conditions Attached to Special Exceptions. Upon consideration of the factors listed above, the Board of Adjustment 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. Such conditions may include specifications for, without limitation because of specific enumeration: type of shore cover; increased setbacks and yards; 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 Board of Adjustment may require the applicant to furnish, in addition to the information required for a zoning permit, the following information:

- (1) A plan of the area showing contours, soil types, ordinary high-water marks, ground water conditions, bedrock, slope and vegetative cover.
- (2) Location of buildings, parking areas, traffic access, driveways, walkways, piers, open space and landscaping.
- (3) Plans of buildings, sewage disposal facilities, water supply systems and arrangement of 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.

14.44 Notice and Public Hearing. Before passing upon an application for a special exception permit, the Board of Adjustment shall hold a public hearing. Notice of such public hearing, specifying the time, place and matters to come before the Board, shall be given as a Class 2 notice under chapter 985, Wisconsin Statutes, and notice shall be mailed to the appropriate district office of the Department of Natural Resources at least 10 days prior to the hearing. The Board shall state in writing the grounds for refusing a special exception permit.

14.45 Fees. General. The County Board may, by resolution, adopt fees for the following:

- (1) Land use permits.
- (2) Building permits.
- (3) Certificates of Compliance.
- (4) Planned Residential Unit Development reviews.

- (5) Public hearings.
- (6) Legal notice publications.
- (7) Special exception permits.

14.46 Recording. When a special exception 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 decision on a special exception permit shall be mailed to the appropriate district office of the Department of Natural Resources within 10 days after they are granted or denied.

14.47 Revocation. Where the conditions of a special exception permit are violated, the special exception permit shall be revoked by the Board of Adjustment.

14.5 BOARD OF ADJUSTMENT. The Chairman of the County Board shall appoint a Board of Adjustment under section 59.99, Wisconsin Statutes, consisting of five members, and the County Board shall adopt such rules for the conduct of the business of the Board of Adjustment as required by section 59.99(3), Wisconsin Statutes.

14.51 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 59.99, Wisconsin Statutes.

(2) It shall hear and decide appeals where it is alleged there is error in any order, requirements, decision or determination made by an administrative official in the enforcement or administration of this ordinance.

(3) It shall hear and decide applications for special exception permits.

(4) No variance from the terms of this Ordinance shall be granted which is contrary to the public interest. A variance may be granted where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship. The granting of a variance shall not have the effect of granting or increasing any use of property which is prohibited in that zoning district by this Ordinance.

14.52 Appeals to the Board. (1) Appeals to the Board of Adjustment may be taken 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 taken within a reasonable time, as provided by the rules of the Board, by filing with the officer from whom the appeal is taken, and with the Board of Adjustment, a notice of appeal specifying the ground thereof. The zoning administrator or other officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appeal from was taken.

14.53 Hearing Appeals. (1) The Board of Adjustment shall fix a reasonable time for the hearing of the appeal. The Board shall give public notice thereof by publishing a Class 2 under chapter 985, Wisconsin Statutes, specifying the date, time and place of hearing and to matters to come before the Board, and shall mail notices to the parties in interest.

(1a) Written notice shall be given to the appropriate district office of the Department of Natural Resources at least 10 days prior to hearings on proposed shoreland variances, special exceptions (conditional uses), appeals for map or text interpretations, and map or text amendments.

(2) A decision regarding the appeal shall be made as soon as practical.

(2a) Copies of decisions on shoreland variances, special exceptions (conditional uses), appeals for map or text interpretations, and map or text amendments shall be submitted to the appropriate district office of the Department of Natural Resources 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 a 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.

15.0 CHANGES AND AMENDMENTS. The County Board 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 59.97(5)(e) Wisconsin Statutes, and Section 9.5, where applicable.

15.1 Amendments to this ordinance may be made on petition of any interested party as provided in section 59.97(5)(e)l. Wisconsin Statutes.

15.2 Every petition for a text or map amendment filed with the County Clerk shall be referred to the county zoning agency. A copy of each petition shall be mailed to the appropriate district office of the Department of Natural Resources within five 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 of Natural Resources at least 10 days prior to the hearing.

15.3 A copy of the County Board's decision on each proposed amendment shall be forwarded to the appropriate district office of the Department of Natural Resources within 10 days after the decision is issued.

16.0 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 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 ten (\$10.00) dollars nor more than two hundred (\$200.00) dollars per offense, together with the taxable costs of action. Each day of continued violation 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 by action at suit of the county, the state or any citizen thereof pursuant to section 87.30(2), Wisconsin Statutes.

17.0 DEFINITIONS.

17.1 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.

17.2 The following terms used in this ordinance mean:

(1) "Accessory structure or use" means 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 that of the principal structure or use.

(2) "Boathouses" means any structure designed solely for the purpose of protecting or storing boats for noncommercial purposes.

(3) "Development" means any man-made change to improved or unimproved real estate, including, but not limited to the construction of buildings, structures or accessory structures; the construction of 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.

(4) "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 section 144.26(2)(d), Wisconsin Statutes, notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under section 59.971, Wisconsin Statutes, and chapter NR 115, Wisconsin Administrative Code, 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 non-navigable streams before ditching; and
- (c) Such lands are maintained in nonstructural agricultural use.

(5) "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.

(6) "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 floodplain, whichever distance is greater.

(7) "Shoreland-wetland district" means 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 a part of this ordinance.

(8) "Special exception (conditional use)" means 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 Board of Adjustment or, where appropriate, the Planning and Zoning Committee or County Board.

(9) "Unnecessary hardship" means that circumstance 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.

(10) "Variance" means 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 standards of this ordinance.

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

(12) "County Zoning Agency" means that committee or commission created or designated by the County Board under section 59.97(2)(a), Wisconsin Statutes, to act in all matters pertaining to county planning and zoning.

(13) "Department" means the Department of Natural Resources.

(14) "Drainage System" means one or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.

(15) "Floodplain" means the land which has been or may be hereafter covered by flood water during the regional flood. The floodplain includes the floodway and the flood fringe as those terms are defined in Chapter NR 116, Wisconsin Administrative Code.

(16) "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.

That Richland County Shoreland Ordinance No. 1, which was adopted by the Richland County Board of Supervisors on March 16, 1969, is hereby repealed in its entirety.

This Ordinance shall be in full force and effect upon its passage and publication.

Passed: April 16, 1985. Published: May 16, 1985.

Merlyn Merry, Chairman
Richland County Board of Supervisors

Attest:

Bernal W. Coy Richland County Clerk