

CHAPTER 14 – SHORELAND PROTECTION ORDINANCE FOR DUNN COUNTY

14.1.0 STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE AND TITLE

14.1.1 Statutory Authorization

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

14.1.2 Findings of Fact

Uncontrolled use of the shorelands and pollution of the navigable waters of Dunn County will 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 Dunn County, Wisconsin.

14.1.3 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:

- (a) 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 on-site waste treatment systems.
 - (3) Controlling filling and grading to prevent soil erosion problems.
 - (4) Limiting impervious surfaces to control runoff which carries pollutants.
 - (5) Preserving wetlands to minimize runoff and soil erosion.
- (b) 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.
- (c) Control building sites, placement of structures and land uses through:
 - (1) Prohibiting certain uses detrimental to the shoreland-wetlands.
 - (2) Setting minimum lot sizes and widths.
 - (3) Setting minimum building setbacks from waterways.
 - (4) Setting the maximum height of near shore structures.
 - (5) Regulating side yards and building setbacks from waterways.
- (d) Preserve 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.
 - (4) Regulating the use and placement of boathouses and other structures.
 - (5) Preventing the destruction and degradation of wetlands.
 - (6) Preserving native wetland plant/tree communities.

- (e) Protect and Preserve Wetlands Through:
 - (1) Restricting the placement of fill material in wetlands.
 - (2) Encouraging avoidance and minimization of wetland impacts.
 - (3) Preserving native wetland plant/tree communities.
- (f) Prevent Flood Damages Through:
 - (1) Restricting filling, grading and the placement of buildings and structures in floodplains and wetlands.
 - (2) Preserving the ecological integrity of floodplains and wetlands.
 - (3) Restoring floodplains and wetlands to increase floodwater storage.

14.1.4 Title. Shoreland Protection Ordinance for Dunn County, Wisconsin.

14.2.0 GENERAL PROVISIONS

14.2.1 Areas to be Regulated.

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

- (a) Within one thousand (1,000) feet of the ordinary high-water mark (OHWM) of navigable lakes, ponds or flowages. Lakes, ponds or flowages in Dunn County shall be presumed to be navigable if they are listed in the Wisconsin Department of Natural Resources publication FH-800 2009 “Wisconsin Lakes” book available electronically at the following web site: <http://dnr.wi.gov/org/water/fhp/lakes/lakemap/> or are shown on United States Geological Survey quadrangle maps (1:24,000 scale), or other zoning base maps.
- (b) Within three hundred (300) feet of the ordinary high-water mark (OHWM) of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater. Rivers and streams in Dunn County shall be presumed to be navigable if they are designated as 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.
- (c) The provisions of this chapter apply to regulation of the use and development of unincorporated shoreland areas, and to annexed or incorporated areas 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.
- (d) 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 West Central Wisconsin Regional Office of the Department of Natural Resources (DNR) for a final determination of navigability or ordinary high-water mark (OHWM).
- (e) Under s. 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 agricultural use.

14.2.2 Shoreland-Wetland Maps and Other Official Maps

The following maps and revisions are made part of this ordinance. They are on file in the Office of the Zoning Administrator for Dunn County. If more than one map or revision is referenced, the most restrictive information shall apply.

(a) Other Official Maps (Based on the Flood Insurance Study (FIS))

Flood Insurance Rate Map (FIRM), panel numbers 55033C0020C, 55033C0030C, 55033C0034C, 55033C0038C, 55033C0040C, 55033C0042C, 55033C0053C, 55033C0058C, 55033C0059C, 55033C0061C, 55033C0062C, 55033C0063C, 55033C0064C, 55033C0068C, 55033C0103C, 55033C0104C, 55033C0111C, 55033C0112C, 55033C0113C, 55033C0114C, 55033C0116C, 55033C0135C, 55033C0142C, 55033C0144C, 55033C0151C, 55033C0152C, 55033C0154C, 55033C0156C, 55033C0158C, 55033C0159C, 55033C0161C, 55033C0162C, 55033C0165C, 55033C0166C, 55033C0167C, 55033C0170C, 55033C0177C, 55033C0178C, 55033C0179C, 55033C0181C, 55033C0183C, 55033C0186C, 55033C0187C, 55033C0191C, 55033C0192C, 55033C0211C, 55033C0213C, 55033C0214C, 55033C0218C, 55033C0219C, 55033C0226C, 55033C0227C, 55033C0228C, 55033C0229C, 55033C0236C, 55033C0237C, 55033C0238C, 55033C0239C, 55033C0243C, 55033C0244C, 55033C0259C, 55033C0278C, 55033C0279C, 55033C0283C, 55033C0284C, 55033C0292C, 55033C0305C, 55033C0307C, 55033C0308C, 55033C0309C, 55033C0311C, 55033C0312C, 55033C0314C, 55033C0316C, 55033C0317C, 55033C0318C, 55033C0319C, 55033C0326C, 55033C0327C, 55033C0328C, 55033C0331C, 55033C0332C, 55033C0336C, 55033C0351C, 55033C0352C, 55033C0395C, 55033C0415C, 55033C0420C, 55033C0427C, 55033C0429C, 55033C0431C, 55033C0437C, 55033C0439C, 55033C0441C, 55033C0443C, 55033C0464C, 55033C0468C, 55033C0469C, 55033C0483C, 55033C0484C, 55033C0485C, 55033C0488C, 55033C0489C, 55033C0491C, 55033C0492C, 55033C0493C, 55033C0494C, 55033C0532C, 55033C0534C, 55033C0535C, 55033C0545C, 55033C0554C, 55033C0556C, 55033C0557C, 55033C0558C, 55033C0559C, 55033C0562C, 55033C0566C, 55033C0567C, 55033C0576C, 55033C0577C, 55033C0578C, 55033C0579C, 55033C0581C, 55033C0582C, 55033C0584C, 55033C0601C, 55033C0602C, 55033C0606C, 55033C0607C

(b) Other Official Maps (Based on other studies)

- (1) Tainter Lake Floodplain maps dated February 24, 1986
- (2) Wisconsin Wetland Inventory maps – current (1995) or most current version available on DNR Surface Water Data Viewer

- (3) Hydrologic, Hydraulic and Dam Breach Analysis
 - (A) Elk Creek Dam – September 20, 1990
 - (B) Eau Galle Dam – October 24, 1991
 - (C) Glen Hills Watershed – December 31, 1998
 - (D) Knights Creek Dam #1 – July, 2006
 - (E) Knights Creek Dam #4 and #5 – August, 2006

14.2.3 Compliance

The use of any land, 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. Buildings 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.

14.2.4 Municipalities and State Agencies Regulated

Unless specifically exempted by law, all cities, villages and towns are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply when s. 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 s. 30.2022(1) Wis. Stats., applies.

14.2.5 Abrogation and Greater Restrictions

The provisions of this ordinance supersede all the provisions of any county zoning ordinance adopted under s. 59.692, Wis. Stats., which relate to shorelands. However, where an ordinance adopted under a statute other than s. 59.692, Wis. Stats., is more restrictive than this ordinance, that ordinance, by separate document, such as the [Dunn County Comprehensive Zoning Ordinance](#), [Floodplain](#), [Sanitation](#) or [Subdivision](#) ordinances shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

- (a) This ordinance shall not require approval or be subject to disapproval by any town or town board.
- (b) 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.
- (c) 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.

14.2.6 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 a standard in ch. NR 115, Wis. Adm. Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the ch. 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.

14.2.7 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.

14.3.0 SHORELAND-WETLAND DISTRICT (NR 115.04)

14.3.1 Designation

This district shall include all shorelands within the jurisdiction of this ordinance which are designated as wetlands on the Wisconsin Wetland Inventory Maps that are adopted and made a part of this ordinance.

(a) Locating Shoreland-Wetland Boundaries (NR115.04(b)2 note)

Where an apparent discrepancy exists between the shoreland-wetland district boundary shown on the Wisconsin Wetland Inventory Maps and actual field conditions, the Zoning Administrator shall contact the DNR to determine if the map is in error. If the DNR 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 Zoning Administrator shall have the authority to immediately grant or deny a shoreland zoning permit in accordance with the applicable regulations based on the DNR determination as to whether the area is wetland. In order to correct wetland mapping errors on the official Wisconsin Wetland Inventory map, an official map amendment must be initiated by the Zoning Administrator within a reasonable period of time.

14.3.2 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.

14.3.3 Permitted Uses (NR 115.04(3))

The following uses shall be allowed, subject to general shoreland zoning regulations contained in this ordinance, the provisions of chs. 30, 31, 281.36 and 281.37, Wis. Stats. and the provisions of other applicable local, state and federal laws:

(a) Activities and uses which do not require the issuance of a zoning permit, but which must be carried out without any filling, flooding, draining, dredging, ditching, tiling or excavating except as allowed under sections 14.8.31 or 14.8.32.

(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 within the shoreland-wetland district is prohibited within 35' of a navigable stream unless in accordance with an approved NRCS 578 Managed Grazing Plan.

(4) The practice of silviculture, including the planting, thinning, and harvesting of timber; and

(5) The construction or maintenance of duck blinds.

(b) 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 cultivation of cranberries including flooding, dike and dam construction or ditching necessary for the growing and harvesting of cranberries,

(3) 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;

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

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

(6) The maintenance, repair, replacement or reconstruction of existing town and county highways, dams and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.

(c) Uses which require the issuance of a zoning permit 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 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 adverse impact upon the natural functions of the wetland enumerated in section 14.3.52;

(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.

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

(a) 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;

- (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 sq. ft. in floor area; and
 - (d) Only limited filling or excavating necessary to provide structural support for the building is authorized.
- (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 ch. 29, Wis. Stats., where applicable;
 - (b) 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 the criteria in section 14.3.3(c)(1) and;
 - (c) 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.
- (4) 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:
- (a) The transmission and distribution facilities and 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 adverse impact upon the natural functions of the wetland enumerated in section 14.3.52.

14.3.4 Prohibited Uses

Any use not listed in section 14.3.3 is prohibited, unless the wetland or portion of the wetland has been rezoned by amendment of this ordinance in accordance with section 14.3.5 of this ordinance and s. 59.69(5)(e), Wis. Stats.

14.3.5 Rezoning of Lands in the Shoreland-Wetland District (NR 115.04(2))

14.3.51 For all proposed text and map amendments to the shoreland-wetland provisions of this ordinance, the West Central Wisconsin Office of the DNR 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 Zoning Administrator. 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 Planning, Resources and Development Committee'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.

14.3.52 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:

- (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) 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>.

14.3.53 If the DNR notifies the Zoning Administrator that a 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 14.3.52 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 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 s. 59.692(6), Wis. Stats. If the Department of Natural Resources does so notify the County Board, the effect of this amendment shall be stayed until the s. 59.692(6) adoption procedure is completed or otherwise terminated."

14.4.0 LAND DIVISION REVIEW AND SANITARY REGULATIONS (NR 115.05(2))

14.4.1 Land Division Review

The county shall review, pursuant to s. 236.45, Wis. Stats., all land divisions in shoreland

areas. 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 stormwater drainage facilities.
- (e) Conformity to state law and administrative code provisions.

14.4.2 Sanitary Regulations (NR 115.05(3))

The 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, Wis. Adm. Code.
- (b) Where a public sewage collection and treatment system is not available, design and construction of private on-site wastewater treatment system shall, prior to July 1, 1980, be required to comply with ch. DSPS 383, and after June 30, 1980 be governed by a private onsite wastewater treatment system ordinance adopted by the county under s. 59.70(5), Wis. Stats. ([Sanitation](#))

14.5.0 MINIMUM LOT SIZE (NR 115.05(1))

Minimum lot sizes shall be in full compliance with the terms of this ordinance and other applicable local, county, state or federal regulations. Where another ordinance is in effect at this time, the ordinance, by separate document, shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

14.5.1 Purpose (NR115.05(1)(a))

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. In calculating the minimum area or width of a lot, the beds of navigable waters shall not be included.

14.5.2 “Sewered lots” Minimum area and width for each lot

The minimum lot area shall be 10,000 sq. ft. and the minimum lot width shall be 65 feet at the OHWM.

- (a) The width shall be calculated by averaging the measurements at the following locations:
 - (1) The ordinary high water mark (OHWM)
 - (2) The building setback line
 - (3) The rear lot line
- (b) Side Yards.

There shall be a side yard for each principle structure building. The minimum side yard width shall be 10 feet. There shall be a side yard of 5 feet for accessory structures excluding fences.

14.5.3 “Unsewered lots” Minimum area and width for each lot

The minimum lot area shall be 20,000 sq. ft. and the minimum lot width shall be 100 feet with at least 100 feet of frontage at the OHWM.

- (a) The width shall be calculated by averaging the measurements at the following locations:
 - (1) The ordinary high water mark (OHWM)
 - (2) The building setback line
 - (3) The rear lot line

(b) Side Yards.

There shall be a side yard for each principle structure building. The minimum side yard width shall be 10 feet. There shall be a side yard of 5 feet for accessory structures excluding fences.

14.5.4 Substandard Lots (NR 115.05(1)(a)3)

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:

- (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.

(1) Other Substandard Lots.

Except for lots which meet the requirements of section 14.5.4 a zoning permit for the improvement of a lot having lesser dimensions than those stated in sections 14.5.2 and 14.5.3 shall be issued only if a variance is granted by the Board of Adjustment.

14.6.0 BUILDING SETBACKS (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.

14.6.1 Shoreland Setback.

Unless exempt under 14.6.1(a), 14.6.1(b), increased under 14.6.1 (4)(B) or reduced under 14.6.2 a setback of 75 feet (measured on a horizontal plane) from the OHWM of any navigable waters to the nearest part of a building or structure shall be required for all buildings and structures.

- (a) Exempt Structures (NR 115.05(1m)) The following structures are permitted uses exempt from the shoreland setback standards in subd. 14.6.1. A permit is required (14.13.2) subject to the following standards:

(1) Boathouses located entirely above the OHWM and entirely within the access and viewing corridor that do not contain plumbing and are not used for human habitation.

(A) Boathouses shall be designed and constructed solely for the storage of boats and related equipment. Any accessory construction of furnishings not essential for the storage of watercraft and related equipment are prohibited.

(B) One boathouse is permitted on a lot as an accessory structure. Contiguous waterfront properties in common ownership shall be considered a single property.

(C) Boathouses shall not be constructed where the existing slope is more than 20%.

(D) Boathouses shall be set back a minimum 5 feet (measured on a horizontal plane)

from the OHWM and shall be constructed in conformity with local floodplain zoning standards. The boat house floor elevation shall be a minimum of 2 feet above the OHWM.

(E) Boathouses shall not exceed one story and 360 square feet in floor area.

(F) A boat house roof shall be pitched or gabled. It may not be equipped with railings or stairs and may not be used as a deck.

(G) A boat house may not be visually intrusive as viewed against the shoreline. "Visually intrusive" means clearly standing out from the shoreline background because of color or reflectivity when viewed from out on the water during the time when leaves are on deciduous trees. All visible parts shall be painted or finished in natural or earth tones.

(2) Nonconforming Boat Houses

(A) A nonconforming boat house may be repaired but not expanded.

(B) The repair of a nonconforming boat house which extends beyond the ordinary high water mark shall be governed by s. 30.121, Stats. and applicable administrative rules (currently NR 325).

(3) 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 (1)(v), Stats.

(A) The part of the structure that is nearest to the water is located at least 35 feet landward (measured on a horizontal plane) from the OHWM.

(B) The total floor area of all the structures in the shoreland setback area will not exceed 200 square feet. In calculating this square footage, boathouses are excluded.

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

(D) The county shall 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.

(E) The structure must be free standing and more than five-feet from a principal structure.

(4) New construction of or additions to existing farm buildings housing animals, manure storage areas, barnyards or feedlots shall meet the following requirements:

(A) such facility shall be 300' or greater from the ordinary high water mark; or

(B) may be located 100' to 300' from the ordinary high water mark, provided that:

(1) A plan for manure storage, barnyard and feedlot drainage that effectively prevents pollutants from entering the water be reviewed by the Land Conservation Division and implemented before use of the facility begins;

(2) The area between the facility and the water shall be fenced to prevent access to the water by animals. The fenced area shall parallel the water in both directions for a sufficient distance to prevent concentration of animals or manure or destruction of ground cover that would result in an increased probability for pollutants to reach the water;

(3) Construction and location of these facilities will be inspected before it is put to use to determine that the site and facility meet all requirements of this subtitle;

(4) All existing and future barnyards, feedlots or manure storage areas located

within the shoreland area may be subject to periodic inspection and review for possible pollution of water bodies. Waste collection and disposal systems may be required to prevent pollutants from reaching the water.

(b) Exempt Structures (NR 115.05(1m)) The following structures are permitted uses exempt from the shoreland setback standards in subd. 14.6.1. A permit is not required subject to the following standards:

(1) 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.

(2) Utility transmission and distribution lines, poles, towers, water towers, pumping stations, well pumphouse covers, private on-site wastewater treatment systems that comply with ch. DSPS 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.

(3) Walkways that are necessary to provide pedestrian access to the shoreline and are a maximum of 48-inches in width.

(4) Lifts

(A) The primary function of a lift shall be for the transportation of persons up and down the bluff face and must lead to a dock or pier.

(B) No lift may be designed and utilized for the transport of boats or machinery up or down the bluff face.

(C) All visible parts of lifts shall be painted or finished in natural or earth tones and shall be visually inconspicuous.

(D) Lifts shall be located in the viewing corridor.

(E) No construction may begin on any lift until the applicant has provided the Zoning Administrator with a plan showing all necessary construction data including location of the lift, design, size, color, dimensions and other pertinent information.

(F) The car of any lift may not exceed 4 by 6 feet. Cars may have hand rails but no canopies or roofs may be allowed. Location of the transporting device or power source shall be visually inconspicuous.

(5) Stairways

(A) No stairway may exceed 48 inches (4 feet) in width and must lead to a dock or pier.

(B) Landings may be permitted at a minimum vertical interval of 20 feet. Landings may not exceed 30 square feet in area.

(C) Stairways shall be painted or stained in earth or natural tones or may be left unfinished if constructed of wood materials.

(D) Railings or hand rails are permitted in conjunction with stairs and shall be painted or stained the same color as the stairways.

(E) Canopies or roofs are not permitted on stairways or landings.

(F) Stairways shall be located in the viewing corridor.

(G) Stairways shall be anchored and supported with pilings or footings.

(H) No construction may begin until the applicant has submitted a plan for the stairway to the Zoning Administrator showing all necessary construction data including location, elevation cross-sections, design, dimensions, color, construction

materials and other pertinent information.

(6) Fences

(A) Open fences may not exceed 6 feet in height.

(B) An open fence is considered to be a chain-link, wood rail or wire.

(C) Agricultural/livestock fences shall be exempt. Fencing, cattle crossing and watering areas shall be constructed according to Natural Resource Conservation Service standards (NRCS).

14.6.2 Reduced Structure Setback (NR 115.05(b)1)

Existing development pattern means that principal structures exist within 250 feet of the proposed principal structure in both directions along the shoreline. Where there is an existing development pattern, the shoreland setback for a proposed principal structure may be reduced to the average shoreland setback of the principal structure on each adjacent lot within 250 feet of the proposed principle structure. The shoreland setback may not be reduced to less than 35-feet (measured horizontally) from the ordinary high-water mark of any navigable waters.

(a) When an existing development pattern exists the county may permit a reduced minimum setback for a new principal residential structure of not less than 35 feet if all of the following conditions are satisfied:

(1) The lot does not have a compliant building location which meets the applicable shoreland setback, a minimum of 75 feet (measured horizontally) from the OHWM, due to unique property features.

(2) The depth of the structure is limited to 30 feet.

(3) The lot is a legal lot of record that complied with the applicable lot size standards in effect at the time that the lot was recorded at the County Register of Deeds Office.

(4) The minimum setback shall be minimally reduced to create a compliant building location and may not be less than 35 feet from the OHWM.

(5) Soil disturbance and vegetation removal activities do not encroach into the primary shoreland buffer.

(6) All other provisions of this ordinance are met.

14.6.3 Floodplain Structures (NR 115.05(1)(b)2)

Buildings and structures to be constructed or placed in a flood plain shall be required to comply with any applicable [Floodplain](#) zoning ordinance.

14.7.0 VEGETATION (NR 115.05(1)(c))

14.7.1 Purpose

To protect natural scenic beauty, fish and wildlife habitat, and water quality, the 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.

14.7.2 Establishment of a Vegetative Buffer Zone

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 OHWM to a minimum of 35 feet inland (measured on a horizontal plane) as a vegetative buffer zone. By July 1, 2015, all riparian lands will be required to establish a vegetative buffer zone. Where a 35' vegetative buffer is not practical, a buffer of 1/3 the distance available from the ordinary high water mark to the limiting factor shall be maintained. Removal of vegetation in the vegetative buffer zone is prohibited except as follows:

- (a) The removal of trees and shrubs in the vegetative buffer zone to create access and viewing corridors shall be allowed, provided that the combined width of all access and viewing corridors on a riparian lot or parcel may not exceed 30 percent of the shoreline frontage or 200 feet, whichever is less. Restoration and/or preservation of native vegetation shall continue within a viewing corridor except that an access corridor able to be mowed up to 15 feet wide up to the OHWM is allowed within the viewing corridor. Public boat launching ramps may exceed this width restriction as necessary.
- (b) The 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 DNR publication "Wisconsin Forest Management Guidelines" (publication FR-226), provided that vegetation removal be consistent with these practices.
- (c) The 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.
- (d) The Zoning Office may authorize by permit additional vegetation management activities in the vegetative buffer zone because of a required mitigation plan (section 14.12.31). The permit issued shall require that all management activities comply with detailed plans approved by the Zoning Office and/or Land Conservation 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 deed restriction to preserve the newly restored area.
- (e) Natural shrubbery shall be preserved as far as practicable and, where removed, it shall be replaced with other native vegetation that is equally effective in retarding runoff, preventing erosion and preserving natural beauty.
- (f) A minimum of 35 feet of land free of row crops and seeded to grass, alfalfa or other close-growing crop shall be maintained between the farmed area and the edge of the ordinary high water mark. This buffer may be reduced to a minimum buffer of 20 feet upon evidence provided by the land owner that the buffer or adjacent cropland field has a phosphorus index of 2 or less. Cropland converted to a vegetative buffer may be harvested. Navigable stream crossings may be permitted for livestock and machinery and shall be of a design and installation deemed appropriate by the County Land Conservation Division.
- (g) Pasturing of livestock within the vegetative buffer zone is prohibited unless done in accordance with an approved Natural Resource Conservation Service 578 Managed Grazing Plan.

14.7.3 Special Cutting Plan

As an alternative to Section 14.7.2, a special cutting plan allowing greater cutting may be permitted by the Board of Adjustment by issuance of a special exception permit, pursuant to Section 14.13.30. The board may grant such a permit only if it finds that such special cutting plans:

- (a) will not cause undue erosion or destruction of natural scenic beauty, and
- (b) will provide substantial visual screening 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 replacement by the lot owner.

14.7.4 Cutting More Than 35 Feet Inland

From the inland edge of the 35 foot area (vegetative buffer zone) to the outer limits of the shoreland (within 300' of water), the cutting of vegetation shall be allowed when accomplished using accepted forest management and soil conservation practices which protect water quality.

14.8.0 FILLING, GRADING, LAGOONING, DREDGING, DITCHING AND EXCAVATING (NR115.05(1)(d))

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.

14.8.1 General Standards

Filling, grading, lagooning, dredging, ditching or excavating which does not require a permit under section 14.8.2 may be permitted in the shoreland area with review and approval of the Zoning Division and the Land Conservation Division and provided that:

- (a) It is done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat.
- (b) Filling, grading, lagooning, dredging, ditching or excavating in a shoreland-wetland district meets the requirements of sections 14.8.31 and 14.8.32 of this ordinance.
- (c) All applicable federal, state and local authority is obtained in addition to a permit under this ordinance.
- (d) Any fill placed in the shoreland area is protected against erosion by the use of riprap, vegetative cover or a bulkhead.

14.8.2 Permit Required

A permit is required for any filling or grading of an area within 300 feet landward of the OHWM of navigable water and has surface drainage toward the water and on which there is either:

- (a) any filling or grading on slopes of more than 20%;
- (b) filling or grading of more than 1,000 s.f. on slopes of 12% - 20%;
- (c) filling or grading of more than 2,000 s.f. on slopes less than 12%.

The excavation necessary for the construction of a permitted structure is excepted. Filling and grading of more than 10,000 s.f. will require a permit from the Department of Natural Resources and ch. 30 Stats. conformance.

14.8.3 Soil Conservation Practices and Agricultural Drainage Maintenance

14.8.31 Soil conservation practices such as cattle and machinery crossings, terraces, diversions and grassed waterways used for erosion control shall not require a permit when designed and constructed to Natural Resource Conservation Service technical standards.

14.8.32 The maintenance of existing agricultural drainage systems shall be permitted in conformity with the following construction standards:

- (a) The maintenance dredging of farm drainage ditches is limited to reestablishing the original ditch cross section unless a special exception permit under section 14.8.2 is obtained.
- (b) Ditch banks shall be constructed at a slope of 2 horizontal to 1 vertical (50% grade) or flatter.
- (c) Ditch banks shall be maintained in a sod cover and free of woody vegetation.
- (d) A 10 foot wide buffer strip of untilled, ungrazed sod cover shall be maintained adjacent to the ditch bank.

14.8.4 Permit Conditions

In granting a permit under section 14.8.0, the following conditions shall be attached, where appropriate, in addition to those provisions specified in sections 14.13.2 and 14.13.4.

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

14.8.42 Temporary ground cover (such as mulch or jute netting) shall be used and permanent vegetative cover shall be established.

14.8.43 Diversion berms or bales, silting basins, terraces, filter fabric fencing, and other methods shall be used to prevent erosion.

14.8.44 Lagoons shall be constructed to avoid fish trap conditions.

14.8.45 Fill shall be stabilized according to accepted engineering standards.

14.8.46 Filling shall comply with any local floodplain zoning ordinance and shall not restrict a floodway or destroy the flood storage capacity of a floodplain.

14.8.47 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 riprap are provided.

14.9.0 IMPERVIOUS SURFACE STANDARDS. (NR 115.05(1)(e))

14.9.1 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 within a riparian lot/parcel within 300 feet of the ordinary high-water mark (OHWM) of said navigable waterway and shall require all of the following:

14.9.2 Calculation of Impervious Surface

Percentage of impervious surface shall be calculated by dividing the surface area of existing and proposed impervious surfaces on the portion of a riparian lot or parcel that is within 300 feet of the OHWM by the total surface area of that portion of the lot or parcel that is within 300 feet of the OHWM, and multiplied by 100.

14.9.3 Impervious Surface Standard

Allows up to 15% impervious surface on the portion of a lot or parcel that is within 300 feet of the OHWM.

14.9.4 Maximum Impervious Surface

A permit can be issued for development that exceeds 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 OHWM with a mitigation plan.

(a) 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 14.12.0.

(1) The permit must have a documented implementation date for establishing the mitigation measures

(2) The mitigation plan must include enforceable obligations of the property owner and successive property owners to establish or maintain the mitigation measures

(3) The mitigation measures must be proportional to the amount and impacts of the impervious surfaces being permitted.

(4) The obligations of the property owner under the mitigation plan shall be evidenced and described by an instrument recorded in the office of the County Register of Deeds.

14.9.5 Existing Impervious Surfaces

For existing impervious surfaces that were lawfully placed when constructed but that do not comply with the standards in sections 14.9.3 and 14.9.4, the property owner may do any of the following:

- (a) maintain and repair the existing impervious surfaces;
- (b) replacement of existing impervious surfaces with similar surfaces, if needed that meet applicable setbacks;
- (c) relocate or modify 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 on the effective date of the county shoreland ordinance, and meets the applicable setback requirements in s. Wis. Admin. Code NR 115.05 (1) (b).

14.9.51

This section of the ordinance shall not be construed to supersede other provisions in the county shoreland ordinance. Maintenance, reconstruction, relocation and expansion of existing structures must comply with other provisions in the county shoreland ordinance, the shoreland setback standards in sections 14.6.1 or 14.6.2 and the nonconforming structure provisions of sections 14.11.0 through 14.11.8.

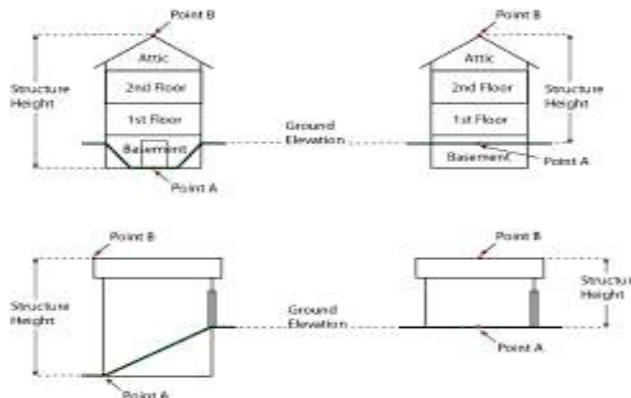
14.10.0 HEIGHT. (NR 115.05(1)(f))

14.10.1 Purpose

To protect and preserve wildlife habitat and natural scenic beauty, on or after February 1, 2010, construction that results in a structure taller than 35 feet within 75 feet of the OHWM of any navigable waters shall be prohibited.

14.10.2 Measurement

Structure height is the measurement of the vertical line segment starting at the lowest point of any exposed wall and it's intersect with the ground (Point A in the following diagram) to a line horizontal to the highest point of a structure (Point B in the following diagram), unless specified under other sections of this code.



14.11.0 NONCONFORMING USES AND STRUCTURES (NR 115.05(1)(g))

14.11.1 Purpose

To protect water quality, fish and wildlife habitat, and natural scenic beauty, some control is needed over the modification and reconstruction of these structures.

14.11.2 General Rules For Nonconforming Uses

Pursuant to 59.69(10)(m) Stats.;

(a) Restrictions that are applicable to damaged or destroyed nonconforming structures and that are contained in an ordinance enacted under s. 59.692(1)(s) stats. may not prohibit the restoration of a nonconforming structure if the structure will be restored to the size, subject to section 14.6.1(b) location, and use that it had immediately before the damage or destruction occurred, or impose any limits on the costs of the repair, reconstruction, or improvement if all of the following apply:

(1) The nonconforming structure was damaged or destroyed after October 14, 1997.

(2) The damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation.

(3) A land owner has demonstrated by a permit application and approval the scope, nature, extent of the damage done as well as the dimensions of the damaged structure and proposed restoration.

(b) An ordinance enacted under this section to which par. (a) applies shall allow for the size of a structure to be larger than the size it was immediately before the damage or destruction if necessary for the structure to comply with applicable state or federal requirements.

14.11.3 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.

14.11.4 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 per section 14.6.1 may be maintained and repaired within its existing building envelope. Maintenance and repair includes such activities as interior remodeling, plumbing, insulation, and replacement of windows, doors, siding, or roof.

14.11.5 Vertical Expansion of Nonconforming Principal Structure

An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback per section 14.6.1 may be expanded 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.

(b) The existing principal structure is at least 35 feet from the OHWM.

(c) Vertical expansion is limited to 35'.

(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 meet the standards found in section 14.12.0.

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

14.11.6 Expansion of a 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 section 14.6.1 may be expanded horizontally, landward or vertically provided that the expanded area meets the building setback requirements per section 14.6.1 and that all other provisions of the shoreland ordinance are met. Mitigation is not required unless the impervious surface standards in section 14.9.0 are exceeded beyond 15%.

14.11.7 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 per section 14.6.1 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.
- (b) The existing principal structure is at least 35 feet from the OHWM.
- (c) No portion of the replaced or relocated structure is located any closer to the OHWM 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 per section 14.6.1.
- (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 meet the standards found in section 14.12.0.
- (f) The county shall issue a permit that requires that all other structures on the lot or parcel that do not comply with the shore-land setback requirement per section 14.6.1 and are not exempt under section 14.6.1 to be removed by the date specified in the permit.
- (g) All other provisions of the shoreland ordinance shall be met.

14.11.8 Maintenance Of Nonconforming Accessory Structures Accessory structures that were legally constructed before the adoption of this chapter may be maintained but may not be expanded or rebuilt unless authorized by s. 59.692(1s) Wisconsin Stats.

14.12.0 MITIGATION (NR 115.05 (1)(e)3)

14.12.1 Purpose

When the county issues a permit requiring mitigation, a complete permit application from a property owner must include a plan to mitigate for the adverse impacts of human activity and development prior to the issuance of the zoning permit. This application must include:

- (a) A site plan and implementation schedule describing proposed mitigation measures. The site plan shall be designed and implemented to restore natural functions lost through development and human activities. The mitigation measures shall be proportional in scope

to the impacts of the impervious surface(s) or non-conforming structure(s) being permitted on water quality, near-shore aquatic habitat, upland wildlife habitat and natural scenic beauty.

(b) An implementation schedule and enforceable obligation on the property owner to establish and maintain the mitigation measures. The enforceable obligations shall be evidenced by an affidavit to be recorded with the Register of Deeds, prior to issuance of the permit, using the form provided in Appendix A of this ordinance describing the actions and maintenance required for the mitigation.

14.12.2 Recording Requirement

The affidavit described in 14.12.1(b), as modified by the county during the permitting process, must be recorded with the Register of Deeds in order for the permit to be effective so that work may commence. If the affidavit is not recorded within one year the permit is null and void.

14.12.3 Shoreland Mitigation Plan

The construction, alteration, reconstruction or structural repair of structures located in close proximity to navigable waters can cause severe erosion, sedimentation, pollution and nutrient loading. When required by sections 14.6.1(a)(3) (Open sided and Screened Structures . . .), 14.9.4 (Maximum Impervious Surface), 14.11.5 (Vertical Expansion of Non-Conforming Principal Structure) and 14.11.7 (Replacement or Relocation of Non-Conforming Principal Structure) and meeting the requirements of section 14.7.2, the land owner shall submit a mitigation plan for review and approval by the Zoning Administrator.

14.12.31 Available Resources and Opportunities for Mitigation

The Zoning Administrator may require the applicant to utilize any of the following resources and options when developing a mitigation plan such as

(a) Buffer restoration using the Natural Resources Conservation Service Shoreland Habitat Code 643A and the Wisconsin Biology Technical Note 1: Shoreland Habitat shall be used as the standard.

(b) For situations when use of a shoreland buffer for mitigation is not appropriate or solely adequate to offset the proposed development's impact, an alternative mitigation approach must be presented and approved. Suggested best management practices can be found in the Natural Resource Conservation Service (NRCS) Field Office Technical Guide at <http://efotg.sc.egov.usda.gov/treemenuFS.aspx> or the Post-Construction Technical Standards listed WIDNR stormwater management website found at <http://dnr.wi.gov/runoff/stormwater/techstds.htm>.

- (c) Elimination or reduction of impervious surfaces
- (d) Runoff infiltration to include raingardens, infiltration structures, directing gutters on pervious surfaces, French drains, retention/detention basins, diverting overland flows, pervious pavers
- (e) Maintenance or increase density of vegetation of an existing shoreland buffer area within 35' of the OHWM of a lake or 50' for rivers or streams.
- (f) Removal or relocation of legal pre-existing accessory buildings from within the shoreland setback area to conforming location.
- (g) Eave troughs
- (h) Consultation with a certified arborist or landscape architect to plan and construct a rain garden, infiltration system, pervious patio, etc.; or
- (i) Consultation with the Land Conservation Division for other possible alternatives for mitigation;
- (j) Any other mitigation that is deemed appropriate by the Zoning Administrator may be used to meet the mitigation requirement of 14.12.0.

14.12.32 Plan Requirements

A shoreland restoration plan shall be completed for all required shoreland mitigation or preservations. Plans must be approved by the Zoning and/or Land Conservation Divisions. 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) Existing trees, shrubs, and native ground cover
- (j) Areas to be planted with trees, shrubs, and groundcovers. Species of plants can be selected from the W ISCONSIN BOTANICAL INFORMATION SYSTEM list at <http://www.botany.wisc.edu/cgi-bin/SearchResults.cgi?County=Dunn> or from the following website <http://www.lwipa.net/resources/plant-lists> 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 lists will be allowed in the event of lack of plant stock or seed availability on a case-by-case basis.

- (k) 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.)
- (l) A plant species list; indicate if you are requesting substitutions from the prepared list
- (m) The vegetation density in the buffer zone shall reference NRCS Wisconsin Biology Technical Note 1: Shoreland Habitat found at the following website <http://www.wi.nrcs.usda.gov/technical/technotes.html> subject to the provisions of section 14.7.2.
- (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)
- (q) Before and after photographs of vegetative buffer area.
- (r) The structure meets the height and street, side and rear yard setback requirements for the zoning district in which it is located. Such structure shall be colored in earth tones to decrease the visual intrusion near the natural shoreline.
- (s) The mitigation measures shall be maintained in perpetuity, unless the property owner receives approval of a new, approved mitigation plan.

Open decks or patios within the viewing area (as defined in 14.7.2(a)) located less than 35 feet from the OHWM shall not be enclosed, covered or expanded, but replacement of up to 200 square feet shall be allowed. Excluding boathouses, all other accessory structures including open decks or patios located outside of the viewing area and less than 35 feet from the OHWM must be removed.

Excess fill, rock or materials associated with reconstruction or repair shall be removed from the site and may not be deposited within the 75' setback area from the OHWM. The mitigation plan shall also be subject to any provisions of this ordinance which set impervious surface limits, storm water and runoff control, and forestry and construction best management practices.

14.13.0 ADMINISTRATIVE PROVISIONS (NR 115.23)

14.13.1 Zoning Administrator

The Zoning Administrator shall have the following duties and powers:

- (a) A system of permits for new construction, development, reconstruction, structural alteration or moving of buildings and structures. A copy of applications shall be required to be filed in the Office of the Zoning Administrator.
- (b) Regular inspection of permitted work in progress to insure conformity of the finished structures with the terms of the ordinance.
- (c) 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.

(d) A special exception procedure.

(e) The county shall keep a complete record of all proceedings before the Board of Adjustment and Planning, Resources and Development Committee.

(f) Written notice to the West Central Wisconsin Regional Office of the DNR at least 10 days prior to any hearing on a proposed variance or special exception 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 section 14.4.0. Upon request of the DNR the county shall provide to the West Central Wisconsin Regional Office of the DNR a copy of any permit issued under section 14.13.2.

(g) Submission to the West Central Wisconsin Regional Office of the DNR, within 10 days after grant or denial, of copies of any permit granted on a variance or special exception permit, or appeal for a map or text interpretation, and any decision to amend a map or text of an ordinance.

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

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

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

14.13.2 Permits (NR 115)

14.13.21 When Required

Except where another section of this ordinance specifically exempts certain types of development from this requirement, a permit shall be obtained from the Zoning Administrator or Board of Adjustment before any new development.

14.13.22 Application

An application for a 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 information:

(a) Name and address of applicant and property owner.

(b) Legal description of the property and type of proposed use.

(c) A scaled drawing of the dimensions of the lot and location of all existing and proposed structures and impervious surfaces relative to the lot lines, center line of abutting highways and the ordinary high-water mark of any abutting waterways.

(d) Location and description of any existing private water supply or private onsite wastewater treatment system or notification of plans for any such installation.

(e) Plans for appropriate mitigation when required.

(f) Payment of the appropriate fee.

(g) Additional information required by the Zoning Administrator.

14.13.23 Expiration of Permit

Zoning permits shall expire 12 months from date issued if no substantial work has commenced or within 24 months after issuance if substantial work has commenced.

14.13.30 Application For a Special Exception Permit

Any use listed as a special exception in this ordinance (i.e. 14.7.3 Special Cutting Plan) 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. To secure information upon which to base its determination, the Zoning Administrator 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 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 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.
- (6) Rationale for why the proposed special exception meets all of the special exception criteria listed in the ordinance

14.13.31 Notice, Public Hearing and Decision

Before deciding whether to grant or deny 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 of Adjustment, shall be given as a

Class 2 notice under ch. 985, Wis. Stats. Such notice shall be provided to the West Central Wisconsin Regional Office of the DNR at least 10 days prior to the hearing. The Board of Adjustment shall state in writing the grounds for granting or denying a special exception permit.

14.13.32 Standards Applicable to all Special Exceptions

In deciding a special exception application, the Board of Adjustment shall evaluate the effect of the proposed use upon:

- (a) The maintenance of safe and healthful conditions.
- (b) The prevention and control of water pollution including sedimentation.
- (c) Compliance with local floodplain zoning ordinances and opportunity for damage to adjacent properties due to altered surface water drainage.
- (d) The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.
- (e) The location of the site with respect to existing or future access roads.
- (f) The need of the proposed use for a shoreland location.
- (g) Its compatibility with uses on adjacent land.

(h) The amount of liquid and solid wastes to be generated and the adequacy of the proposed disposal systems.

(i) Location factors under which:

(1) Domestic uses shall be generally preferred;

(2) Uses not inherently a source of pollution within an area shall be preferred over uses that are or may be a pollution source;

(3) Use locations within an area tending to minimize the possibility of pollution shall be preferred over use locations tending to increase that possibility. Additional standards such as parking, noise, etc. may be referred to the applicable part of their ordinance.

14.13.33 Conditions Attached to Special Exceptions

Such 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. 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.

In granting a special exception permit, the Board of Adjustment 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 affect the purpose of this ordinance.

14.13.34 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 provided to the West Central Wisconsin Office of the DNR within 10 days after it is granted or denied.

14.13.35 Revocation

Where the conditions of a special exception permit are violated, the special exception permit shall be revoked.

14.13.4 Variances

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

(a) literal enforcement of the provisions of the ordinance will result in unnecessary hardship on the applicant;

(b) the hardship is due to special conditions unique to the property; and

(c) is not contrary to the public interest.

14.13.41 Notice, Hearing and Decision

Before deciding 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 provided to the West Central Wisconsin Office of the DNR at least 10 days prior to the hearing. The board shall state in writing the reasons for granting or refusing a variance and shall provide a copy of such decision to the West Central Wisconsin Office of the DNR within 10 days of the decision.

14.13.5 Board of Adjustment

The Chair of the County Board shall appoint a Board of Adjustment consisting of 5 members under s. 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 s. 59.694(3), Wis. Stats.

14.13.51 Powers and Duties

- (a) 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 s. 59.694, Wis. Stats.
- (b) 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.
- (c) It shall hear and decide applications for special exception permits pursuant to section 14.13.30.
- (d) It may grant a variance from the standards of this ordinance pursuant to section 14.13.4.
- (e) 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.

14.13.52 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 30 days, 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.

14.13.53 Hearing Appeals and Applications For Variances and Special Exception Permits

- (a) The Board of Adjustment shall fix a reasonable time for a 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 mailed to the parties in interest. Written notice shall be given to the West Central Wisconsin Office of the DNR at least 10 days prior to hearings on proposed shoreland variances, special exceptions and appeals for map or text interpretations.

(b) A decision regarding the appeal or application shall be made as soon as practical. Copies of all decisions on shoreland variances, special exceptions, and appeals for map or text interpretations shall be submitted to the West Central Wisconsin District Office of the DNR within 10 days after they are granted or denied.

(c) 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.

(d) At the public hearing, any party may appear in person or by agent or by attorney.

14.13.6 Fees

The Committee shall periodically review the fee schedule as established by the effective date of this ordinance, and may make adjustments following a motion and concurring vote of a majority of members present and voting:

- (a) Zoning permits – \$75.00
- (b) Special exception permits - \$400.00
- (c) Variances - \$400.00
- (d) Administrative appeals – \$400.00

14.14.0 CHANGES AND AMENDMENTS

The County Board may from time to time, alter, supplement or change the regulations contained in this ordinance in accordance with the requirements of s. 59.69(5)(e), Wis. Stats, ch. NR 115, Wis. Adm. Code and this ordinance where applicable.

14.14.1 Amendments

Amendments to this ordinance may be made on petition of any interested party as provided in s. 59.69(5), Wis. Stats.

14.14.2 Shoreland Wetland Map Amendments

Every petition for a shoreland-wetland map amendment filed with the Zoning Administrator shall be referred to the Planning, Resources and Development Committee. A copy of each petition shall be provided to the West Central Wisconsin Office of the DNR within 5 days of the filing of the petition with the Zoning Administrator. Written notice of the public hearing to be held on a proposed amendment shall be provided to the West Central Wisconsin Office of the DNR at least 10 days prior to the hearing.

A copy of the County Board's decision on each proposed amendment shall be forwarded to the West Central Wisconsin Office of the DNR within 10 days after the decision is issued.

14.15.0 ENFORCEMENT AND PENALTIES (NR 115.05(4)(j))

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 Planning, Resources and Development Committee shall refer violations to the 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 one-hundred (\$100.00) dollars nor more than five hundred (\$500.00) 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 s. 59.69(11), Wis. Stats.

(a) Penalty: Any person, firm or corporation, including those doing work for others, who violates any of the provisions of this ordinance shall be subject to a forfeiture of not less than \$100.00 nor more than \$500.00 for each violation plus the cost of prosecution. Each day a violation exists shall constitute a distinct and separate violation of this ordinance and as such, forfeitures shall apply accordingly. The Zoning Administrator shall refer violations to the Corporation Counsel who shall prosecute violations.

(b) Responsibility for Compliance: It shall be the responsibility of the applicants as well as their agent or other persons acting on their behalf to comply with the provisions of this ordinance. Any person, firm or corporation, causing a violation or refusing to comply with any provision of this ordinance will be notified in writing of such violation by the County Zoning Administrator. Each day a violation exists shall constitute a distinct and separate violation of this ordinance and, as such, forfeitures shall apply accordingly. 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 Section 59.69(11), Wisconsin Statutes.

(c) Suspension of Permit: Whenever the Zoning Administrator determines there are reasonable grounds for believing there is a violation of any provision of this ordinance, the Zoning Administrator shall give notice to the owner of record as hereinafter provided. Such notice shall be in writing and shall include a statement of the reason for the suspension of the permit. It shall allow 30 days for the performance of any act it requires. If work cannot be completed in the 30 day period, an extension may be granted if reason of hardship prevail and can be verified. Such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been sent by registered mail to owner's last known address or when the owner has been served by such notice by any method authorized by the laws of Wisconsin. The owner of record has the right to appeal any decision by the Zoning Administrator and apply to the Dunn County Board of Adjustment for a variance from the strict rule of the ordinance within 30 days of receipt of a notice or order.

(d) Emergency Conditions: Whenever the Zoning Administrator finds that an emergency exists such as sudden, unexpected occurrences or combinations thereof, unforeseen conditions or circumstances at the time beyond one's control, adverse weather conditions, meeting a timetable which requires immediate action to protect the public health, safety and welfare, the

Administrator may, without notice or hearing, issue an order citing the existence of such emergency and may require that such action be taken as may be deemed necessary to meet the emergency. The Administrator shall notify the Chairperson of the Planning, Resources and Development Committee within 24 hours of such situations. Notwithstanding any other provisions of this ordinance such order shall become effective immediately. Any person to whom such order is directed shall comply therewith immediately. Appeals or challenges to emergency orders may be brought after emergency conditions have ceased, to the Board of Adjustment.

14.16.0 DEFINITIONS

14.16.1 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.

14.16.2 The following terms used in this ordinance mean:

- (1) "**Access corridor**" means a strip of vegetated land (15' maximum) within the viewing corridor that allows a safe pedestrian approach to the shore through the vegetative buffer zone. Mowing within this corridor is allowed up to the ordinary high water mark but not beyond it to maintain a safe access to the shoreline, dock, pier, boathouse, etc.
- (2) "**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 the principal structure or use.
- (3) "**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.
- (4) "**Building**" Any structure which is built for the support, shelter or enclosure of animals, chattels or movable property of any kind and which is permanently affixed to the land, does not include a dwelling.
- (5) "**Building, Accessory**" A detached subordinate building or a portion of a principal building, the use of which is incidental to that of the principal building.
- (6) "**Building, Principal**" The main structure on a lot which is built for the support, shelter or enclosure of animals, chattels or movable property of any kind and which is permanently affixed to the land, intended for primary use as permitted by the regulations of the district in which it is located. A lot on which more than one principal use is located may have more than one principal structure.
- (7) "**Building envelope**" means the three dimensional space within which a structure is built.
- (8) "**County zoning agency**" means the Planning, Resources and Development Committee created and designated by the county board under s. 59.69(2)(a), Wis. Stats, to act in all matters pertaining to county planning and zoning.
- (9) "**Deck**" means an unenclosed roofless, permeable floored structure which allows the

infiltration of precipitation, typically with a railing, that adjoins a house.

(10) "**Department**" means the Department of Natural Resources (DNR).

(11) "**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.

(12) "**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.

(13) "**Dwelling**" means a residential structure or portion thereof, containing separate and complete living area, for a family, not including boarding houses, camping trailers, hotels, motor homes, or motels.

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

(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 ch. NR 116, Wis. Adm. Code.

(16) "**Generally accepted forestry management practices**" means forestry management practices that promote sound management of a forest. Generally accepted forestry management practices include those practices contained in the most recent version of the department publication known as Wisconsin Forest Management Guidelines and identified as PUB FR-226.

(17) "**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 (paved or gravel), parking lots, and streets unless specifically designed, constructed, and maintained to be pervious.

(18) "**Maintenance and repair**" includes such activities as interior remodeling, painting, decorating, paneling, plumbing, insulation, and replacement of windows, doors, wiring, siding, roof and other nonstructural components; and the repair of cracks in foundations, sidewalks, walkways and the application of waterproof coatings to foundations.

(19) "**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. Natural functions are those listed in ch. 281.31.

(20) "**Navigable waters**" means 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), 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 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 not navigable streams before ditching; and

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

(21) "**Ordinary high-water mark**" (OHWM) 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 characteristics. Measurements from OHWM are measured horizontally not using slope distance.

(22) "**Phosphorus index**" or "P-index" means Wisconsin's agricultural land management planning tool for assessing the potential of a cropped or grazed field to contribute phosphorus to the surface water. Note: The Wisconsin Phosphorus Index is maintained by the University of Wisconsin Department of Soil Science and can be found at <http://wpindex.soils.wisc.edu/>

(23) "**Pollution**" or environmental pollution means the contaminating or rendering unclean or impure the air, land or waters of the state, or making the same injurious to public health, harmful for commercial or recreational use, or deleterious to fish, bird, animal or plant life. Nonpoint source pollution can include:

- (a) Excess fertilizers, herbicides and insecticides from agricultural lands and residential areas;
- (b) Oil, grease and toxic chemicals from urban runoff and energy production;
- (c) Sediment from improperly managed construction sites, crop and forest lands, pastures and eroding streambanks;
- (d) Salt from irrigation practices and acid drainage from abandoned mines;
- (e) Bacteria and nutrients from livestock, pet wastes and faulty septic systems;
- (f) Atmospheric deposition and hydromodification

(24) "**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.

(25) "**Replacement Construction**" in which the principle building or portion thereof is torn down and replaced by a new structure or building or portion thereof

(26) "**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. Includes removal of exotic and invasive species, damaged vegetation, vegetation that must be removed to control disease or vegetation creating an imminent safety hazard.

(27) "**Shoreland**" 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.

(28) "**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.

(29) "**Shoreland setback**" also known as the "Shoreland setback area" in s. 59.692(1)(bn) 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 buildings or structures has been limited or prohibited under an ordinance enacted under section 59.692, Wis. Stats.

(30) "**Special exception**" 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, Resources and Development

Committee or County Board.

(31) “**Structural alterations**” Any changes in the supporting members of a structure such as foundations, bearing walls, columns, beams or girders, footing and piles or any substantial change in the roof structure, or in the exterior walls.

(32) “**Structure**” Anything constructed or erected, the use of which requires permanent or temporary location on the ground, or attached to something having a permanent or temporary location on the ground, including but not limited to any building, dwelling, manufactured building, manufactured home, mobile home, house trailer, recreational vehicle, boathouse, boat shelter, advertising sign, deck, patios, driveways, fences, retaining walls, or other improvements or any part of such structure. A structure includes any permanent or temporary appurtenance attached thereto.

(33) “**Structure, Accessory**” A subordinate structure on the same property as the principal structure which is devoted to a use incidental to the principal use of the property. Accessory structures include but are not limited to detached garages, decks (both detached and attached), sheds, barns, gazebos, patios, swimming pools, walls, fences, playground apparatus, driveways, parking lots and parking facilities, sidewalks, stairways, lifts, recreational courts and private emergency shelters.

(34) “**Structure, Principal**” The main structure on a lot, intended for primary use as permitted by the regulations of the district in which it is located. A lot on which more than one principal use is located may have more than one principal structure.

(35) “**Structure, Temporary**” A structure which is built of such materials and in such a way that it would commonly be expected to have a relatively short useful life, or is built for a purpose that would commonly be expected to be relatively short-term.

(36) “**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.

(37) “**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.

(38) “**Vegetative Buffer Zone**” Land designated that extends from the ordinary high water mark (OHWM) to a minimum of 35 feet inland and generally contains three layers of native vegetation: trees, shrubs and ground cover. Reference to the shoreland habitat standard in 643A NRCS which provides that shoreland habitat means “area adjacent to a waterbody or watercourse in a non-agricultural setting that is vegetated with a diverse mixture of native species that can include grasses, grass-like species, forbs, shrubs and trees.”

(39) “**Viewing corridor**” means a strip of vegetated land (not to exceed 30 percent of the shoreline frontage or 200 feet, whichever is less) that allows a field of vision and may include a safe pedestrian access to the shore through the vegetative buffer zone.

(40) “**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.

Adopted on June 20, 2012.